

Application for Preliminary Sunrise Review Assessment

1. Profession/Occupation seeking regulation

Name Massage Therapy

2. Person/Organization submitting application:

Name Maureen Slayton, BCTMB
Organization American Massage Therapy Association—Vermont Chapter (AMTA-VT) Associated Bodywork & Massage Professionals (ABMP)
Address: (Street) (City) (State) (Zip Code) 32 Childrens Village Rd Morrisville, VT 05661
Phone # FAX # E-mail P: 802-272-5126 E: maureen@amta-vermont.org

3. Vermont Society/Association - (Attach copies of Standards of Practice and Code of Ethics)

Standards of Practice and Code of Ethics for the national AMTA apply to the AMTA-VT and are attached as APPENDIX I

Name American Massage Therapy Association—Vermont Chapter (AMTA-VT) Membership association www.amta-vermont.org
Contact Person Maureen Slayton AMTA-VT Chapter President
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4. National Society/Association - (Attach copies of Standards of Practice and Code of Ethics)

Standards of Practice and Code of Ethics for all organizations are attached as APPENDIX I

Name American Massage Therapy Association (AMTA) Membership association www.amtamassage.org
Contact Person Charlotte Grill Government Relations Program Manager
Address: (Street) (City) (State) (Zip Code) 500 Davis Street Evanston, IL 60201
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Name

Associated Bodywork & Massage Professionals (ABMP)
Membership association
www.abmp.com

Contact Person

Jean Robinson
Government Relations Director

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25188 Genesee Trail Road
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Name

Federation of State Massage Therapy Boards (FSMTB)
FSMTB members are state regulatory boards
www.fsmtb.org

Contact Person

Debra Persinger, PhD
Executive Director

Address: (Street) (City) (State) (Zip Code)

10801 Mastin Boulevard, Suite 420
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P: 888-703-7682
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E: dpersinger@fsmtb.org

Name

National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)
Voluntary certification board
www.ncbtmb.org

Contact Person

Steve Kirin
Chief Executive Office

Address: (Street) (City) (State) (Zip Code)

1333 Burr Ridge Parkway
Suite 200
Burr Ridge, IL 60527

Phone # FAX # E-mail

P: 630-627-8000 or 1-800-296-0664
F: 866-831-2092
E: info@ncbtmb.org

Name

Commission of Massage Therapy Accreditation (COMTA)
An accrediting agency recognized by the US Department of Education

www.comta.org
Contact Person Kate I. Henriouille Executive Director
Address: (Street) (City) (State) (Zip Code) 5335 Wisconsin Avenue, NW Suite 440 Washington, D.C. 20015
Phone # FAX # E-mail P: 202-403-7744 F: 202-895-1519 E: khenriouille@comta.org
Name Alliance for Massage Therapy Educators (AFMTE) Members are massage therapy educators and schools www.afmte.org
Contact Person Pete Whitridge, LMT, President
Address: (Street) (City) (State) (Zip Code) 1232 Bonefish Court Fort Pierce, FL 34949-2901
Phone # FAX # E-mail P: 855-236-8331 F: 786-522-2440 E: admin@afmte.org

5. Does the National Organization have a license or certification process? YES

There is one licensing exam, the Massage & Bodywork Licensing Exam (MBLEx), developed and administered by the Federation of State Massage Therapy Boards (FSMTB) on behalf of their Member Boards (the state regulatory boards). The MBLEx is used by all state regulatory boards that include passage of an exam to meet licensure requirements except two, New York and Hawaii, both have their own state exam. Massachusetts does not require an exam so 42 of the 45 states that regulate the profession use the MBLEx.

Two exams that are no longer administered or offered by the National Certification Board of Therapeutic Massage & Bodywork (NCBTMB) were recognized for the purpose of licensing as well - the National Certification Exam for Therapeutic Massage & Bodywork (NCETMB) and National Certification Exam for Therapeutic Massage (NCETM). Effective February 1, 2015, NCBTMB stopped offering these exams and transitioned their certification program. The NCBTMB now offers "Board Certification" which is intended to be an advanced credential. We would advocate for OPR to consider applicants that took the NCBTMB exams when they were offered to have met the exam requirement for licensure and for grandfathering.

To become Board Certified, you must meet the following requirements:

- Pass the Board Certification exam
- Complete 750 hours of education*
- Complete 250 hours of professional hands-on experience**
- Pass a thorough national background check
- Maintain a current CPR certification
- Agree to uphold NCBTMB's Standards of Practice and Code of Ethics
- Agree to oppose Human Trafficking

MESSAGE & BODYWORK LICENSING EXAMINATION CONTENT OUTLINE

ANATOMY & PHYSIOLOGY (12%)

A. System structure

- Circulation
- Digestive
- Endocrine
- Integumentary
- Lymphatic
- Muscular
- Nervous
- Reproduction
- Respiratory
- Skeletal
- Special Senses
- Urinary

B. System function

- Circulation
- Digestive
- Endocrine
- Integumentary
- Lymphatic
- Muscular
- Nervous
- Reproduction
- Respiratory
- Skeletal
- Special Senses
- Urinary

C. Tissue injury and repair

D. Concepts of energetic anatomy

KINESIOLOGY (11%)

A. Components and characteristics of muscles

B. Concepts of muscle contractions

C. Proprioceptors

D. Locations, attachments (origins, insertions), actions and fiber directions of muscles

E. Joint structure and function

F. Range of motion

- Active
- Passive
- Resistant

PATHOLOGY, CONTRAINDICATIONS, AREAS OF CAUTION, SPECIAL POPULATIONS (13%)

A. Overview of Pathologies

B. Contraindications

- Site specific
- Pathology related
- Special populations
- Tools
- Special applications

C. Areas of caution

D. Special populations

E. Classes of medications

BENEFITS AND PHYSIOLOGICAL EFFECTS OF TECHNIQUES THAT MANIPULATE SOFT TISSUE (14%)

A. Identification of the physiological effects of soft tissue manipulation

B. Psychological aspects and benefits of touch

C. Benefits of soft tissue manipulation for specific client populations

D. Soft tissue techniques

- Types of strokes
- Sequence of application

E. Hot/cold applications

CLIENT ASSESSMENT, REASSESSMENT & TREATMENT PLANNING (17%)

A. Organization of a massage/bodywork session

B. Client consultation and evaluation

- Verbal intake
- Health history form

C. Written data collection

D. Visual assessment

- General
- Postural

OVERVIEW OF MASSAGE & BODYWORK MODALITIES/ CULTURE/ HISTORY (5%)

A. History of massage & bodywork

B. Overview of the different skill sets used in contemporary massage/bodywork environments

C. Overview of massage/bodywork modalities

ETHICS, BOUNDARIES, LAWS, REGULATIONS (15%)

A. Ethical behavior

B. Professional boundaries

C. Code of ethics violations

D. The therapeutic relationship

E. Dual relationships

F. Sexual misconduct

G. Massage/bodywork-related laws and regulations

H. Scope of practice

I. Professional communication

J. Confidentiality

K. Principles

GUIDELINES FOR PROFESSIONAL PRACTICE (13%)

A. Proper and safe use of equipment and supplies

B. Therapist hygiene

C. Sanitation and cleanliness

D. Safety practices

Facilities

Therapist personal safety

Client safety

E. Therapist care

Body mechanics

Protective gear (masks, gowns, gloves, etc)

Self-care

Injury prevention

F. Draping

Safe and appropriate

Communication

G. Business Practices

Business planning

Strategic planning

Office management

- E. Palpation assessment
- F. Range of motion assessment
- G. Clinical reasoning
 - Ability to rule out contraindications
 - Client treatment goal setting
 - Evaluation of response to previous treatment
 - Formulation of treatment strategy
- Marketing
- Hiring/Interviewing
- Documentation and Records
 - Client records
 - Business records
- H. Healthcare and business terminology

6. List other states currently regulating this profession/occupation. For each state attach copies of the laws and rules.

Practice Act

Alabama 1996
 Alaska 2014
 Arizona 2003
 Arkansas 1951
 Colorado 2008
 Connecticut 1993
 Delaware 1993 (2 tier)
 Florida 1943
 Georgia 2005
 Hawaii 1947
 Illinois 2004
 Iowa 1992
 Kentucky 2003
 Louisiana 1992
 Maine 1991
 Maryland 1996 (2 tier)
 Massachusetts 2007
 Michigan 2008
 Mississippi 2001
 Missouri 1998
 Montana 2009
 Nebraska 1958
 Nevada 2006
 New Hampshire 1980
 New Jersey 1998
 New Mexico 1991

Title Protection

California (voluntary) 2008
 Indiana 2007
 Virginia 1996

New York 1967
 North Carolina 1998
 North Dakota (titled Certified) 1959
 Ohio 1916
 Oregon 1971
 Pennsylvania 2008
 Rhode Island 1979
 South Carolina 1996
 South Dakota 2005
 Tennessee 1995
 Texas 1985
 Utah 1981
 Washington 1976
 Washington DC 1994
 West Virginia 1997
 Wisconsin 2010

State Boards and Website links	
State	State Board website link to statutes
Alabama	http://www.almtbd.state.al.us/law.aspx
Alaska - unregulated	
Arizona	https://massagetherapy.az.gov/statutes-and-rules
Arkansas	http://www.arkansasmassagetherapy.com/
California	https://www.camtc.org/
Colorado	http://cdn.colorado.gov/cs/Satellite/DORA-Reg/CBON/DORA/1251632396263
Connecticut	http://www.ct.gov/dph/cwp/view.asp?a=3121&q=389350
Delaware	http://www.dpr.delaware.gov/boards/massagebodyworks/index.shtml
District of Columbia	http://doh.dc.gov/node/146342
Florida	http://floridasmassagetherapy.gov/resources/
Georgia	http://sos.ga.gov/index.php/licensing/plb/33
Hawaii	http://cca.hawaii.gov/pvl/boards/massage/statute_rules/
Idaho	http://legislature.idaho.gov/idstat/Title54/T54CH40.htm
Illinois	http://www.idfpr.com/profs/info/MassageTherapy.asp
Indiana	http://www.in.gov/pla/massage.htm
Iowa	http://www.idph.state.ia.us/licensure/MassageTherapy.aspx?pg=Laws
Kansas-unregulated	
Kentucky	http://bmt.ky.gov/Pages/default.aspx
Louisiana	https://www.labmt.org/law

Maine	http://www.maine.gov/pfr/professionallicensing/professions/massage/
Maryland	http://dhmh.maryland.gov/massage/SitePages/Home.aspx
Massachusetts	http://www.mass.gov/ocabr/licensee/dpl-boards/mt/regulations/269-cmr/
Michigan	http://www.legislature.mi.gov/%28S%285capjbqnvzqnifkfv5v3yalo%29%29/mileg.aspx?page=getObject&id=15-179A
Minnesota-unregulated	
Mississippi	http://www.msbt.state.ms.us/msbmt/web.nsf/webpages/LN_IN_Page_IN?OpenDocument
Missouri	http://pr.mo.gov/massage-statutes.asp
Montana	http://bsd.dli.mt.gov/license/bsd_boards/lmt_board/board_page.asp
Nebraska	http://dhhs.ne.gov/publichealth/Pages/crl_mhcs_mass_regs.aspx
Nevada	http://massagetherapy.nv.gov/About/Regulations/
New Hampshire	http://www.dhhs.nh.gov/oos/blc/massage/index.htm
New Jersey	http://www.njconsumeraffairs.gov/mbt/Pages/regulations.aspx
New Mexico	http://www.rld.state.nm.us/boards/Message_Therapy_Rules_and_Laws.aspx
New York	http://www.op.nysed.gov/prof/mt/mtlaw.htm
North Carolina	http://www.bmbt.org/pages/DocumentCenter.html
North Dakota	http://www.ndboardofmassage.com/laws-and-rules-tab/
Ohio	http://med.ohio.gov/LawsRules/Statutes.aspx
Oklahoma-unregulated	
Oregon	http://www.oregon.gov/OBMT/Pages/lawsrulespolicies.aspx
Pennsylvania	http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/MassageTherapy/Pages/Board-Laws-Regulations.aspx#.VZGz9lJrN2A
Puerto Rico	http://www.estado.gobierno.pr/
Rhode Island	http://www.health.ri.gov/licenses/healthcare/index.php#massage
South Carolina	http://www.llr.state.sc.us/POL/MassageTherapy/index.asp?file=laws.htm
South Dakota	http://doh.sd.gov/boards/Massage/
Tennessee	http://tn.gov/health/article/ML-statutes
Texas	http://www.dshs.state.tx.us/massage/mt_laws.shtm
Utah	http://www.dopl.utah.gov/licensing/massage_therapy.html
Vermont-unregulated	

Virginia	http://www.dhp.virginia.gov/Nursing/nursing_laws_regs.htm
Washington	http://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/MessageTherap
West Virginia	http://www.wvmessage.org/rules.asp
Wisconsin	http://dsps.wi.gov/Boards-Councils/Administrative-Rules-and-Statutes/Massage-Therapists-and-Bodywo Statutes/
Wyoming-unregulated	

Appendix II ABMP State regulation guide.

7. Define the services provided by this profession/occupation. What is the Scope of Practice?

“Massage Therapy” is a system of structured touch applied to superficial or deep muscle or connective tissue by applying appropriate pressure with manual means. These manual means include, but are not limited to, friction, stroking, rocking, kneading, percussion, and passive/active stretching within normal anatomical range of motion. Such techniques may be applied with or without the aid of lubricants, salt or herbal preparations, hot or cold applications, or a massage device that mimics or enhances the actions possible by human hands. Massage Therapy may also include explanation of the science of movement, and self-care or stress management to reduce movement dysfunction and pain as related to Massage Therapy.

The effects of Massage Therapy include promoting the health and well-being of the client; enhancing the circulation of blood and lymph; optimizing muscle length, tone and balance; and relieving pain.

Massage Therapy scope of practice does not include the diagnosis of illness, disease, impairment or disability.

Definition: “Massage Therapist” means a licensed individual who performs massage for compensation. A Massage Therapist uses visual, kinesthetic, and palpatory skills to assess the body, and may evaluate the client’s condition to the extent of determining whether massage is indicated or contraindicated. If Massage Therapy is indicated, the Massage Therapist designs a treatment plan to facilitate general well-being and ease of movement.

Massage Therapy and Massage Therapists definitions by State APPENDIX III

8. What harm or danger to the health, safety, or welfare of the public can be demonstrated if the practice of this profession/occupation were to remain unregulated? (Note: The potential for harm must be recognizable and not remote of speculative.)

Therapeutic massage is a complementary and alternative treatment that is rapidly becoming integrated into the health care system for treatment of such conditions as cancer, asthma, osteoarthritis, chronic low back and neck pain, headache, soft tissue injury, depression, anxiety, effects of premature birth, temporomandibular joint pain, digestive disorders, fibromyalgia, nerve pain, insomnia related to stress, among others. (<https://nccih.nih.gov/health/massage>).

There are contraindications or adaptations of massage that pertain to each of these conditions, as well as other conditions. Massage therapists that are not properly trained pose harm to the public because they are insufficiently educated to effectively treat many of these conditions, and they are often unaware that there are contraindications to offering safe and effective massage therapy. Massage therapists must have the knowledge, skills and abilities to be aware of the appropriate limitations when developing a therapeutic massage plan of care. They also need the proper

training to ensure they are not acting beyond an appropriate scope and have the necessary awareness to refer a client to a physician or other specialist.

The degree of entry-level competency required to remove potential harm to the public can only be assured through statewide regulation. Licensure of Massage Therapists will offer the optimal public protection. Licensed Massage Therapists, with appropriate academic, clinical, ethics and business training, will be able to offer safe and effective Massage Therapy to Vermonters. In his 2003 systematic review of the evidence regarding the safety of massage, Ernst found sixteen incidents documented in peer-reviewed journals. These included cerebrovascular accidents, displacement of a ureteral stent, embolization of a kidney, hematoma, leg ulcers, nerve damage, posterior interosseous syndrome, pseudoaneurism, pulmonary embolism, ruptured uterus, strangulation of neck, thyrotoxicosis and various pain syndromes. (Ernst E, The safety of Massage Therapy, *Rheumatology* 2003;42:1101–1106). Importantly, Ernst noted that **“The majority of adverse effects were associated with exotic types of manual massage or massage delivered by laymen, while Massage Therapists were rarely implicated.”** Thus one could argue that in a field that is relatively under-researched, the evidence does suggest that regulation of the profession would be associated with reduction in physical harm.

Properly trained Massage Therapists know how to recognize common contraindications, meaning massage therapy may be inappropriate, and they know how to make a proper referral to an appropriate health care provider.

Common contraindications include, but are not limited to:

- Deep vein thrombosis
- A bleeding disorder or taking blood thinning drugs or herbs
- Damaged blood vessels
- Severe osteoporosis, or a recent fracture
- Fever
- Open wounds
- Acute inflammation
- Damaged nerves
- Dermatomyositis

In addition, the following chart indicates endangerment sites that if contacted by an untrained Massage Therapist, pose potential harm to the patient. *Source, AMTA & Federation of State Massage Therapy Boards.*

Area of concern	Anatomy	Notes
Temporal and forehead	Temporal artery- lateral sides of cranium Temporal branches of facial nerve Ophthalmic branch of trigeminal nerve	
Temporomandibular joint (TMJ) submandibular areas	-parotid gland on ramus of mandible on top of masseter -facial nerve anterior and superior to parotid gland -facial artery inferior to parotid gland -styloid process of temporal bone posterior to mandible, anterior to mastoid process	-styloid process may break with excessive pressure -opening the jaw exposes nerves more -compressing or damaging the nerves can cause trigeminal neuralgia
Anterior triangle of Neck	-SCM, mandible, trachea -carotid artery	-pressure on carotid can slow heart rate or cut off

	<ul style="list-style-type: none"> -internal jugular vein -trachea -thyroid -hyoid bone -submandibular salivary glands 	<p>blood supply to head causing dizziness or black outs</p>
Posterior Triangle of Neck	<ul style="list-style-type: none"> -SCM, clavicle, trapezius -external jugular vein -brachial plexus -subclavian artery and vein 	<p>-pressure on brachial plexus can cause pain down arm and hand</p>
Delto-pectoral triangle	<ul style="list-style-type: none"> -inferior fibers of anterior deltoid, clavicle, and superior fibers of the clavicular head of the Pec Major -cephalic vein -brachial plexus -axillary artery and vein 	
Brachial region	<ul style="list-style-type: none"> -superior border: inferior aspect of the biceps inferior border: superior aspect of the triceps -Median nerve -Brachial Artery -Basilic, brachial and cephalic veins -radial nerve 	<p>Basilic Vein can be trapped medial to the humerus between the biceps and triceps. Cephalic Vein can be pinned to the humerus just lateral to the biceps</p>
Antecubital fossa- anterior elbow	<ul style="list-style-type: none"> -distal to biceps brachii -border: lateral common extensor tendon, medial- common flexor tendon -median and radial nerve -basilic vein -brachial artery 	<p>Caution when using Cross fiber friction on the insertions of the biceps and brachialis in the shortened position as it may entrap the median nerve</p>
Cubital notch- posterior elbow	<ul style="list-style-type: none"> -posterior to medial epicondyle, anterior to olecranon -ulnar nerve 	<p>"Funny bone" cross fiber work on the triceps insertion requires a lengthened position to protect ulnar nerve</p>

Xiphoid process	-xiphoid process	-heavy direct pressure could break off bone
Abdominal Region	-Liver, spleen, stomach, gall bladder, reproductive organs, intestines, colon -abdominal aorta, vena cava -vagus nerve	Visceral manipulation is an advanced technique that can be learned. Deep pressure on the psoas may over stimulate the vagus nerve and cause symptoms such as sweating, nausea
Femoral Triangle	-Sartorius, Inguinal ligament, adductor longus -femoral nerve, artery and vein -inguinal lymph nodes -great saphenous vein	-area prone to herniation -avoid pulse when palpating psoas tendon
Posterior Knee	-tibial and peroneal nerve (split off from sciatic nerve) -Popliteal artery and vein	

Moreover, the National Cancer Institute urges massage therapists to take specific precautions with cancer patients and avoid massaging: open wounds, bruises, or areas with skin breakdown; directly over the tumor site; areas with a blood clot in a vein; sensitive areas following radiation therapy. (http://www.cancer.gov/about-cancer/treatment/side-effects/pain/pain-pdq/#link/_281).

The University of Vermont Medical Center (UVMCMC) is in the process of incorporating therapeutic massage practitioners into its team of health care professionals within the complementary and alternative medicine program, known as the Institute of Integrative Health and Healing. However, the Institute is challenged in its ability to move forward with integrating massage therapy into the program, and to recruit practitioners due, to the lack of uniform standards upon which to evaluate qualifications and to ensure appropriate referral of patients... This in turn limits patient access to therapies that are effective in managing pain, addressing the effects of cancer treatment, and treating infants in the neonatal intensive care unit, as examples. *See letter from Dr. Janet Kahn, APPENDIX IV* Moreover, while physicians and other health care professionals recognize the many benefits of massage therapy for their patients, they are often reluctant to refer patients for such treatment due to the lack of regulatory standards governing the practice. *See Letters from Dr. Kim Dittus, Dr. Glen Neale, Dr. Janet Kahn, Dr. David Coddair, Dr. Steven Sobel, Dr. Tiffany Renaud, Dr. Sarah Paquette, Dr. Kayla Beardsley and Lynn Troy, MS, PT. See APPENDIX IV*

Regulating massage therapy is needed to ensure consumers have access to integral health care services that are of a high quality and standard. Failure to regulate massage therapy imposes a barrier to health care.

Without state regulation, there are no entry-level education and training requirements for those seeking to practice therapeutic massage. Most sources agree that, because Massage Therapy is practiced on the soft tissue and is less invasive than chiropractic adjustments or physical therapy for example, it is relatively safe *if* performed by a trained and qualified individual. (<http://nccam.nih.gov/health/massage/>). However, as evidenced by the discussion on contraindications to massage therapy and endangerment zones, it is clear proper education and training is necessary

to prevent harm. The public has no assurance that a massage therapist has the required proficiency in the identified skill set absent state regulation of the practice.

In addition, the preponderance of claims made against Massage Therapists (based on data from the American Massage Therapy Association) are for inappropriate touch, usually overly intimate touch. Treatment is typically performed in a private subjective setting with the client largely unclothed, but appropriately draped. While this is harmful for all massage clients, it is particularly problematic for survivors of previous sexual assault, a population that may be referred to massage as part of their treatment. Licensure of Massage Therapy professionals will not guarantee that such abuse of touch could not occur, but it will offer an avenue for citizens and consumers to file a complaint with regulatory authorities, in addition to law enforcement. Statewide regulation would provide for centralized tracking of offenders and their prohibition from practicing anywhere in the state. In addition, with statewide regulation, offenders in other states would be unable to obtain a license in Vermont.

A competent Massage Therapist must be able to integrate the knowledge of anatomy, physiology, and kinesiology with the hands-on skill of a wide variety of Massage Therapy techniques. The Massage Therapist must have high ethical standards, be able to establish boundaries, and provide an environment of physical and emotional safety for the client. A skilled Massage Therapist must be able to determine what the client's needs and goals are through professional communication, assessment and documentation, and develop and deliver an appropriate massage session to meet those goals. The Massage Therapist should be able to recognize various clinical pathologies, understand what conditions are contraindicated for massage, and be confident in refusing service or making referrals to other health care providers as needed. All Massage Therapists, when properly educated and trained, will have acquired this basic knowledge.

9. What benefit can the public reasonably expect if this profession/occupation is regulated and how would it be measured?

The public can reasonably expect the following benefits with the regulation of Massage Therapy:

1. Public protection through establishment of a standard for entry-level and continued competency for practitioners, to guard against the types of harm discussed in Section 8 above. This benefit will be demonstrated by the number of complaints and regulatory/disciplinary matters;
2. Public protection through establishment of standards upon which physicians and other health care professionals can rely to ensure appropriate referral of patients to competent massage therapy practitioners. This benefit will be demonstrated through increased referrals to massage therapy by physicians and health care professionals;
3. Public protection through establishment of a process for consumer complaint and disciplinary action where necessary to ensure practitioners adhere to regulatory standards. This benefit will be measured by the number of complaints and regulatory/disciplinary matters;
4. Access to effective health care services. This benefit will be demonstrated by increased referrals to massage therapists, access to insurance coverage for these services, and improved health outcomes.

One example of the benefit to patients of accessing massage therapy is articulated by Dr. Kim Dittus, [see APPENDIX IV](#). According to Dr. Dittus, many cancer patients could benefit from a reduction in treatment side effects through use of massage therapy. However, lack of regulation inhibits Dr. Dittus' ability to identify properly trained practitioners that she can feel comfortable referring her patients to.

Access is also measured by a patient's ability to pay for care. The Vermont General Assembly adopted guiding principles for health care reform in Act 48 (2011), which included creation of a health care system which ensures "universal access to and coverage for high-quality, medically necessary health services for all Vermonters...." In addition the General Assembly has directed that "[o]verall health care costs must be contained and growth in health care spending in Vermont must balance the health care needs of the population with the ability to pay for such care." Act 48 (2011), Sec. 1a.

In addition, Section 2706 of the Federal Affordable Care Act (2010) states:

“(a) Providers – A group health plan and a health insurance issuer offering group or individual health care coverage shall not discriminate with regard to participation under the plan or coverage against any health care provider who is acting within the scope of that providers’ license or certification under applicable State law....”

In short, any licensed or certified healthcare professional will be covered by insurance under the Act. Absent licensing or certification of massage therapists, patients cannot access insurance coverage and therefore must have other financial resources to seek such care- a significant barrier to patient access of an important treatment option. The benefits of regulating massage therapy are clear.

According to the Vermont Green Mountain Care Board’s 2013 Health Care Expenditure Analysis, Vermont spent roughly \$5.3 billion on health care in 2013, with approximately 50.9% financed by government payers, i.e. Medicaid and Medicare. It is clear that state policy seeks to balance the needs of patients with the cost of care. Failure to regulate massage therapy imposes a barrier to accessing low cost services. The public will reap significant benefit as a result of regulation of massage therapists in terms of access to services.

Modeling the impacts of providing insurance coverage for massage therapy demonstrates that with respect to many outpatient treatments, state coverage of massage therapy is associated with lower overall treatment costs. In fact, modeling estimates a savings in health care costs to Vermont Medicaid of roughly \$12.3 million, and roughly \$26.6 million in private insurance costs. See, *The Value and Efficacy of Massage Therapy in Integrated Health Care*, pgs. 33-45, http://www.amtamassage.org/uploads/cms/documents/aca_book_final.pdf

Regulating massage therapists in Vermont, thereby increasing access to such services will benefit the public through lower overall health care costs, which benefits Vermont taxpayers who fund government health care programs, and help achieve the goals set forth in Vermont’s Act 48 health care reform law. See *Act 144 Legislative Report for background information*, <http://hcr.vermont.gov/sites/hcr/files/2015/2015%20Medicaid%20Reimbursement%20Report%20FORMATTED.pdf>

10. Why isn't the public protected from unprofessional practitioners through means other than regulation? (For example, criminal penalties, consumer fraud laws, small claims court, civil litigation, etc.)?

Statewide regulation of massage therapy through licensure provides a regulatory body the authority to address inappropriate behavior of the professional through disciplinary action, such as suspension or revocation of a license to practice. In the absence of comprehensive statewide regulation and oversight and oversight of the profession, the burden to police the practice is left to individual citizens.

- No professional membership association, voluntary national certification organization, state or national membership association has the ability or authority to discipline or eliminate someone’s ability to practice in the state of Vermont;
- City, county and town law enforcement is not intended to establish, oversee or regulate a group of health professionals in a systematic manner. The local officials issue a business license, but they do not have the breadth of authority to develop comprehensive professional standards to govern a profession consistently across the state. At best any attempt would be location dependent, and result in confusion to both practitioners and members of the public;
- Civil courts may address some of the harm incurred by the individual consumer to the extent that harm can be monetized, such as damage to a limb, lost wages, pain and suffering, etc.... However, civil actions are based on the transaction between the massage therapist and the client, and any remedies may fail to account for the costs and burdens that may be born by society at large. For example, the individual may have continued health care needs. Although a court may require the massage therapist to pay for the direct care needs of the injured individual, that mandate will not address the larger issue- increased health care needs drive up the costs of total health care spending in Vermont, which ultimately raises health care premiums for all Vermonters. See *Act 144 Legislative Report for background*. An individual’s productivity may be reduced, and so to his or her economic contributions to society such as purchasing of goods or payment of taxes. This increases the economic burdens of all Vermonters. In addition, after resolution of a specific

civil matter, the massage therapist may continue to practice, and risk additional harm. While the availability of redress by a court is critical and necessary, it alone cannot adequately protect the citizens of Vermont. In the absence of statewide regulation, Vermonters do not have adequate recourse to redress instances of inappropriate and unprofessional conduct by a massage therapist.

- Peer review within the profession is insufficient to adequately protect the public because no entity is vested with authority to enforce violations of practice standards.

A case in Colorado provides an example of the challenges in protecting the public absent a comprehensive regulatory program governing the profession. An occupational therapist contacted both AMTA and ABMP in 2004 with concerns regarding the unethical standards of practice of a Massage Therapist. She complained that a male Massage Therapist was inappropriately touching female clients and had committed several other unethical behaviors as well. The occupational therapist had several patients who had complained to her about this Massage Therapist. The Massage Therapist was indeed a member of one of the associations but the association was unable to prevent him from practicing. They merely sent a warning that there had been a complaint made against him.

Soon after the complaint was made, a client filed a formal complaint with the local police and a civil lawsuit was brought forward. The Massage Therapist was convicted of sexual assault and served 18 months in prison. He could no longer practice in the Denver metro area as a condition of his settlement but upon release from prison, he moved to the western slope of Colorado and opened a Massage Therapy practice. A year later, a similar complaint was filed against the Massage Therapist. He was again found guilty and served prison time.

Colorado has now passed a mandatory practice act regulating Massage Therapists. Qualifications include a background check. This individual is no longer able to practice in Colorado but it happens in unlicensed states.

The creation of state licensure with oversight regulatory State Advisory Committee structure offers the most appropriate channel for complaints against the profession, and or professional. The consumer bears no cost to this process, should it need to be taken.

11. Are you seeking Licensure, Certification or Registration?

See 26 V.S.A. 3101a. Definitions.

The American Massage Therapy Association (AMTA National and the AMTA-Vermont Chapter) and the Associated Bodywork Massage Professionals (ABMP) support licensure for the profession. The Vermont Massage Therapy community proposes State Licensure Law for Massage Therapy in order to:

The applicants propose a state licensure program for Massage Therapists in order to:

1. Define a scope of practice;
2. Establish entry-level standards of competency and continuing education requirements to assure the safe and effective delivery of Massage Therapy services to the citizens of Vermont
3. Establish clear titles that the public, as well as other health care professionals, will understand;
4. Provide for the issuance of a license and license number for licensees that members of the public can ask to see in order to verify a therapist's competency;
5. Allow for an oversight process in which practitioners would be held accountable for harmful or inappropriate treatment of a client;
6. Provide a clear avenue for public complaints of inappropriate or harmful practice;
7. Ensure access to health care.

Licensure of Massage Therapy is necessary to afford the highest public protection for the citizens of Vermont.

"Licensing" and "licensure" mean a process by which a statutory regulatory entity grants to an individual, who has met certain prerequisite qualifications, the right to perform prescribed professional and occupational tasks and to use the title of the profession or occupation. Practice without a license is unlawful.

12. a. What other regulated professions/occupations perform similar services to those of this profession/occupation? b. How will the program distinguish between or among respective scopes of practice?

Acupuncturists
Barbers, Cosmetologists, Estheticians
Chiropractic
Naturopaths
Nursing
Physical therapists

There are six professions currently regulated by the state that perform manipulation of the soft tissue to some degree. The key difference between these professions and massage therapy is that while manipulation of the soft tissue is the *primary* service performed by massage therapists, and it is an *ancillary* service provided in these other professions.

These professionals would be working within their scope of practice and professional title if they provided massage therapy or manipulation of soft tissue. They would be exempt from massage licensing.

Question 21 of this application asks us to provide draft legislation. The exemption from massage licensing for these professions is safeguarded under this section:

§ 104. Construction

This chapter shall not be construed to limit or restrict in any manner the right of a practitioner of another occupation, which is regulated by this state from carrying on in the usual manner any of the functions of his or her profession.

Acupuncturists

Acupuncturists in the State of Vermont are governed by the "Advisor" model of regulation, created by the Legislature.

Scope of practice: "Acupuncture" or the "practice of acupuncture" means the insertion of fine needles through the skin at certain points on the body, with or without the application of electric current or the application of heat to the needles or skin, or both, for the purpose of promoting health and balance as defined by traditional and modern Oriental theories. Acupuncture involves the use of traditional and modern Oriental diagnostic techniques, acupuncture therapy, and adjunctive therapies, including but not limited to: nonprescription remedies, exercise, nutritional and herbal therapies, therapeutic massage, and lifestyle counseling (counseling).

Board of Barbers and Cosmetologists

The Board of Barbers and Cosmetologists is a five member Board created by the Legislature whose members are appointed by the Governor to administer the laws for this profession in the State of Vermont.

Scope of practice: (1) "Barbering" means engaging in the continuing performance, for compensation, of any of the following activities: cutting, shampooing, or styling hair; shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair; facials, skin care, or scalp massages, and bleaching, coloring, straightening, permanent waving hair or similar work by any means, with hands or mechanical or electrical apparatus or appliances. Barbering also includes esthetics.

(3) "Cosmetology" means engaging in the continuing performance, for compensation, of any of the following activities: A) Work on the hair (B) Esthetics (C) Manicuring.

(5) "Esthetics" means massaging, cleansing, stimulating, manipulating, beautifying or otherwise working on the scalp, face or neck, by using cosmetic preparations, antiseptics, tonics, lotions or creams. "Esthetics" does not include the sale or application of cosmetics to customers in retail stores or customers' homes.

Board of Chiropractic

The Board of Chiropractic is a five member Board created by the Legislature whose members are appointed by the Governor to administer the laws for this profession in the State of Vermont.

Scope of practice: (3) "The practice of chiropractic" means the diagnosis of human ailments and diseases related to subluxations, joint dysfunctions, neuromuscular and skeletal disorders for the purpose of their detection, correction or referral in order to restore and maintain health, including pain relief, without providing drugs or performing surgery; the use of physical and clinical examinations, conventional radiologic procedures and interpretation, as well as the use of diagnostic imaging read and interpreted by a person so licensed and clinical laboratory procedures to determine the propriety of a regimen of chiropractic care; adjunctive therapies approved by the board, by rule, to be used in conjunction with chiropractic treatment; and treatment by adjustment or manipulation of the spine or other joints and connected neuromusculoskeletal tissues and bodily articulations.

(1) "Adjunctive therapies" means to treat the human body by manual, mechanical, electrical or natural methods, or by the use of physical means which include light, heat, water or exercise in preparation for a chiropractic adjustment or manipulation.

In Rule: Adjunctive therapies are therapies a chiropractor may use in addition to chiropractic adjustment to treat patients. Chiropractors may use adjunctive therapies in which they have been adequately trained. Adjunctive therapies for chiropractic are physiotherapy modalities, rehabilitative exercises, nutritional therapy, massage techniques and acupuncture. Adjunctive therapy includes the use of topically applied therapeutic agents incident to any of the above listed therapies.

Naturopathic Physicians

Naturopathic physicians in the State of Vermont are governed by the "Advisor" model of regulation, created by the Legislature.

Scope of practice: (9) "Naturopathic physical medicine" means the use of the physical agents of air, water, heat, cold, sound and light, and the physical modalities of electrotherapy, biofeedback, acupuncture, diathermy, ultraviolet light, ultrasound, hydrotherapy and exercise. "Naturopathic physical medicine" also includes naturopathic manipulation and mobilization therapy if, in the opinion of the director, the naturopathic physician's education emphasized the importance of the neuromusculoskeletal structure and manipulative therapy in the maintenance and restoration of health. Naturopathic medicine does not include the practice of physical therapy, physical rehabilitation or chiropractic.

Vermont State Board of Nursing

The Board of Nursing is a ten member Board created by the Legislature whose members are appointed by the Governor to administer the laws for this profession in the State of Vermont.

Scope of practice: (4) "Advanced practice registered nurse" means a licensed registered nurse authorized to practice in this state who, because of specialized education and experience is endorsed to perform acts of medical diagnosis and to prescribe medical, therapeutic or corrective measures under administrative rules adopted by the board.

Physical Therapists

Physical Therapists in the State of Vermont are governed by the "Advisor" model of regulation, created by the Legislature.

Scope of practice: (8) "Practice of physical therapy" means: (A) examining, evaluating, and testing, in order to determine a plan of care inclusive of appropriate therapeutic interventions and expected outcome and effect of the interventions of individuals with: (i) mechanical, physiological, and developmental impairments; (ii) functional limitations in physical movement and mobility; (iii) disabilities; and (iv) other movement-related conditions; 5) "Physical therapist assistant" means a person who has met the conditions of this chapter and is licensed to perform selected physical therapy interventions and related tasks that have been assigned by the supervising physical therapist.

7) "Physical therapy aide" means a person, trained under the direction of a physical therapist, who performs designated and supervised routine physical therapy tasks.

13. How many practitioners of this profession/occupation do you estimate are practicing in Vermont?

Our estimated count is 891. It's based on

1. American Massage therapy Association (AMTA) and Associated Bodywork & Massage Professionals (ABMP) membership numbers
2. State population of Vermont
3. Average Massage Therapists per capita across the nation
4. An average percentage of how many Massage Therapists are members of ABMP or AMTA.

Vermont has 621,000 residents, thus it is comparable in size to North Dakota and District of Columbia. North Dakota has 641 state licensees and District of Columbia has 761 licensees. An average of 55% of licensees are members of AMTA or ABMP in states surrounding Vermont. Then considering the estimate number of Massage Therapists per capita, we come up with 891 total.

14. Estimate the percentage of the practitioners practicing in the following settings.

While massage therapists work in a variety of work environments, sole practitioners account for the largest percentage of practicing therapists (60 percent). Of all therapists, 59 percent work at least part of their time at a client's home/business/corporate setting, 36 percent at their office, 37 percent at their home, 25 percent in a health care setting, and 28 percent in a spa setting.

These percentages are based on the Association of Massage & Bodywork Practitioners 2014 Industry Survey. The percentages are based on primary place of employment for a Massage Therapist. Many Massage Therapists work in multiple settings beyond their primary employment.

As mentioned on question #8, the profession of Massage Therapy is growing at a rapid rate.

According to the U.S. Department of Labor in 2012, employment for massage therapists is expected to increase 23 percent from 2012 to 2022, faster than average for all occupations.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook

<http://www.bls.gov/ooh/healthcare/massage-therapists.htm>

15. Is formal education required? YES

Educational Requirements

Formal education is, or should be, required to become a massage therapist. Obviously the unregulated states do not have any requirements. Of the 45 states, commonwealths or territories and the District of Columbia, that currently regulate Massage Therapy, twenty-seven require a minimum 500 hours and eighteen states require more than 500 hours (570 – 1000 hours).

500 hours: Alaska – new (not implemented), Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Louisiana, Maine, Michigan, Missouri, Montana, Nevada, New Jersey, North Carolina, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, (District of Columbia)

570: Hawaii

600 : Iowa, Kentucky, Pennsylvania, Utah, Wisconsin, Illinois, Maryland

650 : Alabama, Massachusetts, New Mexico

700: Arizona, Mississippi

750: New Hampshire, North Dakota, Ohio

1000: Nebraska, New York, (Puerto Rico)

Unregulated : Kansas, Minnesota, Oklahoma, Vermont, Wyoming

The 500-hour entry-level is being proposed in Vermont because it is the most common requirement throughout the country and most Vermont schools teach 500 hour programs.

Minimum education requirements should include anatomy, physiology, pathology, kinesiology, ethics and professionalism, business, laws and regulation, massage assessment, theory, and techniques (including supervised clinic). The subjects listed contribute to the entry-level competencies that an entry-level massage therapist should possess to identify contraindications and safely practice massage therapy.

Where may this education be obtained?

Massage education is traditionally offered through private occupational schools, career training institutions, corporate massage schools, or community college programs. Schools offering massage programs are typically regulated in each state by the department of higher education or post-secondary education. OPR would not regulate schools under this proposal, there is no need to double regulate schools.

Private occupational schools have the option of becoming accredited through one of seven accrediting agencies recognized by the US Department of Education. In some professions, school accreditation is the norm. Nearly 100 percent of four-year colleges, for example, are accredited. That is not the norm among massage schools today. Only 57% of state-approved massage schools are accredited by one or more of the seven bodies approved by the U.S. Department of Education to accredit massage programs. There are currently 1,274 massage schools in the US.

The following is a current list of massage schools in Vermont:

BodySoul Massage School

132 N Main St
St Albans City, VT

Elements of Healing

21 Essex Way
Essex Junction, VT

Green Mountain Institute for Integrative Therapy

368 Lamb Road
North Bennington, Vermont 05257

O'Briens Aveda Institute

1475 Shelburne Road
South Burlington, VT 05403

Pyramid Holistic Wellness Center

120 Merchants Row
Rutland, VT 05701

TouchStone Healing Arts (recently closed)

187 St Paul St # 5
Burlington, VT

Universal Institute of Healing Arts

90 Three Mile Bridge Rd
Middlesex, VT 05602

Wellness Massage Center Institute

164 N Main St # 2
St Albans, VT 05478

Green Mountain Massage School

Moonlight Studios
1670 Cleveland Corners Rd
Hyde Park, VT 05655

16. Is supervised experience required in addition to, or instead of, formal education? YES

Educational Requirements

All of the aforementioned 500-hours of formal education is given in a supervised education setting.

Where may this education be obtained?

As part of the formal education, the supervised education can also be obtained from community colleges and private occupational schools.

The following is a current list of massage schools in Vermont:

BodySoul Massage School

132 N Main St
St Albans City, VT

Elements of Healing

21 Essex Way
Essex Junction, VT

Green Mountain Institute for Integrative Therapy

368 Lamb Road
North Bennington, Vermont 05257

O'Briens Aveda Institute

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Wellness Massage Center Institute

164 N Main St # 2
St Albans, VT 05478

Green Mountain Massage School

Moonlight Studios
1670 Cleveland Corners Rd
Hyde Park, VT 05655

17. Is there a National examination? YES

The Massage & Bodywork Licensing Exam (MBLEx)

The Candidate Handbook can be found here: <https://fsmtb.org/content/?id=58>

As part of fulfilling their mission, the FSMTB developed a licensing examination that provides a unified set of nationally-verified, entry-level standards for safe and competent practice of Massage & Bodywork. The first Massage & Bodywork Licensing Examination (MBLEx) was given in July 2007 during the Pilot Testing phase of development. The MBLEx was developed with the help of leading Massage & Bodywork professionals throughout the nation. Throughout this development period, the FSMTB followed national guidelines for testing in order to ensure a fair, valid, and reliable examination. The first administration of the MBLEx was a milestone event in the growth of the profession in the United States.

The FSMTB complies with the Americans with Disabilities Act of 1990 (ADA) and will accommodate requests, from qualified candidates with a diagnosed disability, for accommodations to take the Massage & Bodywork Licensing Examination (MBLEx) *if* the request is reasonable, properly documented and does not fundamentally alter the examination or jeopardize exam security.

The *Special Accommodations Candidate Handbook* and *Accommodations Request Form* are available at fsmtb.org. Please review these items for details on how to request special testing accommodations. Individuals who wish to request special accommodations must notify the FSMTB at the time of submitting their MBLEx application.

Scope of the Examination

Examination questions are designed to allow candidates to demonstrate their knowledge of facts and use of judgment. There are no trick or ambiguous questions. Given the diversity of the Massage & Bodywork field there may be a small number of questions outside the training of every individual. This will vary from person to person depending on one's training. The number of these questions, however, is not enough to pose a barrier to passing the MBLEx. Qualified candidates who are adequately prepared should pass the examination.

Forty-two of forty-five states that license massage therapists use the MBLEx. We would strongly encourage OPR to become members of FSMTB if the state adopts regulation.

18. Does this profession/occupation need continuing education?

We have not included mandatory continuing education (CE) in this application or draft statute. While we believe that all professionals *should* obtain continuing education, we are not convinced that *mandating* continuing education protects the public; especially when you consider that most continuing education offered in this profession relates to learning a new massage technique or method. This type of CE is great for professional development purposes but it doesn't necessarily result in protecting the public, which is the purpose of professional regulation.

In addition, during our outreach efforts, many massage therapists have voiced concern over CE requirements. In particular, they are concerned about the cost, availability, and viability of CE. Many massage therapists work part-time in this profession and earn an average \$23,000 per year. More than half of massage therapists earn income working in another profession as well. Even so, 85% of those practicing report they have taken CE in the last year. Many are concerned that mandating CE will force them to take courses they don't want or need to take in order to fulfill a requirement instead of taking courses that appeal to them as professionals.

It is our intention to support legislation that creates the least amount of regulation necessary to protect the public. Our 2010 Sunrise Application included a CE requirement; however, we feel that this is a requirement we can compromise on that won't compromise public safety.

We acknowledge that it is important that massage therapists stay abreast of the evolution of the profession. This is particularly true now that there is a growing body of research on the benefits of therapeutic massage for physical and psychological applications, and as the field is becoming more integrated into the health care system.

Public health efforts, including the passage of the Affordable Care Act, expand the role of complementary and alternative health care professionals in our health system, thus emphasizing the importance of health professionals staying current and receiving periodic refreshment of the ethical standards governing therapeutic relationships, professional boundaries, and treatments most effective for certain ailments.

We believe continuing education requirements could and should be added if OPR sees a need to in the future depending on what kind of disciplinary actions are experienced during the evolution of this regulatory program and if mandating continuing education could have prevented such action or protected the public at a higher level.

Continuing education is required for license renewal in the majority of states currently regulating massage therapists. The amount of continuing education required at the time of renewal varies from state to state:

- Twenty-three (23) states require twelve or more hours of CE per year;
- Twelve states (12) states require less than twelve hours of CE per year;
- Eleven (11) states do not require CE for renewal.

19. Based on the criteria you propose as a requirement to become licensed/certified/registered estimate how many of the current practitioners will qualify?

We anticipate the vast majority of the massage therapists in Vermont would be eligible for licensure within the first year of initiating a license by meeting either the requirements of licensure, or through the grandfather clause. Student massage therapists would be eligible upon completing their education and school programs for licensure. The standards proposed are not extravagant or burdensome. Schools in Vermont teach 500 hour programs. There is flexibility built into the proposal to allow the Director to utilize common sense while still protecting the public.

20. What transitional provisions/"grandfather provisions" do you propose for current practitioners to obtain licensure/certification/registration?

§ 108. Grandfathering.

For a period of 2 years after applications for licensure become available, the director shall issue a license to an applicant who is at least 18 years of age and meets one of the following requirements:

- (a) He or she completed a massage educational program consisting of a minimum of 500 hours from an approved massage school as defined in section 101 of this Act; or
- (b) He or she has completed at least 300 hours of formal training in massage therapy and has practiced massage in the last 2 years as determined by the Office of Professional Regulation; or
- (c) He or she has been an active member in good standing as a massage therapist for a period of at least twelve (12) months, of a national professional massage association/organization that offers professional liability insurance; or
- (d) He or she has successfully passed a licensing examination meeting the requirements of section 107(2) or examination approved by the Director. The passage of this examination may have occurred before the effective date of this section.

ABMP and the AMTA Vermont Chapter hosted a public meeting on May 17, 2015 in Montpelier. The intention of the meeting was to:

1. Share information about legislative bills that had been introduced during the last two years and to inform other massage therapists of our intent to file a Sunrise Application as a result of these bills; and

2. Solicit feedback and discuss issues regarding the Sunrise Application. What the regulatory requirements should be, what the grandfathering provision should be, and other specific details and general discussion.

At this meeting we determined that several massage therapists in attendance were concerned about the grandfathering provision in the 2010 Application that specified that an applicant would have to have provided a certain number of massages per week to qualify. We agreed this could be cumbersome so we streamlined the grandfathering language. Ensuring the applicant has secured basic training and education along with practical experience will help protect the public. The number of massages given per week is not as relevant.

This grandfathering provision would allow the vast majority of practitioners to qualify without having to take an exam or obtain additional education and training. Not having to take an exam was a priority for most practicing therapists. Most view an exam as a barrier to licensing since many have been out of school for quite a while and would have to invest time into studying and then have the additional cost.

In addition, the two year period, versus the one year grandfathering that many states adopted, would give ample time to spread the word that a license is now required and give people time to apply.

21. Attach copies of any proposed legislative bill(s) related to this request.

Proposed “Vermont Practice Act for Massage Therapy” see APPENDIX V

22. Attach a list of all interested persons or groups in favor of, or opposed to, this request. Have they been consulted?

The following is a list of all interested persons or groups that the applicant is aware of, in favor or opposed to the request for regulation of Massage Therapy in Vermont:

Acupuncture Vermont

rdavis@acupuncturevermont.com

Robert Davis, MS, Lac

Vermont State Nurse Association

Jbenoit001@aol.com

June Benoit

Vermont Chiropractic Association

info@vtchiro.org

Anthony Otis

Attorney-Lobbyist

802/229-5200

Chiropractic Board

Contact: Terry Gray

terry.gray@sec.state.vt.us

Vermont Physical Therapy Association

Public Relations: Jen Smithers

644-5993

Jennifer.Smithers@vtmednet.org

Barber Board

kshangraw@sec.state.vt.us

Kara Shangraw,

Naturopath Board

Terry Gray

terry.gray@sec.state.vt.us

All persons or groups in the aforementioned list have been consulted as to the submission of this Preliminary Sunrise Review Application.

23. Include any statistical data on disciplinary actions for this profession/occupation in other states.

Forty-five (45) states, the District of Columbia, Puerto Rico, and the US Virgin Islands currently regulate massage therapists. A law is only as good as the enforcement of it and some states are better at enforcement than others. Generally speaking, the process is similar everywhere. A consumer files a complaint, the relevant department investigates, and the regulatory board or agency issues an action based on the severity of the conduct. Each state has a different way of reporting disciplinary actions to the public. Surprising, some states don't include this information on their public website. We are providing an assortment of examples but suffice it to say, *all* massage regulatory boards have disciplined massage therapists for a variety of reasons – from a licensed massage therapist sexually assaulting a client, to impairment from drugs or alcohol affecting their ability to practice competently.

It is impossible to prove a negative. By not offering an avenue for consumer complaint, Vermont cannot reasonably assume that massage therapists do not cause harm when every state in the country that regulates massage therapist has evidence to the contrary as evidenced by the disciplinary cases in each state.

Colorado

Perhaps one of the best examples of a compelling reason to regulate comes from Colorado, which has a similar sunrise process to Vermont. In 2006 the massage profession submitted a sunrise application to the Office of Policy, Research and Regulatory Reform (OPRRR) under the Department of Regulatory Agencies (DORA). In 2006 - 2007, the Sunrise Review was performed and OPRRR recommended in its report issued in October 2007 that the profession not be regulated.

In 2008 the Colorado General Assembly passed Senate Bill 219 which required all massage therapists to become state registered in order to practice. The law was to Sunset September 1, 2013 so in 2012, OPRRR conducted the review of the Massage Therapy Practice Act. The purpose of the review is to determine whether the currently prescribed regulation of massage therapists should be continued for the protection of the public and to evaluate the performance of DORA. During the review, DORA must demonstrate that the regulation serves to protect the public health, safety or welfare, and that the regulation is the least restrictive regulation consistent with protecting the public.

The 2012 Sunset Review report was much different than the report in 2007. With actual data, it was clear to DORA that regulation was not only needed but that the Department needed some changes to enhance public protection.

The 2012 Sunrise Review report included this table, found on page 13:

Type of Action	FY 08-09	FY 09-10	FY 10-11
Revocations	0	1	3
Suspensions	0	2	0
Revocations/Suspensions	0	0	0
Held in Abeyance or Stayed or Stayed Suspended			
Stipulations	0	3	9
Other - Cease and Desist	0	3	11

TOTAL DISCIPLINARY ACTIONS	0	9	23
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Dismiss	5	10	9
TOTAL DISMISSALS	5	10	9

The 2012 Sunset Review Report offered seven (7) recommendations to the legislature:

1. Continue the Massage Therapy Practice Act (MTPA) for 9 years (until 2022).
2. Repeal registration requirement and implement licensing of massage therapists.
3. Update and improve the grounds for discipline.
4. Authorize the Director to issue letters of admonition (LOA's) and confidential letters of concern (LOC's).
5. Facilitate the registration of applicants trained outside of Colorado.
6. Require a 2 year waiting period before an applicant could re-apply after being denied registration, have had their registration revoked, or who have surrendered their registration.
7. Authorize the Director to enter into confidential agreements with practitioners to address conditions (mental or physical) that may impact the person's ability to practice.

The legislature agreed and passed the revised statute (SB 13-151) effective January 1, 2013. We are including copies of all reports in this sunrise application.

According to Tony Munoz, the current Program Director for the massage licensing program with DORA, the summary of complaints in the years since the Sunset Review are below:

Type of Action	FY 11-12	FY 12-13	FY 13-14
Revocations	10	4	5
Suspensions	2	1	4
Revocations/Suspensions Held in Abeyance or Stayed or Stayed	0	0	0
Suspended			
Stipulations	10	31	34
Letters of Admonition	0		1
Other - Cease and Desist	16	23	16

Letters of Concern	0	0	40
TOTAL DISCIPLINARY ACTIONS	38	59	100
Dismiss	72	25	9

Tony Munoz can be reached at tony.munoz@state.co.us or (303) 894-7898.

Inclusions(application attachments): Massage Therapists – 2007 Sunrise Review, SB 08 – 219, Massage Therapy Practice Act – 2012 Sunset Review, SB 13-151, Three CO Disciplinary Cases.

You may search the DORA website for all disciplinary actions related to the Massage Licensing Program here <https://doraimage.state.co.us/>

Two hundred and sixty cases are now recorded and publicly displayed. Cases vary from unlicensed practice to sexual assault of a client. We have included a few of the more serious cases in this application.

North Carolina

North Carolina provides disciplinary action report in its winter newsletters, which can be found here: <http://www.bmbt.org/pages/news.html>

Inclusions(application attachments): Copies of the NC 2013 and 2014 Disciplinary Summaries found in the newsletters.

Massachusetts

Massachusetts's Disciplinary Action 06/19/2014 – 06/19/2015

Disciplinary actions taken by the Division of Professional Licensure can be searched in any date range kept within one year at http://license.reg.state.ma.us/public/dpl_discip_actions/da_form.asp

Below is a list of actions taken against massage therapists during the past year. Unfortunately the details of each case are not available without a public records request but this list demonstrates that actions are indeed taken by Massachusetts, several serious enough to warrant the state taking away the person's right to practice.

The glossary of license status codes and their meaning can be found here http://license.reg.state.ma.us/pubLic/pub_glossary_license_codes.asp#S

Voluntary surrender: Licensee has been allowed by the Board to voluntarily surrender their license, or the licensee has voluntarily agreed not to renew their license. Voluntary surrender is a disciplinary status that does not allow the licensee to practice.

Suspension: License is suspended. Suspension is a disciplinary status that does not allow the licensee to practice.

Revoked: License is revoked. Revocation is a disciplinary status that does not allow the licensee to practice.

	<u>Licensee/Profession</u>	<u>Board</u>	<u>Lic.#</u>	<u>Decision</u>	<u>Case#/Date</u>
1.	<u>WORPEK, JOSEPH</u>	<u>MT</u>	<u>000003424</u>	VOLUNTARY SURRENDER	20150105MT101

	<u>Licensee/Profession</u>	<u>Board</u>	<u>Lic.#</u>	<u>Decision</u>	<u>Case#/Date</u>
	<i>Massage Therapist</i>				6/1/2015
2.	<u>FU, ZHI LAN</u> <i>Multiple Massage Establishment</i>	<u>MT</u>	<u>000000069</u>	FINE ASSESSED	20150414MT146 5/26/2015
3.	<u>MIZE BURKE, MICHELE</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000000808</u>	FINE ASSESSED	20141008MT056 4/23/2015
4.	<u>GONG, SHUZHEN</u> <i>Multiple Massage Establishment</i>	<u>MT</u>	<u>000000861</u>	FINE ASSESSED	20150414MT147 4/17/2015
5.	<u>REGO, CANDICE</u> <i>Solo Massage Establishment</i>	<u>MT</u>	<u>000001089</u>	FINE ASSESSED	20150316MT132 4/6/2015
6.	<u>LIU, LAN</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000002568</u>	FINE ASSESSED	20150302MT126 3/31/2015
7.	<u>KOENIG, JOSHUA</u> <i>Multiple Massage Establishment</i>	<u>MT</u>	<u>000000629</u>	FINE ASSESSED	20141201MT082 3/18/2015
8.	<u>LIU, YULING</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000010389</u>	FINE ASSESSED	20130923MT029 3/16/2015
9.	<u>LIU, YULING</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000010389</u>	FINE ASSESSED	20130923MT027 3/16/2015
10.	<u>WOODBURY, MELINDA</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000001800</u>	FINE ASSESSED	20131003MT036 3/16/2015
11.	<u>BRYAN, WENDY</u> <i>Multiple Massage Establishment</i>	<u>MT</u>	<u>000000955</u>	FINE ASSESSED	20150113MT104 3/2/2015
12.	<u>PEREZ, MARTHA</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000011175</u>	FINE ASSESSED	20150204MT112 3/2/2015
13.	<u>LAPLANTE, JULIE</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000002865</u>	FINE ASSESSED	20140317MT123 2/18/2015
14.	<u>POWER, MARY</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000010671</u>	LICENSE SUSPENDED	20140129MT086 2/18/2015
15.	<u>YANG, NAN</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000008460</u>	FINE ASSESSED	20140710MT004 1/15/2015
16.	<u>WANG, QIU</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000005482</u>	VOLUNTARY SURRENDER	20141201MT081 12/15/2014
17.	<u>ABBOTT, CHRISTINA</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000006229</u>	FINE ASSESSED	20141015MT061 11/21/2014
18.	<u>SPRATT, JEFFREY</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000004903</u>	FINE ASSESSED	20141028MT064 11/21/2014
19.	<u>GUO, XUEJIAO</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000010515</u>	FINE ASSESSED	20141021MT062 11/14/2014
20.	<u>MCCOMISKEY, DANIEL</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000009061</u>	LICENSE REVOKED	20120801MT018 10/17/2014
21.	<u>MEDERO, NATALIA</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000006530</u>	FINE ASSESSED	20131227MT077 10/7/2014
22.	<u>CLOSED, FAC</u> <i>Solo Massage Establishment</i>	<u>MT</u>	<u>000000612</u>	LICENSE REVOKED	20120207MT138 10/6/2014
23.	<u>SHIN, GYE HWA</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000006478</u>	LICENSE SUSPENDED	20111228MT103 10/6/2014
24.	<u>STENTZEL, SANGTHIP</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000011240</u>	FINE ASSESSED	20140909MT044 9/30/2014
25.	<u>LAJOIE, JACQUELINE</u> <i>Multiple Massage Establishment</i>	<u>MT</u>	<u>000000836</u>	LICENSE REVOKED	20130418MT122 9/25/2014
26.	<u>SONG, YUAN</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000006054</u>	FINE ASSESSED	20140805MT023 9/10/2014

	<u>Licensee/Profession</u>	<u>Board</u>	<u>Lic.#</u>	<u>Decision</u>	<u>Case#/Date</u>
27.	<u>HUTT, SARAH</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000006604</u>	FINE ASSESSED	20131003MT032 8/7/2014
28.	<u>CARLIN, KIMBERLY</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000005567</u>	FINE ASSESSED	20140722MT014 8/5/2014
29.	<u>RODRIGUES, CELESTINA</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000005330</u>	FINE ASSESSED	20131023MT049 7/17/2014
30.	<u>PAN, XIU</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000000033</u>	FINE ASSESSED	20140226MT105 7/16/2014
31.	<u>GOMES, DANIELI</u> <i>Solo Massage Establishment</i>	<u>MT</u>	<u>000001519</u>	FINE ASSESSED	20140305MT112 6/30/2014
32.	<u>PECHACEK, LAN</u> <i>Massage Therapist</i>	<u>MT</u>	<u>000011065</u>	FINE ASSESSED	20140507MT145 6/19/2014

Maine

Maine disciplinary action can be searched here <http://www.pfr.maine.gov/almsonline/almquery/SearchCase.aspx>

So far in 2015:

06/16/2015	2015-MAS-11123	BROWN, JULIE K.	MT1238	MASSAGE THERAPIST	CONSENT AGREEMENT
06/16/2015	2014-MAS-9778	MICHAELS, RHONDA L.	MT3908	MASSAGE THERAPIST	CONSENT AGREEMENT
06/16/2015	2015-MAS-11201	SAVOIE, JESSICA A.	MT5503	MASSAGE THERAPIST	CONSENT AGREEMENT
06/15/2015	2015-MAS-11126	CROSSON, REBECCA J.	MT2249	MASSAGE THERAPIST	CONSENT AGREEMENT
06/05/2015	2015-MAS-11124	JONES-BAYLEY, MELISSA R.	MT3171	MASSAGE THERAPIST	CONSENT AGREEMENT
05/21/2015	2015-MAS-11018	SHOOK, ANGELA J.	MT5388	MASSAGE THERAPIST	CONSENT AGREEMENT
04/27/2015	2015-MAS-11017	PIERCE, LUCILLE J.	MT4062	MASSAGE THERAPIST	CONSENT AGREEMENT
04/14/2015	2015-MAS-10972	HOOVER, JANE E.	MT2703	MASSAGE THERAPIST	CONSENT AGREEMENT
04/06/2015	2015-MAS-10892	RAU, JENNIFER A.	MT2274	MASSAGE THERAPIST	CONSENT AGREEMENT
03/24/2015	2015-MAS-10961	TOPPI, DENISE M.	MT769	MASSAGE THERAPIST	CONSENT AGREEMENT
03/20/2015	2015-MAS-10825	BURGESS, NADINE	MT2144	MASSAGE THERAPIST	CONSENT AGREEMENT
03/17/2015	2014-MAS-10515	BLUE, HEATHER	MT2897	MASSAGE THERAPIST	CONSENT AGREEMENT
03/17/2015	2015-MAS-10890	FIGGINS, JEFFREY T.	MT713	MASSAGE THERAPIST	CONSENT AGREEMENT
03/17/2015	2015-MAS-10893	SLATER, MICHELE A.	MT140	MASSAGE THERAPIST	CONSENT AGREEMENT

New York

Massage Therapy Disciplinary Actions January 2014 – April 2015 are as follow and can be found here
<http://www.op.nysed.gov/opd/rasearch.htm>

Marc J. Gatchalian; Westbury, NY

Profession: Massage Therapy; Lic. No. 023968; Cal. No. 27800

Regents Action Date: April 14, 2015

Action: Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation, \$500 fine.

Summary: Licensee did not contest the charge of having been convicted of Falsely Reporting an Incident in the 3rd Degree, a class A misdemeanor.

Marc Anthony Margiotta a/k/a Marc A. Margiotta a/k/a Marc Margiotta; Baldwin, NY

Profession: Massage Therapy; Lic. No. 011547; Cal. No. 27750

Regents Action Date: April 14, 2015

Action: Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 3 months and until fit to practice, upon termination of suspension, 24 months probation to commence when and if return to practice.

Summary: Licensee admitted to charges of having been convicted on two occasions of Driving While Intoxicated, as a felony, and on one occasion of Criminal Possession of a Controlled Substance in the 7th Degree, a misdemeanor.

Jason Jay Kolbe; Northport, NY

Profession: Massage Therapy; Lic. No. 010247; Cal. No. 27061

Regents Action Date: March 17, 2015

Action: Application for consent order granted; Penalty agreed upon: 3 year suspension with leave to apply for a stay of execution of any unserved portion thereof after service of a minimum of 3 months upon submission of certain documentation, thereafter 2 years probation to commence upon return to practice, \$500 fine.

Summary: Licensee admitted to the charge that, beginning on April 1, 2006, he willfully failed to register as a massage therapist despite the fact that that he practiced as a massage therapist in the State of New York.

Brent Gregory Carbino; Colton, NY

Profession: Masage Therapy; Lic. No. 018731; Cal. No. 27764

Regents Action Date: February 10, 2015

Action: Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Summary: Licensee admitted to charges of having been convicted of Driving While Intoxicated and Aggravated Driving While Intoxicated.

Daniel F. Lee; Ellicottville, NY

Profession: Massage Therapy; Lic. No. 019601; Cal. No. 27961

Regents Action Date: January 13, 2015

Action: Application for summary suspension granted.

Louise LaPoint; Troy, NY

Profession: Massage Therapy; Lic. No. 008504; Cal. No. 27614

Regents Action Date: December 16, 2014

Action: Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$1,000 fine.

Summary: Licensee admitted to charges of having been convicted of two misdemeanor DWIs and one felony DWI and of having lied on her re-registration.

Barbara Jean Salamaca; Laredo, TX 78045

Profession: Massage Therapist; Lic. No. 017493; Cal. No. 27690

Regents Action Date: December 16, 2014

Action: Application to surrender license granted.

Summary: Licensee admitted to the charge of having being convicted of Driving While Intoxicated.

Milagros Velez; Yonkers, NY

Profession: Massage Therapy; Lic. No. 024875; Cal. No. 27551

Regents Action Date: December 16, 2014

Action: Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Summary: Licensee admitted to the charge of having been convicted of Criminal Possession of Stolen Property in the 5th Degree, a misdemeanor.

Johnathan Charles Horkheimer a/k/a John C. Horkheimer; Gowanda, NY

Profession: Massage Therapy; Lic. No. 014064; Cal. No. 27312

Regents Action Date: October 21, 2014

Action: Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

Summary: Licensee admitted to the charge of having been convicted of Driving While Intoxicated, a felony.

Eric Warmuth; Marcy, NY

Profession: Massage Therapy; Lic. No. 025778; Cal. No. 27349

Regents Action Date: September 16, 2014

Action: Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Summary: Licensee did not contest charges of failing to properly drape the breast area of a patient and failing to maintain an accurate patient record.

Sheng Lie Li; Flushing, NY

Profession: Massage Therapy; Lic. No. 022002; Cal. No. 27225

Regents Action Date: May 19, 2014

Action: Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$2,500 fine.

Summary: Licensee admitted to the charge of having permitted an unlicensed person to perform massage therapy.

James H. Dennis; Norwich, NY

Profession: Massage Therapy; Lic. No. 016243; Cal. No. 26823

Regents Action Date: April 29, 2014

Action: Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$1,000 fine.

Summary: Licensee did not contest the charge of conduct evidencing moral unfitness in the practice.

Fay Fletcher; Brooklyn, NY

Profession: Massage Therapy; Lic. No. 019733; Cal. No. 27132

Regents Action Date: April 29, 2014

Action: Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation.

Summary: Licensee admitted to the charge of having been convicted of Petit Larceny, a class A misdemeanor.

Arleen J. Sokol a/k/a Arleen Russo, Bay Shore, NY

Profession: Massage Therapist; Lic. No. 015072; Cal. No. 27064

Regents Action Date: March 11, 2014 (see also [January 2007](#))

Action: Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for a minimum of 6 months and until fit to practice and until successfully participate in alcohol use program, as necessary, upon termination of suspension, 2 years probation to commence if and when return to practice.

Summary: Licensee admitted to charges of having been convicted of Driving While Intoxicated, Aggravated Driving While Intoxicated, and Operating a Motor Vehicle with .08 of 1% or more alcohol, class E felonies.

William Roberto Alvarado, Cummings, GA

Profession: Massage Therapist; Lic. No. 015661; Cal. No. 26570
Regents Action Date: February 11, 2014
Action: Found guilty of professional misconduct; Penalty: \$500 fine, suspension 2 years, execution of suspension stayed, probation 2 years.
Summary: Licensee was found guilty of twice having been convicted of Driving While Intoxicated.

Carla Elizabeth Collucci, Little Falls, NY
Profession: Massage Therapist; Lic. No. 026111; Cal. No. 26946
Regents Action Date: January 14, 2014
Action: Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 year probation, \$500 fine.
Summary: Licensee did not contest the charge of having been convicted of Driving While Intoxicated.

Florida

The Florida Board of Massage Therapy (FBMT) reports disciplinary actions to the Florida Department of Health for the Division of Medical Quality Assurance Annual Report. According to the FY 13/14 Annual Report, the FBMT disciplinary cases were as follows:

Revocations	35
Voluntary Surrender	147
Suspensions	9
Probations	0
Limitations/Obligations	3
Fines	13
Reprimands	5
Citations	0
Dismissals	37
Cases resolved/final orders	194

Pennsylvania

Pennsylvania Disciplinary Actions (January 2014 – May 2015)

Huntingdon County

Dylan Noel Maughmer, of Petersburg, Huntingdon County, was granted a probationary license for at least one year based upon his various minor criminal charges. (03/19/15)

Lancaster County

Dennis Williams, license no. MSG008710, of Ephrata, Lancaster County, had his license to practice massage therapy temporarily suspended, pending a hearing, on the grounds that his continued practice within the Commonwealth may be an immediate and clear danger to the public health and safety. (05/11/15)

James R. Deiter, license no. MSG002800, of Holtwood, Lancaster County, had his license to practice massage therapy temporarily suspended, pending a hearing, on the grounds that his continued practice within the Commonwealth may be an immediate and clear danger to the public health and safety. (05/11/15)

Bedford County

Alan Duane Leydig, license no. MSG005704, of Buffalo Mills, Bedford County, was revoked and assessed a \$10,000 civil penalty plus \$354.42 for cost of investigation because he engaged in immoral or unprofessional conduct during a professional relationship. (02/20/15)

Bucks County

Aida Desandre-Burke, of Washington Crossing, Bucks County, was granted a probationary license to practice massage therapy for not less than three years, based on her diagnosed impairment. (02/20/15)

Dauphin County

Van Nguyen, a/k/a Vivian Nguyen and Duyen Ninh, of Harrisburg, Dauphin County, were each issued \$250 civil penalty plus costs of investigation, as well as a formal reprimand based on findings that they employed an unlicensed massage therapist. (02/25/15)

Franklin County

Charles L. Gipe, Jr., of Spring Run, Franklin County, was granted a probationary license to practice massage therapy through the completion of his criminal probation based on his criminal conviction. (02/27/15)

Monroe County

Clinton Matthew Fogle, license no. MSG005217 of Kunkletown, Monroe County, was issued a \$500 civil penalty and a formal reprimand, based on findings that he failed to complete required continuing education and falsely submitted an electronic biennial renewal application. (02/25/15)

Montgomery County

Stephanie Lee Yeager, license no. MSG003336 of Norristown, Montgomery County, was assessed a \$500 civil penalty based on her failure to complete required continuing education and falsely submitting a renewal application stating that she did. (02/25/15)

York County

Feng Xian He, of Hanover, York County, was denied licensure based on her presenting false credentials or documents or making a false statement of fact in support of her application and for failing to submit satisfactory proof that she is of good moral character. (02/20/15)

Montgomery County

Bill G. Giordano, unlicensed, of Ambler, Montgomery County, was levied a civil penalty of \$5,000 and assessed costs totalling \$1,698.40, because Giordano practiced massage therapy or held himself out as a massage therapist without being licensed by the board. (02/20/15)

Out of State

Li Xie, PA license no. MSG004820, of Flushing, New York, was revoked based on disciplinary action taken by the proper licensing authority of another state. (12/21/14)

Bucks County

Clemet D. Thomas, Jr., unlicensed, of Langhorne, Bucks County, and Clemet Thomas, Sr., unlicensed, of Egg Harbor, New Jersey, were ordered to cease and desist from hiring or employing any individual to perform any activity which requires a license or authorization to practice the profession issued by the board unless and until the board issues said individual(s) the appropriate authorization and were ordered to pay a civil penalty of \$1,000 and costs of investigation of \$2,018.31 because they employed unlicensed individuals to provide massage therapy/bodywork services even though none of the aforementioned individuals were licensed by the board or were members of any local or national bodywork association and utilized the words "massage" in advertisements

describing the services provided which implied directly or indirectly that massage therapy services were being provided even though the services of the business were not being provided by licensees. (02/10/15)

Delaware County

Chester Herschel Boyers, IV, license no. MSG002609, of Boothwyn, Delaware County, was ordered to cease and desist from hiring or employing any individual to perform or offering to perform any activity requiring a license to practice as a massage therapist who does not have a license or authorization to practice issued by the board unless or until the board issues such individual the appropriate authorization; pay a civil penalty of \$1,000 and costs of investigation of \$37.01; and complete at least four hours of continuing education on the topic of ethics because he knowingly aided, assisted, hired, or advertised an unlicensed individual in the unlawful practice of massage and employed an individual as a massage therapist even though she was not licensed by the board at the time. (02/10/15)

Lawrence County

Wei Na, unlicensed, of New Castle, Lawrence County, was ordered to cease and desist from hiring or employing unlicensed individuals to perform massage therapy/bodywork services and ordered to pay a \$1,000 civil penalty and costs of investigation in the amount of \$494.55 because Na employed unlicensed individuals to provide massage therapy/bodywork services even though the aforementioned individuals were not licensed by the board. (02/10/15)

Montgomery County

Melissa Jennifer Szymanski, license no. MSG003733, of Stowe, Montgomery County, was indefinitely suspended for at least three years immediately stayed in favor of probation for no less than three years, based on failure to comply with a previous board order. (01/02/15)

Out of State

Clemet D. Thomas, Jr., unlicensed, of Langhorne, Bucks County, and Clemet Thomas, Sr., unlicensed, of Egg Harbor, New Jersey, were ordered to cease and desist from hiring or employing any individual to perform any activity which requires a license or authorization to practice the profession issued by the board unless and until the board issues said individual(s) the appropriate authorization and were ordered to pay a civil penalty of \$1,000 and costs of investigation of \$2,018.31 because they employed unlicensed individuals to provide massage therapy/bodywork services even though none of the aforementioned individuals were licensed by the board or were members of any local or national bodywork association and utilized the words "massage" in advertisements describing the services provided which implied directly or indirectly that massage therapy services were being provided even though the services of the business were not being provided by licensees. (02/10/15)

Cumberland County

Jason Abrams, of Lemoyne, Cumberland County, was issued a \$10,000 civil penalty and ordered to cease and desist, in that he practiced massage therapy without being licensed by the board. (12/05/14)

Allegheny County

Weiguang Liu, unlicensed, of Pittsburgh, Allegheny County, was ordered to immediately cease and desist from utilizing in connection with its business name the word "massage" in advertisements describing the services provided, immediately remove from the business name as well as any and all advertisements, signage, etc., the words "massage" or any derivative thereof, and submit proof of the required changes within 60 days of approval of the order and was ordered to pay a civil penalty of \$500 and costs of investigation of \$320.93 because Liu, as the responsible owner/officer of Chinese Back Rub, utilized the word "massage" in advertisements describing the services provided which implied directly or indirectly that massage therapy services were being provided even though the services were not being performed by licensees. (12/01/14)

Centre County

Feng Xian He, unlicensed, of State College, Centre County, was ordered to cease and desist hiring or employing unlicensed individuals to perform or offering to perform activity requiring a license to practice massage therapy services and pay a civil penalty of \$1,000 and costs of investigation of \$441.15 because she, as the responsible officer of Joma Chinese Massage, employed an unlicensed individual to provide massage therapy/bodywork services to customers even though the individual was not licensed by the board. (12/01/14)

Chester County

Lin Jun Jiang, license no. MSG007511, of Downingtown, Chester County, was ordered to pay a civil penalty of \$500 and costs of investigation of \$1,243.37, was placed on probation for one year, ordered to complete 12 hours of continuing education on the topic of professional ethics, and ordered to cease and desist from hiring or employing unlicensed individuals because she, as the responsible officer of Green Tea Spa, knowingly aided, assisted, and hired individuals to perform or offer to perform massage therapy services when those individuals were not licensed by the board and she practiced massage therapy between August 5, 2012 and February 14, 2013 without having at the time of so doing, a valid, unexpired, unrevoked and unsuspended license. (12/01/14)

Dauphin County

Jizhen Fan, license no. MSG000325, of Hershey, Dauphin County, was ordered to cease and desist hiring or employing unlicensed individuals and ordered to pay a civil penalty of \$1,000 and costs of investigation of \$494.55 because she knowingly aided, assisted, or hired individuals to perform or offer to perform massage therapy services at Oriental Massage without being licensed by the board, and she, as the responsible officer of Oriental Massage, employed unlicensed individuals to perform massage therapy services. (12/01/14)

Delaware County

Xueli Zhang, license no. MSG007866, of Wayne, Delaware County, was ordered to cease and desist from hiring or employing unlicensed individuals to perform massage therapy services requiring a license, ordered to pay a civil penalty of \$1,000 and costs of investigation of \$80.58, and complete four hours of remedial education in professional ethics, because he as the responsible officer of the Chinese Tai Chi Bodywork Center, employed unlicensed individuals to provide massage therapy/bodywork services even though none of the aforementioned individuals were licensed by the board or were members of any national or local bodywork organization. (12/01/14)

Montgomery County

Yong Qiang Li, unlicensed, of North Wales, Montgomery County, was ordered to immediately cease and desist from hiring or employing unlicensed individuals to perform massage therapy and was ordered to pay a civil penalty of \$1,000 and costs of investigation of \$527.52 because Li, as the responsible officer of Health Power, employed individuals to provide massage therapy/bodywork services to customers even though none of the individuals were licensed by the board. (12/01/14)

Westmoreland County

Mary Jo Dlugonski, license no. MSG005334, of Ligonier, Westmoreland County, was suspended for at least three years because she violated an order of the board. (08/22/14)

Cumberland County

Phillip Corcoran, license no. MSG009127, of Boiling Springs, Cumberland County, was granted a probationary license to practice for no less than three years, based on findings he has a diagnosed impairment. (06/06/14)

Allegheny County

Meihau Zhang d/b/a Zhang's Relaxation Center (Centre) LLC, unlicensed, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$500 and costs of investigation of \$780.97, immediately cease and desist from utilizing in connection with her business name the word "massage" in advertisements, remove from all advertisements the word "massage", or any terms which imply directly or indirectly that massage therapy services are being provided, and must show proof within 60 days of the order that she has removed such terms from all advertisements, because she utilized the word "massage" in advertisements describing the services provided which implied directly or indirectly that massage therapy services were being provided even though the services of the business were not being provided by licensees. (06/03/14)

Cumberland County

Yunzhen Bai, unlicensed, of Lemoyne, Cumberland County, was ordered to pay a civil penalty of \$500 and must cease and desist from hiring or employing unlicensed individuals to perform massage therapy/bodywork services, because she, as the responsible officer of Mei Jian Bodycare, employed unlicensed individuals to perform massage therapy/bodywork services (06/03/14)

Philadelphia County

Shannon Mary Ward, license no. MSG006118, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$600 and must complete a CPR course through contact hours within 90 days from the date of the order, and must complete 8 hours of acceptable continuing education, of which at least 4 hours must cover professional ethics, because she failed to complete 8 hours of acceptable continuing education with at least 4 hours in professional ethics, and failed to complete a CPR course through contact hours to bring current her CPR certification. (06/03/14)

Philadelphia County

Anne Daly, of Philadelphia, Philadelphia County, was denied a license to practice based on findings that she may be unable to practice with reasonable skill and safety by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of material. (01/30/14)

Rhode Island

Disciplinary Actions

Choe, Mi Cha Probation 2004-07-23 MT01106

Counnas, Lewis, J. Revocation 2003-03-19 MT00676

Park, JungSu Revocation 2004-04-09 MT00975

New Jersey

Board of Massage and Bodywork Therapy Disciplinary Actions found at


































<http://www.njconsumeraffairs.gov/mbt/Pages/actions.aspx>

Mandatory state licensing replaced voluntary state certification in 2012.






















- [Choose How to Display Disciplinary Actions](#)

Last Name Ascending












Name	License Number	Disciplinary Action	Date
Agnew, Crystal L.	18KT00669200	 Consent Order Granting Licensure	04-23-2014

Name	License Number	Disciplinary Action	Date
Ahmed, Nasima B.	18KT00536000	 Consent Order	04-24-2013
Anderson, Al-Shakise	18KT00755600	 Consent Order Granting Licensure	12-04-2014
Aprile, Crystal L.	18KT00583100	 Consent Order	07-26-2013
Aprile, Crystal L.	18KT00583100	 Consent Order	07-26-2013
Aprile, Crystal L.	16KT00583100	 Consent Order	07-26-2013
Aquino, Alvin	18KT00535100	 Consent Order Granting Licensure	05-22-2013
Argento, Yvette P.	18KT00459100	 Consent Order Granting Licensure with Probation	02-27-2013
Argento, Yvette P.	18KT00459100	 Consent Order Granting Licensure with Probation	02-27-2013
Ashburn-Griffin, Theresa M.	18KT00529200	 Consent Order	04-24-2013
Barksdale, Sheena K.	18KT00569500	 Consent Order Granting Licensure	06-26-2013
Bassetti, Brittny L.	18KT00768500	 Consent Order	06-02-2014
Berninger, Jin Yu	unlicensed	 Final Order of Denial Of Licensure	02-26-2014
Berninger, Jin Yu	unlicensed	 Final Order of Denial Of Licensure	03-26-2014
Bian, Xuelan	unlicensed	 Final Order of Denial Of Licensure	02-26-2014
Bian, Xuelan	unlicensed	 Final Order of Denial Of Licensure	03-26-2014
Bond, Ryan M.	18KT00812700	 Consent Order	12-04-2014
Boyarski, Melissa A.	18KT00586800	 Consent Order Granting Licensure	09-25-2013
Breit, Elyse	18KT00744200	 Consent Order Granting Licensure	12-04-2014
Bullard, Shakeeda D.	18KT00600500	 Consent Order Granting Licensure with Probation	08-23-2013
Caldwell, Gwendolyn	unlicensed	 Final Order of Denial of Licensure	10-04-2013
Cange, Alex	18KT00630100	 Consent Order Granting Licensure With Probation	11-15-2013
Chai, Fengyu	18KT00523300	 Consent Order for Voluntary Surrender of License	08-18-2014
Che, Xing J.	18KT00059800	 Order of Summary Suspension	10-04-2013
Che, Xing J.	18KT00059800	 Order of Summary Suspension	10-04-2013
Christine, Falgiano	18KT00713000	 Consent Order	08-04-2014
Collins, Brenda L.	18KT00574700	 Consent Order Granting Licensure	08-23-2013
Colon, Amiga	18KT00740900	 Consent Order Granting Licensure	09-24-2014
Cruz, Felipe	18KT00759000	 Interim Order of Surrender of License to be Deemed a Temporary Suspension	05-14-2014
Csengeto, Kelly J.	18KT00076300	 Consent Order	03-30-2015
Cui, Mingzi	unlicensed	 Final Order of Denial of Certification	11-12-2013
Cui, Shun Yu	unlicensed	 Final Order of Denial of Certification Licensure	02-27-2013
Cui, Ying Y.	unlicensed	 Final Order of Denial of Licensure	10-16-2014
Cui, Zhenzi	unlicensed	 Final Order of Denial of Certification License	01-08-2013
DiAmore, Frank	unlicensed	 Final Order of Denial of Licensure	07-10-2014

Name	License Number	Disciplinary Action	Date
Dilzer, Charlene	18KT00573700	 Consent Order	07-26-2013
Donohue, David M.	18KT00575100	 Consent Order	07-26-2013
Drummond, Ronald	18KT00625800	 Consent Order	11-26-2013
Durmus, Kamuran	18KT00146400	 Order of Surrender of License	01-10-2013
Edwards, Simone S.	18KT00805500	 Consent Order Granting Licensure	02-25-2015
Ellis, Krystina M.	18KT00629900	 Consent Order	03-19-2013
Emmetts, Rita	18KT00466600	 Consent Order Granting Licensure	02-20-2013
Feng, Chao Lin	unlicensed	 Final Order of Denial of Certification Licensure	06-26-2013
Francois, Simone N.	18KT00817400	 Consent Order Granting Licensure	01-12-2015
Freda, Michelle A.	unlicensed	 Final Order of Denial of Licensure	08-23-2013
Funke, Carla S.	unlicensed	 Final Order of Denial Of Licensure	08-23-2013
Gebeloff, Stefanie	18KT00651900	 Consent Order Granting Licensure with Probation	11-26-2013
German, Tyesha	18KT00715700	 Consent Order	07-14-2014
Giordano, Frank	18KT00707900	 Consent Order Granting Licensure	06-02-2014
Graham, Sabrena k.	18KT00642200	 Consent Order	01-13-2014
Guerrier, Raude Max	18Kt00413300	 Order of Surrender of License	06-26-2013
Han, Xue J.	unlicensed	 Final Order of Denial of Certification Licensure	06-26-2013
He, Yinglan	18KT00157100	 Final Order of Discipline	01-23-2013
Healy, Christina	18KT00573500	 Consent Order	08-13-2013
Hennelly, Joseph	18KT00833800	 Consent Order Granting Licensure	08-18-2014
Hill, Willie A.	18KT00527000	 Consent Order Granting Licensure with Probation	04-24-2013
Hoppe, Cilia B.	18KT00811700	 Consent Order Granting Licensure	02-25-2015
Hough, Roma	undefined	 Final Order of Denial of Licensure	08-28-2014
Hua Cui, Mei	unlicensed	 Final Order of Denial of Licensure	10-04-2013
Huang, Lian Hua	18KT00168900	 Final Order of Denial of Reinstatement of License	02-26-2014
Huang, Lian Hua	18KT00168900	 Final Order of Denial of Reinstatement of License	02-26-2014
Hurley, Michael T.	18KT00609200	 Consent Order for Licensure with Probation	10-21-2013
Jenkins, Patricia A.	18Kt00532100	 Consent Order Granting Licensure with Probation	05-16-2013
Jin, Guang Zhu	18KT00532700	 Consent Order Granting Licensure with Probation	04-24-2013
Jin, Guanshu	unlicensed	 Final Order of Denial of Certification Licensure	02-27-2013
Jin, Mei Hua	unlicensed	 Final Order of Denial of Certification Licensure	06-26-2013
Kang, Zhenai	unlicensed	 Final Denial of Licensure	03-16-2015
Khan, Asad K.	18KT00524800	 Consent Order Granting Licensure	02-20-2013
Kim, Tae Y.	unlicensed	 Final Order of Denial of Certification Licensure	11-15-2012
Kinon, Michael	18KT00577100	 Consent Order Granting Licensure	07-26-2013

Name	License Number	Disciplinary Action	Date
Kiseleva, Yekaterina	unlicensed	 Final Order of Denial of Certification Licensure	02-27-2013
Kkang, Jinyu	unlicensed	 Final Order of Denial of Licensure	12-30-2014
Leak, Esse W.	18KT00621900	 Consent Order	11-15-2013
Lee, Jeng Suk	18KT00385300	 Final Order of Discipline	07-26-2013
Lee, Jung N.	unlicensed	 Final Order of Denial of Licensure	10-16-2014
Li, Jian Hua	unlicensed	 Final Order of Denial Of Licensure	03-26-2014
Li, Ming Y.	unlicensed	 Final Order of Denial of Certification	11-15-2012
Li, Yu Xue	unlicensed	 Final Order of Denial of Certification Licensure	09-25-2013
Lin, Feng	18KT00421200	 Consent Order Granting Licensure	11-15-2012
Liu, Qingwei	unlicensed	 Final Order of Denial of Certification Licensure	02-27-2013
Liu, Shu Zhen	undefined	 Final Order of Denial of Licensure	09-25-2014
Maldonado, Jonathan	18KT00590100	 Consent Order	07-26-2013
Marsh, Jamahl J.	18KT00642900	 Consent Order Granting Licensure With Probation	02-07-2014
Marsh, Jamahl J.	18KT00642900	 Consent Order Granting Licensure with Probation	02-07-2014
Martin, Roxanne	18KT00675600	 Consent Order Granting Licensure	04-23-2014
Martinez, Maria E.	18KT00640700	 Consent Order	10-21-2013
McGill, Larry	26BT00089000	 Final Order of Discipline	03-04-2011
McGill, Larry	26BT00089000	 Final Order of Discipline	07-13-2010
McLaughln, Shannon	18Kt00569400	 Consent Order Granting Licensure with Probation	08-23-2013
Melenciano, Carmen	18KT00488400	 Consent Order Granting Licensure	02-20-2013
Middlesworth, Kathryn	18KT00705900	 Consent Order	06-02-2014
Millet, Valerie	18KT00751600	 Consent Order	12-04-2014
Molnar, Ashley	18KT00523900	 Consent Order Granting Licensure	05-22-2013
Mullaney, Kenneth	18KT00673600	 Consent Order	07-26-2013
Nazario, Evelisse	18KT00438600	 Consent Order	01-08-2013
Nieuzytek, Naomi	18KT00264700	 Interim Order of Surrender of License	08-28-2014
Ordon, Maria	18KT00722200	 Consent Order Granting Licensure	06-02-2014
Pak, Hui K.	18KT00573900	 Consent Order Granting Licensure	03-19-2013
Pan, Feng	unlicensed	 Final Order of Denial of Certification Licensure	06-26-2013
Park, Hae Sook	unlicensed	 Final Order of Denial of Certification/Licensure	01-08-2013
Park, Hae Sook	unlicensed	 Final Order of Denial of Certification License	01-08-2013
Park, Kyung Ae	unlicensed	 Final Order of Denial of Certification Licensure	02-27-2013
Pernas, David	18KT00421100	 Consent Order Granting Licensure	11-15-2012
Pezzuto, Michael	18KT00682800	 Consent Order	11-15-2013
Piao, Enji	unlicensed	 Final Order of Denial Of Licensure	03-26-2014
Piao, Shunji	unlicensed	 Final Order of Denial of Certification Licensure	04-11-2013

Name	License Number	Disciplinary Action	Date
Qi, Suling	18KT00680300	 Consent Order	10-28-2013
Ranalli, Anthony	18KT00563000	 Consent Order	04-24-2013
Ransom, Paul D	18KT00730600	 Consent Order Granting Licensure	10-30-2014
Rasmussen, Elif B.	18KT00589800	 Consent Order Granting Licensure with Probation	08-13-2013
Rease, Shirley D.	18KT00647500	 Consent Order	11-15-2013
Reid, Lorna	18KT00511800	 Consent Order Granting Licensure	03-19-2013
Reznik, Irina	unlicensed	 Final Order of Denial of Licensure	12-23-2014
Rodriguez, Eric	unlicensed	 Final Order of Denial of Licensure	12-17-2013
Roth, Joseph	18KT00444200	 Consent Order for Voluntary Surrender of License	08-18-2014
Ruan, Zizhao	18KT00669800	 Consent Order Granting Licensure	04-23-2014
Santoro, Lucretia	18KT00668200	 Consent Order Granting Licensure	04-23-2014
Schoenemann, Heidi	18KT00651300	 Consent Order	02-26-2014
Schuck, Karalyn A.	18KT00754500	 Consent Order Granting Licensure	01-12-2015
Sebia, Ahmad	18KT00843100	 Consent Order	03-30-2015
Shavulskiy, Ilya	18KT00321300	 Final Order of Discipline	11-12-2013
Shen, Ming Z.	18KT00759100	 Consent Order Granting Licensure	06-02-2014
Shi, Yan	unlicensed	 Final Order of Denial of Certification Licensure	02-27-2013
Skowronski, Kristi L.	18KT00516800	 Consent Order	04-24-2013
Soriano, Betty	18KT00632600	 Consent Order	12-30-2013
Stockley, Maurice J.E.	18KT00570400	 Consent Order Granting Licensure with Probation	06-26-2013
Stover, Raymond	18KT00544400	 Consent Order	01-23-2013
Strack, Renee V.	18KT00391900	 Final Order of Discipline	12-17-2013
Sun, Jing J.	unlicensed	 Final Order of Denial of Certification Licensure	06-26-2013
Sun, Yinglan	18KT00339700	 Final Order of Discipline	02-25-2015
Tolbert, Shanequa	18KT00625900	 Consent Order	10-21-2013
Toleito, Peace	18KT00595500	 Consent Order	09-25-2013
Vainer, Jacob	18KT00781600	 Consent Order	04-23-2015
Valentin, Raymond J.	18KT00511000	 Consent Order Granting Licensure with Probation	04-24-2013
Walsh, Michele	18KT00674200	 Consent Order Granting Licensure	04-23-2014
Wang, Lanying	unlicensed	 Final Order of Denial of Licensure	07-23-2014
Wang, Lili	26BT00056700	 Order Granting Reinstatement of Certification	10-18-2012
Wang, Lin	unlicensed	 Final Order of Denial of Licensure	07-10-2014
Wheeler-Weaver, Yhundra G	18KT00438700	 Consent Order	01-08-2013
Xiaohui, Lu	unlicensed	 Final Order of Denial of Certification Licensure	10-04-2013
Yan, Guiqin	unlicensed	 Final Order of Denial Of Licensure	03-26-2014

Name	License Number	Disciplinary Action	Date
Yan, Guiqin	unlicensed	 Final Order of Denial Of Licensure	03-26-2014
Yang, Huirong	unlicensed	 Final Order of Denial of Certification	11-15-2012
Yang, Huirong	unlicensed	 Final Order of Denial of Certification	11-15-2012
Yi, Oprah	unlicensed	 Final Order of Denial of Certification License	01-08-2013
Yu, Longshi	unlicensed	 Final Order of Denial Of Licensure	02-26-2014
Yuen, Man Wai	18KT00043000	 Final Order of Discipline	02-27-2013
Yupangui, Carlos	18KT00655700	 Consent Order	03-26-2014
Zhang, Wen	unlicensed	 Final Order of Denial of Licensure	12-23-2014
Zhang, Xuehong	unlicensed	 Final Order of Denial of Licensure	10-16-2014
Zhang, Yunwei	unlicensed	 Final Order of Denial of Licensure	10-04-2013
Zhao, Yueshan	18KT00585000	 Consent Order Granting Licensure	02-27-2013

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SEE APPENDIX VI for Supporting Documents

We will provide additional state disciplinary action information at OPR's request.

APPENDIX I

Code of Ethics ~ AMTA

This Code of Ethics is a summary statement of the standards of conduct that define ethical behavior for the massage therapist. Adherence to the Code is a prerequisite for admission to and continued membership in the American Massage Therapy Association (AMTA).

Principles of Ethics. The Principles of Ethics form the first part of the Code of Ethics. They are aspirational and inspirational model standards of exemplary professional conduct for all members of the association. These Principles should not be regarded as limitations or restrictions, but as goals for which members should constantly strive.

Massage therapists/practitioners shall:

1. Demonstrate commitment to provide the highest quality massage therapy/bodywork to those who seek their professional service.
2. Acknowledge the inherent worth and individuality of each person by not discriminating or behaving in any prejudicial manner with clients and/or colleagues.
3. Demonstrate professional excellence through regular self-assessment of strengths, limitations, and effectiveness by continued education and training.
4. Acknowledge the confidential nature of the professional relationship with clients and respect each client's right to privacy within the constraints of the law.
5. Project a professional image and uphold the highest standards of professionalism.
6. Accept responsibility to do no harm to the physical, mental and emotional well-being of self, clients, and associates.

Rules of Ethics. The Rules of Ethics are mandatory and direct specific standards of minimally-acceptable professional conduct for all members of the association. The Rules of Ethics are enforceable for all association members, and any members who violate this Code shall be subject to disciplinary action.

Massage therapists/practitioners shall:

1. Conduct all business and professional activities within their scope of practice and all applicable legal and regulatory requirements.
2. Refrain from engaging in any sexual conduct or sexual activities involving their clients in the course of a massage therapy session.
3. Be truthful in advertising and marketing, and refrain from misrepresenting his or her services, charges for services, credentials, training, experience, ability or results.
4. Refrain from using AMTA membership, including the AMTA name, logo or other intellectual property, or the member's position, in any way that is unauthorized, improper or misleading.
5. Refrain from engaging in any activity which would violate confidentiality commitments and/or proprietary rights of AMTA or any other person or organization.

Effective Date May 1, 2010

<https://www.amtamassage.org/About-AMTA/Core-Documents/Code-of-Ethics.html>

Standards of Practice

Purpose Statement: These American Massage Therapy Association (AMTA) Standards of Practice were developed to assist the professional massage therapist to:

- provide safe, consistent care
- determine the quality of care provided
- provide a common base to develop a practice
- support/preserve the basic rights of the client and professional massage therapist
- assist the public to understand what to expect from a professional massage therapist

This document allows the professional massage therapist to evaluate and adapt performance in his/her massage/bodywork practice. The professional massage therapist can evaluate the quality of his/her practice by utilizing the Standards of Practice in conjunction with the Code of Ethics, the Bylaws and Policies of AMTA, and precedents set by the AMTA Grievance, Standards and Bylaws Committees.

1. Conduct of the Professional Massage Therapist or Practitioner, hereinafter referred to as "Practitioner"

- 1.1 AMTA members must meet and maintain appropriate membership requirements.
- 1.2 Individual AMTA members who engage in the practice of professional massage/bodywork, shall adhere to standards of professional conduct, including the AMTA Code of Ethics.
- 1.3 The Practitioner follows consistent standards in all settings.
- 1.4 The Practitioner seeks professional supervision/consultation consistent with promoting and maintaining appropriate application of skills and knowledge.

2. Sanitation, Hygiene and Safety

- 2.1 Practitioner provides an environment consistent with accepted standards of sanitation, hygiene, safety and universal precautions.
- 2.2 Pathophysiology (Contraindications)
 - 2.2.1 The Practitioner maintains current knowledge and skills of pathophysiology and the appropriate application of massage/bodywork.
 - 2.2.2 The Practitioner monitors feedback from the client throughout a session.
 - 2.2.3 The Practitioner makes appropriate referrals to other reputable healthcare providers.

3. Professional Relationships with Clients

- 3.1 The Practitioner relates to the client in a manner consistent with accepted standards and ethics.
- 3.2 The Practitioner maintains appropriate professional standards of confidentiality.
- 3.3 The Practitioner relates to the client in a manner which respects the integrity of the client and practitioner.
- 3.4 The Practitioner ensures that representations of his/her professional services, policies, and procedures are accurately communicated to the client prior to the initial application of massage/bodywork.
- 3.5 The Practitioner elicits participation and feedback from the client.

4. Professional Relationships with Other Professionals

- 4.1 The Practitioner relates to other reputable professionals with appropriate respect and within the parameters of accepted ethical standards.
- 4.2 The Practitioner's referrals to other professionals are only made in the interest of the client.
- 4.3 The Practitioner's communication with other professionals regarding clients is in compliance with accepted standards and ethics.
- 4.4 A Practitioner possessing knowledge that another practitioner:
 - (1) committed a criminal act that reflects adversely on the Practitioner's competence in massage therapy, trustworthiness or fitness to practice massage therapy in other respects;

- (2) engaged in an act or practice that significantly undermines the massage therapy profession; or
- (3) engaged in conduct that creates a risk of serious harm for the physical or emotional well being of a recipient of massage therapy; shall report such knowledge to the appropriate AMTA committee if such information is not protected or restricted by a confidentiality law.

5. Records

5.1 Client Records

5.1.1 The Practitioner establishes and maintains appropriate client records.

5.2 Financial Records

5.2.1 The Practitioner establishes and maintains client financial accounts that follow accepted accounting practices.

6. Marketing

6.1 Marketing consists of, but is not limited to, advertising, public relations, promotion and publicity.

6.2 The Practitioner markets his/her practice in an accurate, truthful and ethical manner.

7. Legal Practice

7.1 American Massage Therapy Association members practice or collaborate with all others practicing professional massage/bodywork in a manner that is in compliance with national, state or local municipal law(s) pertaining to the practice of professional massage/bodywork.

8. Research

8.1 The Practitioner engaged in study and/or research is guided by the conventions and ethics of scholarly inquiry.

8.2 The Practitioner doing research avoids financial or political relationships that may limit objectivity or create conflict of interest

<https://www.amtamassage.org/About-AMTA/standards.html>

ABMP Code of Ethics

As a member of Associated Bodywork & Massage Professionals (ABMP), I pledge my commitment to the highest principles of the massage and bodywork profession as outlined here:

1. **Commitment to High-Quality Care** *I will serve the best interests of my clients at all times and provide the highest quality of bodywork and service possible. I recognize that the obligation for building and maintaining an effective, healthy, and safe therapeutic relationship with my clients is my responsibility.*
2. **Commitment to Do No Harm** *I will conduct a thorough health history intake process for each client and evaluate the health history to rule out contraindications or determine appropriate session adaptations. If I see signs of, or suspect, an undiagnosed condition that massage may be inappropriate for, I will refer that client to a physician or other qualified health-care professional and delay the massage session until approval from the physician has been granted. I understand the importance of ethical touch and therapeutic intent and will conduct sessions with the sole objective of benefitting the client.*
3. **Commitment to Honest Representation of Qualifications** *I will not work outside the commonly accepted scope of practice for massage therapists and bodywork professionals. I will adhere to my state's scope of practice guidelines (when applicable). I will only provide treatments and techniques for which I am fully trained and hold credible credentials. I will carefully evaluate the needs of each client and refer the client to another provider if the client requires work beyond my capabilities, or beyond the capacity of massage and bodywork. I will not use the trademarks and symbols associated with a particular system or group without authentic affiliation. I will acknowledge the limitations of massage and bodywork by refraining from exaggerating the benefits of massage therapy and related services throughout my marketing.*

4. Commitment to Uphold the Inherent Worth of All Individuals *I will demonstrate compassion, respect, and tolerance for others. I will seek to decrease discrimination, misunderstandings, and prejudice. I understand there are situations when it is appropriate to decline service to a client because it is in the best interests of a client's health, or for my personal safety, but I will not refuse service to any client based on disability, ethnicity, gender, marital status, physical build, or sexual orientation; religious, national, or political affiliation; social or economic status.*
5. Commitment to Respect Client Dignity and Basic Rights *I will demonstrate my respect for the dignity and rights of all individuals by providing a clean, comfortable, and safe environment for sessions, using appropriate and skilled draping procedures, giving clients recourse in the event of dissatisfaction with treatment, and upholding the integrity of the therapeutic relationship.*
6. Commitment to Informed Consent *I will recognize a client's right to determine what happens to his or her body. I understand that a client may suffer emotional and physical harm if a therapist fails to listen to the client and imposes his or her own beliefs on a situation. I will fully inform my clients of choices relating to their care, and disclose policies and limitations that may affect their care. I will not provide massage without obtaining a client's informed consent (or that of the guardian or advocate for the client) to the session plan.*
7. Commitment to Confidentiality *I will keep client communication and information confidential and will not share client information without the client's written consent, within the limits of the law. I will ensure every effort is made to respect a client's right to privacy and provide an environment where personal health-related details cannot be overheard or seen by others.*
8. Commitment to Personal and Professional Boundaries *I will refrain from and prevent behaviors that may be considered sexual in my massage practice and uphold the highest professional standards in order to desexualize massage. I will not date a client, engage in sexual intercourse with a client, or allow any level of sexual impropriety (behavior or language) from clients or myself. I understand that sexual impropriety may lead to sexual harassment charges, the loss of my massage credentials, lawsuits for personal damages, criminal charges, fines, attorney's fees, court costs, and jail time.*
9. Commitment to Honesty in Business *I will know and follow good business practices with regard to record keeping, regulation compliance, and tax law. I will set fair fees and practice honesty throughout my marketing materials. I will not accept gifts, compensation, or other benefits intended to influence a decision related to a client. If I use the Associated Bodywork & Massage Professionals logo, I promise to do so appropriately to establish my credibility and market my practice.*
10. Commitment to Professionalism *I will maintain clear and honest communication with clients and colleagues. I will not use recreational drugs or alcohol before or during massage sessions. I will project a professional image with respect to my behavior and personal appearance in keeping with the highest standards of the massage profession. I will not actively seek to take someone else's clients, disrespect a client or colleague, or willingly malign another therapist or other allied professional. I will actively strive to positively promote the massage and bodywork profession by committing to self-development and continually building my professional skills.*

Standards of Professional Conduct

The following standards for the practice of massage therapy are intended to protect the public health, safety and welfare, to preserve the integrity of the profession, and to allow for the proper discharge of responsibilities to those served. Licensees shall have a commitment to provide the highest quality of care to those who seek their professional services, and shall:

1. (a) Represent their qualifications, credentials and professional affiliations accurately, work within their scope of practice, and provide only those methods which they are qualified to perform;
2. (b) Inquire as to the health history and current health status of each client before treatment to determine the indications and contraindications for the application of massage therapy;

3. (c) Inform clients, other health care practitioners and the public of the scope and limitations of the practice of massage therapy, and refer clients to appropriate health care practitioners whenever indicated;
4. (d) Follow recommendations for the plan of care when receiving a client referral from a physician or other primary medical care provider licensed by the state;
5. (e) Obtain and document the informed consent of the client before obtaining treatment;
6. (f) Maintain the confidentiality of all client information, unless disclosure is consented to by the client, required by law, or required by court order;
7. (g) Provide draping and treatment in a way that ensures the safety, comfort and privacy of the client;
8. (h) Respect the client's right to refuse, modify or terminate treatment regardless of prior consent given;
9. (i) Refrain from initiating or engaging in any sexual activity involving a client or engaging in another relationship with a client that could impair professional judgment or result in exploitation of the client; and

APPENDIX II



Massage State Regulation Guide

Use this card to check out each state's regulatory requirements for massage therapy. To get the most up-to-date information, log in at www.abmp.com and click on the legislative state map member section, or call 800-458-2267. Last update May 2015.

State	Liability Insurance	Designation	Educational hours	Renewal CEU* hrs/year	Exam(s) Required	Additional Requirements	Telephone
Alabama	Prior to license	License (LMT)	650	16/2	MBLEx OR NCBTMB and State exam	Accredited school only	866-873-4664
Alaska		Licensing law passed, not yet implemented	500			Local requirements apply	
Arizona		License (LMT)	700	24/2	MBLEx OR NCBTMB <small>(links post from AZ USM accredited school)</small>	Background check	602-542-8604
Arkansas		License (LMT)	500	18/2	MBLEx OR NCBTMB	TB test, background check	501-683-1448
California		Voluntary Certification (CMT)	500	none/2	MBLEx OR NCBTMB	Background check	916-669-5336
Colorado	Prior to registration	License (LMT)	500	none/2	MBLEx OR NCBTMB	Background check	303-894-7800
Connecticut		License (LMT)	500	24/4	MBLEx OR NCBTMB	Accredited school only	860-509-7603
Delaware		A. License (Therapist-LMT) OR B. Certification (Technician-CMT)	A. 500 B. 300	24/2 OR 12/2	A. MBLEx OR NCBTMB B. not required	Background check, CPR, temporary license available	302-744-4500
District of Columbia		License (LMT)	500	12/2	MBLEx OR NCBTMB	Background check	877-672-2174
Florida		License (LMT)	500	24/2	MBLEx OR NCBTMB	Background check, medical error prevention course, HIV/AIDS course, FL laws	850-245-4161
Georgia		License (LMT)	500	24/2	MBLEx OR NCBTMB	Background check	478-207-2440
Hawaii		License (LMT)	570	none/2	Hawaii state	CPR	808-587-3222
Idaho		License (LMT)	500	6/1	MBLEx OR NCBTMB		208-334-3233
Illinois		License (LMT)	600	24/2	MBLEx OR NCBTMB	Background check	217-785-0800
Indiana	Prior to certification	Certification (CMT)	500	none/4	MBLEx OR NCBTMB	Background check	317-234-2051
Iowa		License (LMT)	600	24/2	MBLEx OR NCBTMB	CPR	515-281-0254
Kansas		No state regulation				Local requirements apply	
Kentucky		License (LMT)	600	24/2	MBLEx OR NCBTMB		502-564-3296
Louisiana		License (LMT)	500	12/1	MBLEx OR NCBTMB	Provisional license available, Background check	225-771-4090
Maine		License (LMT)	500	none/1	MBLEx OR NCBTMB alternative to education	CPR, background check	207-624-8603
Maryland		A. License (LMT) or B. Registration (RMT)	A. 600 and 60 college credit OR B. 600	24/2	MBLEx OR NCBTMB OR NCCAOM	Accredited school only, CPR, jurisprudence exam, background check	410-664-2965
Massachusetts	Prior to license	License (LMT)	650	none/1	not required		617-727-1747
Michigan		License (LMT)	500	TBD/3	MBLEx OR NCBTMB	Background check	517-335-0918
Minnesota		No state regulation				Local requirements apply	

MBLEx licensing exam offered by the Federation of State Massage Therapy Boards. * CEU - Continuing education hours required for renewal of license. NCBTMB no longer offers the NCETMB or NCETM; states still accept passage if taken prior to February 1, 2015.

State	Liability Insurance	Designation	Educational hours	Renewal CEU* hrs/year	Exam(s) Required	Additional Requirements	Telephone
Mississippi		License (LMT)	700	24/2	MBLEx OR NCBTMB	Background check, CPR, state exam	601-732-0338
Missouri	Prior to license	License (LMT)	500	12/2	MBLEx OR NCBTMB OR NCCAOM	Background check, state exam, provisional license	573-522-6277
Montana		License (LMT)	500	12/2	MBLEx OR NCBTMB		406-841-2369
Nebraska		License (LMT)	1000	24/2	MBLEx OR NCBTMB	Background check	402-471-2115
Nevada		License (LMT)	500	12/1	MBLEx OR NCBTMB	Background check, temporary license	775-888-1888
New Hampshire		License (LMT)	750	12/2	MBLEx OR NCBTMB	CPR, first aid, license for techniques	603-271-0277
New Jersey		License (LMT)	500	20/2	MBLEx OR NCETMB accepted as alternative to education	Background check, CPR/first aid/AED	973-504-6520
New Mexico		License (LMT)	650	16/2	MBLEx OR NCBTMB	Jurisprudence exam, first aid, CPR	505-476-4870
New York		License (LMT)	1000	36/3	NY state	CPR, CE req. begin 1/1/2012	518-474-3817
North Carolina		License (LMT)	500	24/2	MBLEx	Background check	919-546-0050
North Dakota		License (LMT)	750	24/2	MBLEx OR NCBTMB	physical exam, no contagious disease, CPR	701-872-4895
Ohio		License (LMT)	750	none/2	MBLEx	Background check	614-466-3934
Oklahoma		No state regulation				Local requirements apply	
Oregon		License (LMT)	500	25/2	MBLEx OR NCBTMB	Practical exam, jurisprudence exam, CPR, background check	503-365-8657
Pennsylvania		License (LMT)	600	24/2	MBLEx OR NCBTMB	background check, CPR	717-783-7155
Puerto Rico	Prior to license	License (LMT)	1000	TBD/3	MBLEx	CPR, health certificate, background check	787-725-8538
Rhode Island		License (LMT)	500	none/1	MBLEx OR NCBTMB	Background check, CPR	401-222-2827
South Carolina		License (LMT)	500	12/2	MBLEx OR NCBTMB		803-896-4490
South Dakota	Prior to license	License (LMT)	500	8/1	MBLEx OR NCBTMB		605-271-7103
Tennessee		License (LMT)	500	25/2	MBLEx OR NCBTMB	Background check, jurisprudence exam	615-532-3202
Texas		License (LMT)	500	12/2	MBLEx OR NCBTMB	Background check, jurisprudence exam	512-834-6616
Utah		License (LMT)	600	none/2	MBLEx OR NCBTMB	Background check, jurisprudence exam, temp. license avail.	801-530-6628
Vermont		No state regulation				Local requirements apply	
Virginia		Certification (CMT)	500	24/2	MBLEx OR NCBTMB	Provisional certification available	804-662-9909
Washington		License (LMT)	500	24/2	MBLEx OR NCBTMB	HIV/AIDS training, jurisprudence exam, CPR/first aid, background check	360-236-4700
West Virginia		License (LMT)	500	24/2	MBLEx OR NCBTMB		304-558-1060
Wisconsin	Prior to license	License (LMT)	600	24/2	MBLEx OR NCBTMB OR NCCAOM	AED/CPR/first aid, jurisprudence exam	608-266-2112
Wyoming		No state regulation		24/2		Contact your city clerk to find local requirements.	

MBLEx licensing exam offered by the Federation of State Massage Therapy Boards. * CEU - Continuing education hours required for renewal of license. NCBTMB no longer offers the NCETMB or NCETM; states still accept passage if taken prior to February 1, 2015.

APPENDIX III

“Massage” and “Massage Therapist” Definitions as used in state regulations

STATE	Massage Definition	Massage Therapist Definition
AL	<p>THERAPEUTIC MASSAGE AND RELATED TOUCH THERAPY MODALITIES. The mobilization of the soft tissue which may include skin, fascia, tendons, ligaments, and muscles, for the purpose of establishing and maintaining good physical condition. The term shall include effleurage, petrissage, tapotement, compression, vibration, stretching, heliotherapy, superficial hot and cold applications, topical applications, or other therapy, which involves movement either by hand, forearm, elbow, or foot, for the purpose of therapeutic massage. Massage therapy may include the external application and use of herbal or chemical preparations and lubricants such as salts, powders, liquids, nonprescription creams, mechanical devices such as T-bars, thumpers, body support systems, heat lamps, hot and cold packs, salt glow, steam cabinet baths or hydrotherapy. The term includes any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage techniques, structural integration, or polarity therapy. The term shall not include laser therapy, microwave, injection therapy, manipulation of the joints, or any diagnosis or treatment of an illness that normally involves the practice of medicine, chiropractic, physical therapy, podiatry, nursing, occupational therapy, veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or naturopathics.</p>	<p>MASSAGE THERAPIST. A person licensed pursuant to this chapter who practices or administers massage therapy or touch therapy modalities to a patron for compensation.</p>
AR	<p>“Massage therapy” means to engage in the practice of any of the following procedures:</p> <ul style="list-style-type: none"> (A) All massage therapy techniques and procedures, either hands-on or with mechanical devices; (B) Therapeutic application of all oils, lotions, and powders; (C) Therapeutic application of hot or cold packs; (D) Hydrotherapy techniques; (E) Heliotherapy; (F) Electrotherapy; and (G) Any hands-on bodywork techniques and procedures rising to the level of the techniques and procedures intended to be regulated under this chapter and not covered under specific licensing laws of other 	<p>“Massage therapist” means a person who has earned a diploma from a board-accepted school of massage therapy, who has passed an examination required by the board, and who has become licensed and registered to practice massage therapy as defined in subdivision (4) of this section.</p> <p>“Master massage therapist” means a person who: (i) is a licensed and registered massage therapist who has completed no fewer than two hundred fifty (250) hours of practical experience as a massage therapist, which may be gained in part or in whole as an assistant to an instructor in a massage school; (ii) In addition to that experience, has completed no fewer than one hundred twenty-five (125) continuing education hours as approved by the board; and (iii) Is determined by the board to be qualified to be licensed and registered to practice massage therapy as defined in subdivision (4) of this</p>

	boards;	section. (B) Master massage therapists may: (i) Instruct board-approved continuing education programs; (ii) Instruct any of the procedures in subdivision (4) of this section; and (iii) Instruct, as directed by a massage therapy instructor, basic curricula in a board-registered massage therapy school as required by § 17-86-306(e).
AZ	"Massage therapy" means the following that are undertaken to increase wellness, relaxation, stress reduction, pain relief and postural improvement or provide general or specific therapeutic benefits: (a) The manual application of compression, stretch, vibration or mobilization of the organs and tissues beneath the dermis, including the components of the musculoskeletal system, peripheral vessels of the circulatory system and fascia, when applied primarily to parts of the body other than the hands, feet and head. (b) The manual application of compression, stretch, vibration or mobilization using the forearms, elbows, knees or feet or handheld mechanical or electrical devices. (c) Any combination of range of motion, directed, assisted or passive movements of the joints. (d) Hydrotherapy, including the therapeutic applications of water, heat, cold, wraps, essential oils, skin brushing, salt glows and similar applications of products to the skin.	"Massage therapist" means a person who is licensed under this chapter to engage in the practice of massage therapy.
CT	"Massage therapy" means the systematic and scientific manipulation and treatment of the soft tissues of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat, or cabinet baths, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical and mental condition. Massage therapy does not encompass diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, nor any service or procedure for which a license to practice medicine, chiropractic, naturopathy, physical therapy, or podiatry is required by law.	"Massage therapist" means a person who has been licensed to practice massage therapy under the provisions of sections 20-206a to 20-206f, inclusive.
CO	"MASSAGE" OR "MASSAGE THERAPY" MEANS 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. SUCH SYSTEM INCLUDES, BUT IS NOT LIMITED TO, TECHNIQUES SUCH AS EFFLEURAGE, COMMONLY CALLED STROKING OR GLIDING; PETRISSAGE, COMMONLY CALLED KNEADING; TAPOTEMENT OR PERCUSSION; FRICTION; VIBRATION; COMPRESSION; PASSIVE AND ACTIVE STRETCHING WITHIN THE NORMAL ANATOMICAL RANGE OF MOVEMENT; HYDROMASSAGE; AND THERMAL MASSAGE. SUCH TECHNIQUES MAY BE	"MASSAGE THERAPIST" MEANS AN INDIVIDUAL REGISTERED BY THIS STATE TO ENGAGE IN THE PRACTICE OF MASSAGE THERAPY. THE TERMS "MASSEUSE" AND "MASSEUR" ARE SYNONYMOUS WITH THE TERM "MASSAGE THERAPIST".

	<p>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. "MASSAGE" OR "MASSAGE THERAPY" DOES NOT INCLUDE THERAPEUTIC EXERCISE, INTENTIONAL JOINT MOBILIZATION OR MANIPULATION, OR ANY OF THE METHODS DESCRIBED IN SECTION 12-35.5-110 (1) (e).</p>	
DC	<p>Massage techniques - any touching or pressure with the intent of providing healing or therapeutic benefits through soft tissue manipulation. Massage techniques include, but are not limited to, Rolwing, Neuromuscular Therapy, Shiatsu or acupressure, Trigger Point massage, Trager, Tui na, Reflexology, Thai Massage, deep tissue massage, Myofascial Release, Lymphatic Drainage, Craniosacral, Polarity, Reiki, Swedish Massage, and Therapeutic Touch. Massage techniques may be performed in any postural position including seated massage and techniques performed on clothed clients.</p> <p>Therapeutic - having a positive affect on the health and well-being of the client.</p>	<p>Massage therapist - a person licensed to practice massage therapy under the Act.</p>
DE	<p>"Practice of massage and bodywork" shall mean a system of structured touch applied to the superficial or deep tissue, muscle, or connective tissue, by applying pressure with manual means. Such application may include, but is not limited to, friction, gliding, rocking, tapping, kneading, or nonspecific stretching, whether or not aided by massage oils or the application of hot and cold treatments. The practice of massage and bodywork is designed to promote general relaxation, enhance circulation, improve joint mobilization and/or relieve stress and muscle tension, and to promote a general sense of well-being.</p> <p>The practice of massage and bodywork excludes actions by any person, who is certified or licensed in this State by any other law, and who is engaged in the profession or occupation for which that person is certified or licensed, and 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 and practitioners of techniques, who are acting within the scope of activity for which they are trained, or students of massage who are practicing within the scope of their course of study.</p>	<p>"Massage and bodywork therapist" shall mean a person who represents himself or herself to the public by any title or description of services incorporating the words "bodywork," "massage," "massage therapist," "massage therapy," "massage practitioner," "massagist," "masseur," "masseuse," or who engages in the practice of massage and bodywork for a fee, monetary or otherwise.</p>
FL	<p>"Massage" means the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body</p>	<p>"Massage therapist" means a person licensed as required by this act, who administers massage for compensation.</p>

	of a chemical or herbal preparation.	
GA	"Massage therapy" means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term includes complementary methods, including without limitation the external application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands; the term also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Massage therapy shall not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities.	"Massage therapist" means a person who administers massage or massage therapy for compensation.
HI	"Massage", "massage therapy", and "Hawaiian massage" commonly known as lomilomi, means any method of treatment of the superficial soft parts of the body, consisting of rubbing, stroking, tapotement, pressing, shaking, or kneading with the hands, feet, elbow, or arms, and whether or not aided by any mechanical or electrical apparatus, appliances, or supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Any mechanical or electrical apparatus used as described in this chapter shall be approved by the United States Food and Drug Administration.	"Massage therapist" means any person who engages in the occupation or practice of massage for compensation. "Massage therapist apprentice" means any person who engages in the occupation or practice of massage under the direct supervision of a sponsoring massage therapist who is employed by or registered with an approved massage establishment.
IA	" <i>Massage therapy</i> " means performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, providing muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation.	" <i>Licensee</i> " means any person licensed to practice as a massage therapist in the state of Iowa.
IL	"Massage" or "massage therapy" means a system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage, as licensed under this Act, is to enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include the diagnosis of a specific pathology. "Massage" does not include those acts of physical therapy or therapeutic or corrective	"Massage therapist" means a person who is licensed by the Department and administers massage for compensation.

	measures that are outside the scope of massage therapy practice as defined in this Section.	
IN	<p>Sec. 4. "Massage therapy":</p> <p>(1) means the application of massage techniques on the human body;</p> <p>(2) includes:</p> <p>(A) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and</p> <p>(B) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs; and</p> <p>(3) does not include:</p> <p>(A) spinal manipulation; and</p> <p>(B) diagnosis or prescribing drugs for which a license is required.</p>	Sec. 5. "Massage therapist" means an individual who practices massage therapy.
KY	(6) "Practice of massage therapy" means the application, by a massage therapist licensed by the board, of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client. The practice includes the external application of water, heat, cold, lubricants, salt scrubs, or other topical preparations; use of electromechanical devices that mimic or enhance the actions of the hands; and determination of whether massage therapy is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate;	(4) "Massage therapist" means a person who is licensed by the board to administer massage or massage therapy to the public for compensation;
LA	(5) " Massage therapy " means the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition. The term shall include effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage. Massage therapy may include the use of lubricants such as salts, powders, liquids, creams, (with the exception of prescriptive or medicinal creams), heat lamps, whirlpool, hot and cold pack, salt glow, or steam cabinet baths. It shall not include electrotherapy, laser therapy, microwave, colonic therapy, injection therapy, or manipulation of the joints. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, Shiatsu, body work, or any derivation of those terms. As used in this Chapter, the terms "therapy" and "therapeutic" shall not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is	(4) " Massage therapist " means an individual who practices or administers massage therapy to a patron of either gender for compensation. The term shall include a therapeutic massage practitioner, massage technician, masseur, masseuse, or any derivation of those titles.

	required by law.	
ME	<p>4. Massage therapy. "Massage therapy," means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact as defined in Title 17-A, section 251, subsection 1, paragraph D.</p>	<p>3. Massage therapist or massage practitioner. "Massage therapist" or "massage practitioner" means a person who provides or offers to provide massage therapy for a fee, monetary or otherwise.</p>
MD	<p>1) "Massage therapy" means the use of manual techniques on soft tissues of the human body including effleurage (stroking), petrissage (kneading), tapotement (tapping), stretching, compression, vibration, and friction, with or without the aid of heat limited to hot packs and heating pads, cold water, or nonlegend topical applications, for the purpose of improving circulation, enhancing muscle relaxation, relieving muscular pain, reducing stress, or promoting health and well-being.</p>	<p>(11) "Registered massage practitioner" means an individual who is registered by the Board to practice non-therapeutic massage.</p> <p><i>Certified massage therapist.</i> - "Certified massage therapist" means an individual who is certified by the Board to practice massage therapy.</p>
MA	<p>Massage: The systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client. Massage therapy shall not include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry is required by law. For purposes of these regulations, the use of the term "Massage" shall also mean the term "Massage therapy".</p>	<p>Massage Therapist or Massage Practitioner: A person licensed by the Board who instructs or administers Massage or Massage therapy for compensation. For purposes of these regulations, the use of the term "Massage Therapist" shall also mean the term "Massage Practitioner".</p>
MI	<p>"Practice of massage therapy" means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client. Practice of massage therapy includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. Practice of massage therapy does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of</p>	<p>"Massage therapist" means an individual engaged in the practice of massage therapy.</p>

	ultrasound; or prescription of medicines.	
MS	<p>“Massage” means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment). “Therapy” means action aimed at achieving or increasing health and wellness. “Massage therapy means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold water and topical preparations not classified as prescription drugs, (ii) use hand held tools such as electrical hand massagers used adjunctively to the application of hand massage or devices designed as t-bars or knobblers, and (iii) instruct self care and stress management.</p>	“Massage therapist” means a person who practices massage therapy.
MO	"Massage therapy", a health care profession which involves the treatment of the body's tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows, or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client, but does not include the prescription of medication, spinal or joint manipulation, the diagnosis of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law, or to those occupations defined in chapter 329, RSMo;	"Massage therapist", a health care practitioner who provides or offers to provide massage therapy, as provided in sections 324.240 to 324.275, to any person at no cost or for a fee, monetary or otherwise, implying that the massage therapist is trained, experienced and licensed in massage therapy, and who holds a current, valid license to practice massage therapy;
MT	<p>(i) "Massage therapy" when provided by a massage therapist means the application of a system of structured touch, pressure, positioning, or holding to soft tissues of the body, Swedish massage, effleurage, petrissage, tapotement, percussion, friction, vibration, compression, passive and active stretching or movement within the normal anatomical range of motion, the external application of water, heat, cold, lubricants, salts, skin</p> <p>brushing, or other topical preparations not classified as prescription drugs, providing information for self-care stress management, and the determination of whether massage is contraindicated and whether referral to another health care practitioner is recommended.</p> <p>(ii) The techniques described in subsection (4)(a)(i) must be applied by</p>	"Massage therapist", "licensed massage therapist", "L.M.T.", "masseur", or "masseuse" means a person who is licensed by the board to practice massage therapy. The terms are equivalent terms, and any derivation of the phrases or any letters implying the phrases are equivalent terms

	the massage therapist through the use of hands, forearms, elbows, knees, or feet or through the use of hand-held tools that mimic or support the action of the hands and are primarily intended to enhance or restore health and well-being by promoting pain relief, stress reduction, and relaxation.	
NE	Massage Therapy means the physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being and may include the use of oil, salt glows, heat lamps, and hydrotherapy. It does not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required nor the use of microwave diathermy, shortwave diathermy, ultrasound, transcutaneous electrical nerve stimulation, electrical stimulation of over thirty-five volts, neurological hyperstimulation, or spinal and joint adjustments.	Massage Therapist means a person licensed to practice massage therapy.
NV	<p>1. "Massage therapy" means the application of a system of pressure to the muscular structure and soft tissues of the human body for therapeutic purposes, including, without limitation:</p> <ul style="list-style-type: none"> (a) Effleurage; (b) Petrissage; (c) Tapotement; (d) Compressions; (e) Vibration; (f) Friction; and (g) Movements applied manually with or without superficial heat, cold, water or lubricants for the purpose of maintaining good health and establishing and maintaining good physical condition. <p>2. The term does not include:</p> <ul style="list-style-type: none"> (a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or (b) Reflexology. 	Massage therapist" means a person who is licensed pursuant to the provisions of this chapter to engage in the practice of massage therapy.
NH	"Massage" means the application of a system of structured touch which includes holding, pressure, positioning, or causing movement, by manual means, for the purpose of promoting, maintaining, and restoring the health and well-being of the client. Massage is designed to promote general relaxation, improve movement, relieve somatic and muscular pain or dysfunction, stress and muscle tension, and provide for general health enhancement, personal growth, and the organization, balance, and integration of the body.	"Massage therapist" means a licensed individual who performs massage for compensation. Titles used may include: massage therapist, massage practitioner, bodywork practitioner, bodyworker, muscle therapist, massotherapist, or somatic therapist practitioner. A massage therapist uses visual, kinesthetic, and palpatory skills to assess the body, and may evaluate the client's condition to the extent of determining whether massage is indicated or contraindicated.
NJ	"Massage and bodywork therapies" or "massage and bodywork" means systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory	"Massage and bodywork therapist" means a person licensed to practice massage and bodywork therapies pursuant to the provisions of P.L.1999, c.19 (C.45:11-53 et seq.) and

	and palpating skills to assess the body for purposes of applying therapeutic massage and bodywork principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, explaining and describing myofascial movement, self-care and stress management as it relates to massage and bodywork therapies. Massage and bodywork therapy practices are designed to affect the soft tissue of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage and bodywork therapies do not include the diagnosis of illness, disease, impairment or disability. (2007)	P.L.2007, c.337 (C.45:11-68 et al.).
NM	<p>“Massage therapy” means the assessment and treatment of soft tissues and their dysfunctions for therapeutic purposes primarily for comfort and relief of pain. It is a health care service that includes gliding, kneading, percussion, compression, vibration, friction, nerve strokes, stretching the tissue and exercising the range of motion, and may include the use of oils, salt glows, hot or cold packs or hydrotherapy. Synonymous terms for massage therapy include massage, therapeutic massage, body massage, myomassage, bodywork, body rub or any derivation of those terms. Massage therapy is the deformation of soft tissues from more than one anatomical point by manual or mechanical means to accomplish homeostasis and/or pain relief in the tissues being deformed, as defined in the Massage Therapy Practice Act, NMSA 1978, Section 61-12C-3.E.</p> <p>“Treatment of soft tissues” is the repetitive deformation of soft tissues from more than one anatomical point by manual or mechanical means to accomplish homeostasis and/or pain relief in the tissues being deformed.</p>	No definition
NY	The practice of the profession of massage therapy is defined as engaging in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.	No definition
NC	<p>Massage and bodywork therapy. Systems of activity applied to the soft tissues of the human body for therapeutic, educational, or relaxation purposes. The application may include:</p> <ol style="list-style-type: none"> a. Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement. b. Complementary methods, including the external application of water, heat, cold, lubricants, and other topical preparations. c. The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands. 	Massage and bodywork therapist. A person licensed under this Article.
ND	<p>"Massage" means the scientific and systematic manipulation of the soft tissues of the human body through any manual or mechanical means, including superficial hot and cold applications, hydrotherapy, reflexology, and the use of salts or lubricants.</p> <p>"Massage" does not include diagnosing or treating diseases,</p>	"Massage therapist" means an individual who practices massage.

	manipulating the spine or other joints, or prescribing or administering vitamins.	
OH	Massage therapy is the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.	
OR	“Massage” or “massage therapy” means the use on the body of pressure, friction, stroking, tapping or kneading, vibration or stretching by manual or mechanical means or gymnastics, with or without appliances such as vibrators, infrared heat, sun lamps and external baths, and with or without lubricants such as salts, powders, liquids or creams for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition.	<p>“Massage or bodywork practice” means the activities related to the L.M.T.’s provision of massage or bodywork services in his or her capacity as a practitioner, teacher, supervisor, consultant, mentor or educator.</p> <p>“Massage Therapist” means a person licensed under ORS 687 to practice massage.</p>
PA	“Massage therapy.” The application of a system of structured touch, pressure, movement, holding and treatment of the soft tissue manifestations of the human body in which the primary intent is to enhance the health and well-being of the client without limitation, except as provided in this act. The term includes the external application of water, heat, cold, lubricants or other topical preparations, myofascial release techniques and the use of electro-mechanical devices, which mimic or enhance the action of the massage techniques. The term does not include the diagnosis or treatment of impairment, illness, disease or disability, a medical procedure, a chiropractic MANIPULATION - ADJUSTMENT, physical therapy MOBILIZATION - MANUAL therapy, therapeutic exercise, electrical stimulation, ultrasound or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry or other practice of the healing arts is required.	“Massage therapist.” An individual licensed by the board to practice massage therapy.
RI	" <i>The practice of massage</i> " shall be defined as engaging in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.	" <i>Massage therapist</i> " means a person engaged in the practice of massage who has completed a program in or is certified by a school or institution of learning which is approved by the American Massage and Therapy Association or equivalent academic and training program meeting the requirements of section 4.2 herein as approved by the Director of Health, other than a correspondence course, which school or institution has for its purpose

		the teaching of the theory, practice, method, profession, or work of massage, including at least anatomy, physiology, hygiene and professional ethics, pursuant to the statutory provisions.
SC	<p>“Massage/bodywork therapy” means the application of a system of structured touch of the superficial tissues of the human body with the hand, foot, arm, or elbow with or without aid by hydrotherapy, thermal therapy, massage devices, human hands, or the application of herbal preparations for therapeutic, relaxation, or educational purposes.</p> <p>It is further defined by pressure, friction, stroking, rocking, kneading, percussion, or passive active stretching within the normal anatomical range of movement. Complimentary methods including the external application of water, thermal therapy, hydrotherapy, lubricants, and other topical preparations, including but not limited to herbal remedies, body wraps and salt scrubs.</p>	"Massage/bodywork therapist" means a person licensed as required by this chapter, who administers massage/bodywork therapy for compensation
SD	<p>"Massage," the systematic mobilization of the soft tissues of the body through the application of hands or devices for the purposes of therapy, relaxation, or education through means which include:</p> <p>(a) Pressure, friction, stroking, rocking, kneading, percussion, compression, or stretching;</p> <p>(b) External application of water, heat, cold, lubricants, or other topical agents; or</p> <p>(c) The use of devices that mimic or enhance actions done by hands;</p>	"Practice of massage therapy," the performance of massage for a fee or other compensation or holding oneself out to the public as performing massage.
TN	“Massage/bodywork/somatic” means the manipulation of the soft tissues of the body with the intention of positively affecting the health and well being of the client;	“Massage therapist” means a person who practices massage for compensation and is licensed by the board.
TX	Massage therapy" means the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage and includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. The terms "massage," "therapeutic massage," "massage technology," "myotherapy," "body massage," "body rub," or any derivation of those terms are synonyms for "massage therapy."	"Massage therapist" means a person who practices or administers massage therapy or other massage services to a client for compensation. The term includes a licensed massage therapist, therapeutic massage practitioner, massage technician, masseur, masseuse, myotherapist, body massager, body rubber, or any derivation of those titles.
UT	<p>"Practice of massage therapy" means:</p> <p>(a) the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis;</p> <p>(b) the systematic manual or mechanical manipulation of the soft tissue of the body for the therapeutic purpose of:</p>	"Massage therapist" means an individual licensed under this chapter as a massage therapist.

	<ul style="list-style-type: none"> (i) promoting the health and well-being of a client; (ii) enhancing the circulation of the blood and lymph; (iii) relaxing and lengthening muscles; (iv) relieving pain; (v) restoring metabolic balance; and (vi) achieving homeostasis; (c) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection (6); (d) the use of rehabilitative procedures involving the soft tissue of the body; (e) range of motion or movements without spinal adjustment as set forth in Section 58-73-102; (f) oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths; (g) manual traction and stretching exercise; (h) correction of muscular distortion by treatment of the soft tissues of the body; (i) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain; (j) similar or related activities and modality techniques; and (k) the practice described in this Subsection (6) on an animal to the extent permitted by: <ul style="list-style-type: none"> (i) Subsection 58-28-307(12); (ii) the provisions of this chapter; and (iii) division rule. 	
VA	<p>"Massage therapy" means the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.</p>	<p>"Certified massage therapist" means a person who meets the qualifications specified in this chapter and who is currently certified by the Board.</p>

	<p>"Practical nurse" or "licensed practical nurse" means a person who is licensed or holds a multistate licensure privilege under the provisions of this chapter to practice practical nursing as defined in this section. Such a licensee shall be empowered to provide nursing services without compensation. The abbreviation "L.P.N." shall stand for such terms.</p>	
WA	<p>"Massage" and "massage therapy" mean a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, Swedish gymnastics or movements, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.</p>	<p>"Massage practitioner" means an individual licensed under this chapter.</p>
WV	<p>"Massage therapy" means a health care service which is a scientific and skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone, circulation, promoting health and physical well-being. Massage therapy includes massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications or other therapies which involve manipulation of the muscle and connective tissue of the body, for the purpose of enhancing health, reducing stress, improving circulation, aiding muscle relaxation, increasing range of motion, or relieving neuro-muscular pain. Massage therapy does not include diagnosis or service which requires a license to practice medicine or surgery, osteopathic medicine, chiropractic, or podiatry, and does not include service performed by nurses, occupational therapists, or physical therapists who act under their own professional license, certificate or registration.</p>	<p>"Massage therapist" means a person licensed to practice the health care service of massage therapy under this article who practices or administers massage therapy to a client of either gender for compensation. No person licensed by the massage therapy licensure board may be referred to as a primary care provider nor be permitted to use such designation.</p>
WI	<p>"Massage therapy or bodywork" means the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body, in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility, and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. "Massage therapy or bodywork" does not include making a medical or chiropractic diagnosis.</p> <p>"Manual action" includes holding, positioning, rocking, kneading, compressing, decompressing, gliding, or percussing the soft tissue of the human body or applying a passive range of motion to the human body.</p>	<p>"Certificate holder" means a person granted a certificate under this chapter.</p>

APPENDIX IV

The University of Vermont

College of Medicine
Department of Psychiatry
One South Prospect Street
Burlington, Vermont 05401-1195
Janet R. Kahn, PhD, LMT
PHONE (802) 658-8525
Email: Janet.Kahn@uvm.edu



June 26, 2015

Colin Benjamin
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, Vermont 05620-3402

Dear Mr. Benjamin:

I am a medical sociologist with appointments in the UVM College of Medicine (Department of Psychiatry) and College of Nursing and Health Sciences (Department of Rehabilitation and Movement Sciences). I am also trained as a massage therapist and have served in the past as President of the Massage Therapy Foundation and Director of the Massage Therapy Research Consortium. I am writing today to explain why I believe that regulating the massage therapy profession would be beneficial to both the UVM Medical Center and its patients.

In the past year, a letter of agreement was signed between the College of Medicine, the College of Nursing and Health Sciences, and the UVM Medical Center, to jointly create an Institute of Integrative Health and Healing, which will bring integrative health care to the population base of the medical center. WebMD says of Integrative Medicine, *“It combines conventional Western medicine with alternative or complementary treatments, such as herbal medicine, acupuncture, massage, biofeedback, yoga, and stress reduction techniques -- all in the effort to treat the whole person.”*

I chair the Integrative Clinical Care Committee of this nascent institute, and we are charged with making recommendations regarding which professions should be brought into the UVM Medical Center, how they should be credentialed, in which departments they should practice, and so forth. I pay close attention to the regulatory issues in health care, hoping that there will be statewide regulations on which we can rely as care is expanded. For acupuncture, chiropractic and other professions, a reliable standard exists in state licensure. At this point, in this state, there is no baseline qualification for practicing therapeutic massage.

Based upon the research literature, I would recommend bringing therapeutic massage in as a major element of in-patient and out-patient pain management, as treatment for symptoms related to cancer and its sometimes rugged treatments, and in the neonatal intensive care unit (NICU). I

will speak here only about pain management, but many of the issues I will raise pertain across the board.

Utilizing massage for both in-patient and out-patient pain management would be in keeping with the recent recommendation of The Joint Commission. I have attached at the end of this letter the recent Clarification of the Pain Management Standard by The Joint Commission which specifically mentions massage as an element of non-pharmacologic pain management. The Joint Commission is now considering making this new standard scorable, which would have implications for all hospitals, nursing homes, community health centers, and other health care facilities in Vermont. While every facility might create its own orientation through which to train massage therapists in relevant medical terminology, HIPAA requirements, facility-specific protocols and the like, it would be a tremendous help to have a basic standard of training assured through a statewide regulatory process to help health care facilities, such as ours, hire qualified therapists. With the level of opioid addiction our state is facing, I also, personally believe that there is harm to the public when we are not using for pain management the non-opioid approaches for which there is credible scientific evidence.

I am aware that OPR seeks to refrain from regulation in situations in which the market appears able to regulate itself, and I am inclined to think this makes sense. Yet, I believe that this is no longer the case for therapeutic massage because the nature of the health care market has changed in ways that especially effect therapeutic massage including the importance of citizens having access to it, and assurance of its quality. Looking at this profession historically I see it having three strong roots – 1) sports and fitness from the original Olympians onward, 2) the human potential and humanistic psychology movements of the 1960's and beyond, and 3) health and medicine where we see it appearing in some form in every system of medicine humans have conceived. It is the latter domain which concerns us now because it is growing and falls under your aegis.

Data from the 2007 National Health Interview Survey (NHIS), conducted by the Centers for Disease Control and Prevention's National Center for Health Statistics, reveal that in the prior year over 18 million Americans received at least one massage, collectively making over 95 million visits to massage therapists and paying over \$4 billion (\$4,175,124,000) for these treatments. [Nahin RL, Barnes PM, Stussman BJ, Bloom B. Costs of Complementary and Alternative Medicine (CAM) and Frequency of Visits to CAM Practitioners: United States, 2007. *National Health Statistics Reports, No. 18, July 30, 2009.*] The majority of visits to massage therapists nationally are made for musculoskeletal pain treatment, with back, neck and shoulder pain being the most frequent presenting complaints. These are complaints that we hear from farmers and office workers alike in Vermont.

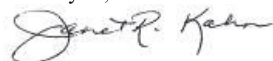
Musculoskeletal pain is also the most frequent diagnosis of veterans of the wars in Iraq and Afghanistan. [Epidemiology Program, Post-Deployment Health Group, Office of Public Health, Veterans Health Administration, Department of Veterans Affairs. (2014). *Analysis of VA Health Care Utilization among Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn Veterans, from 1st Qtr FY 2002 through 4th Qtr FY 2014.* Washington, DC: Author. Retrieved from (URL)]. The VA is now finalizing its criteria for credentializing licensed massage therapists for employment at VA facilities. They have no plans to employ non-licensed therapists [personal conversation w/Dr. Kennita Carter, Acting Director, Integrative Health Coordinating Center, Veterans Health Administration, June 26,

2015.] For Vermont to remain as one of the very few states that does not license massage therapists is to potentially create enormous inconvenience, and/or denial of service, to our veterans...and not only to our veterans. Section 2706 of the Affordable Care Act makes it illegal for an insurer or insurance plan to deny participation (coverage) to a health care professional who is offering a service that is covered under that benefit plan and is operating within that professional's licensed or state certified scope of practice. This section of the law was designed to take some health services out of the territory of unequal access because lack of coverage put all cost on the patient. Right now, in Vermont, virtually all therapeutic massage treatment other than motor vehicle accident and workers' compensation is paid for entirely by the patient, rendering it a luxury in a relatively poor state, even while it is sometimes a needed healthcare treatment.

As an historical note, the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) was created by the American Massage Therapy Association in 1992 to establish a national standard for this profession when licensure was not so widespread. NCBTMB developed and offered the National Certification Exam (NCE) which served researchers like myself, and others as a reliable standard in states without licensure. Now 41 states and the District of Columbia offer licensure, three other states have certification, and three more have licensure bills in motion. The NCE has been replaced by the Massage and Bodywork Licensing Exam (MBLEX), which is managed by the Federation of State Massage Therapy Boards (<https://www.fsmtb.org/content/?id=57#a21>).

By regulating therapeutic massage in the state of Vermont, you will give access to these treatments, to people who cannot now afford them; you will give the UVM Medical Center and other health care facilities in this state a standard on which they can rely for the first hurdle to employing needed professionals; and you will give the state of Vermont one more tool with which to combat opioid addiction. I believe this meets the criteria of public good and avoidance of public harm. I urge you to regulate this health care profession.

Thank you,



Janet R. Kahn, PhD, LMT

Clarification of the Pain Management Standard

Provision of Care, Treatment, and Services Standard PC.01.02.07 addresses the assessment and management of pain. The Joint Commission has always held the position that pain may be managed by using pharmacologic and/or nonpharmacologic strategies. Following an extensive literature review, Joint Commission staff enhanced Standard PC.01.02.07 by revising or adding the rationale and adding a note to element of performance (EP) 4. These clarifications affirm that organizations' treatment strategies may consider both pharmacologic and nonpharmacologic approaches, as well as the benefits and risks to patients, when determining the most appropriate intervention. They also note to include the risks of dependency, addiction, and abuse of opioids when considering the use of medications to treat pain.

Staff convened conference calls with clinical experts and stakeholders in pain management to acquire feedback on this clarification as well as information on the future direction of

pain management. The experts recommended some editorial changes and affirmed that the note and rationale add to the strength of the requirements.

The revised (or added) rationale and the revised EP 4 are shown in the box below. The revisions are **effective January 1, 2015**, and appear in the *2014 Update 2* to the *Comprehensive Accreditation Manuals* for the **ambulatory care, critical access hospital, home care, hospital, nursing care centers, and office-based surgery programs**. Similar revisions are also scheduled for the behavioral health care program (in the "Care, Treatment, and Services" chapter) with a July 1, 2015, effective date and will be published closer to that date.

For more information, please contact Emi Datuin-Pal, associate project director, Department of Standards and Survey Methods, The Joint Commission, at bdatuin-pal@jointcommission.org.

PO Box 63
Lower Waterford, VT 05848
May 9, 2015

To Whom It May Concern:

As a physical therapist who appreciates a variety of options for patient care within my community, I support licensure for massage therapists. Making a patient referral to a professional whose training and ethics I respect is of utmost importance to me. The public deserves to trust that a body worker is following professional guidelines and whose license is at risk if he or she abuses that trust. Standardized training helps us to understand the knowledge and skills of the licensed massage therapist. This knowledge gives the patient care community the confidence to know that our patients can reap the great benefits of professional massage.

Sincerely,

Lynn Troy, MS, PT

DAVID M. CODDAIRE, M.D.
BRUNO, M.D.
DAVID L. ROY, M.D.
PHILIP G. KIELY, M.D.

KIMBERLY M.
ALLISON CHRISTIE, M.D.
CHERYL J. HOLTON, F.N.P.

June 15, 2015

89 Main St., 3rd Floor
Montpelier, VT 05620-3402

Dear Mr. Benjamin,

This letter is being written in support of the proposal to regulate massage therapy in Vermont. It is my understanding that the American Massage Therapy Association of Vermont has been pursuing massage therapy regulation in this state.

As a practicing family physician, it would be helpful for me to know the qualifications of massage therapists to whom I refer patients.

Therefore I support this legislation.

Sincerely,

David M. Coddair, MD
DMC/jm



SOBEL FAMILY CHIROPRACTIC

Dr. Steven Sobel

22 Patchen Road, South Burlington, Vt. 05403

802-658-4064 spinedr@myfairpoint.net

June 28, 2015

Colin Benjamin
Office of Professional Regulation
89 Main Street
Montpelier, Vermont 05620-3402
802-828-2367

Dear Mr. Benjamin,

I have been a chiropractic physician practicing full time in Vermont for 18 years. During that time I regularly make referrals to other health care providers to help my patients recover from the various injuries that I am treating them for. Massage therapy can be one of the safer and more effective types of referrals I make. It can help relieve pain and reduce the risks associated with the use of opioid and other types of pain medication that are often prescribed for people with these types of injuries. There are numerous well trained and highly skilled massage therapists throughout the state who understand the importance of clinical excellence, professional ethics, and continuing professional education. They do an excellent job in safely helping people recover faster and keep down the overall cost of healthcare.

Unfortunately, there is no state licensure requirement to practice massage therapy in Vermont. While I can refer a patient to a specific massage therapist who I know is licensed and appropriately trained, that is not guaranteed for everyone seeking massage therapy. State licensure would set a minimum standard to help protect the public while at the same time increase the effectiveness of the profession. This would safely increase public access to a type of healthcare that will help people recover faster and save overall health care costs without the associated risks of more invasive procedures.

I support licensure of massage therapists in the state of Vermont. I believe it will increase public safety in healthcare and increase the number of effective options available to people recovering from injury.

Regards
Steven Sobel, DC
Chiropractic Physician

June 22, 2015

Office of Professional Regulation
Colin Benjamin, Director
89 Main Street, 3rd Floor
Montpelier Vermont 05620-3402

Mr Benjamin,

I'm a medical oncologist and I see many patients who seek out and benefit from integrative medicine approaches to improve their tolerance of chemotherapy. In particular many use the services of massage therapists. Massage therapy has the potential to control anxiety, decrease nausea and improve cancer pain (J Adv Nurs 63(5),2008 and Integr Cancer Ther Mar 17 2015, epub ahead of print). Many more cancer survivors could benefit from massage therapy but are not receiving it because of a lack of clarity regarding who is appropriately trained to provide massage therapy.

While I truly believe massage therapy can benefit cancer patients by providing relief from side effects, it is difficult to promote or recommend massage therapy as there is no reliable regulation process that guarantees that practitioners have received appropriate training. As a result I often say very little about massage therapy when patients ask about such interventions. When I refer patients to receive additional medical care whether from another physician or a physical therapist I have the confidence that the training these practitioners have received meets a set of standards. In this way patients are assured to receive the effective evidence based interventions they need. Massage therapy for cancer patients and others should be no different. A regulation process for massage therapists is needed in the State of Vermont to assure that therapists meet standards of quality and ethics needed to provide evidence based interventions. Not doing so risks public harm and expense. Please consider adopting necessary massage therapy regulations to assure that patients in Vermont receive the highest level of care.

Sincerely,



Kim Dittus, MD PhD
Dept of Hematology and Oncology
College of Medicine, Given E214
89 Beaumont Ave
Burlington, VT 05405



Living Well Spinal Care Center

Dr. Tiffany Renaud and Dr. Sarah Paquette

June 24, 2015

Office of Professional Regulation
Colin Benjamin, Director
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
P: (802) 828-2367

Dear Mr. Benjamin,

Please allow us to introduce ourselves: we are a group of Chiropractic Physicians practicing in a multidisciplinary clinic in South Burlington, VT, and we are highly interested in the licensure of Massage Therapists in Vermont.


Massage Therapist licensure is a topic that is important to our patients and our profession on many levels. To begin with, licensure would make the hiring and screening of our employees more efficient and fair. As is, we must attempt to filter through candidates to establish the extent and nature of a person's training, rather than knowing that they have achieved a base level of skills and knowledge needed to treat in a clinical environment.

Second, licensure ensures a standardization of care for patients, whether they are in a clinical setting or private practice. Massage is a therapeutic technique, and should be treated with the gravitas it deserves. That is to say that patients deserve to be assured that their therapist is trained and qualified, and therapists deserve to have a professional board protecting themselves and their practices.

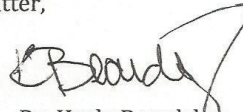
Third, massage is a therapy that functions as part of a clinical and medical field. As such, it requires a base knowledge and clinical skills set that calls for a more formal and standardized education to ensure that the therapist can function safely and efficiently in clinical settings.

In short, massage is a clinical and therapeutic treatment that **must** be regulated and licensed for the safety of the patient and the provider. We urge you to consider licensure of Massage Therapists in the state of Vermont for the benefit of both the patient and professional populations.

Thank you for your consideration of this important matter,
The Living Well Spinal Care Team


Dr. Tiffany Renaud


Dr. Sarah Paquette


Dr. Kayla Beardsley

3000 Williston Road • South Burlington, Vermont 05403 • 802-658-6092



North Country Orthopaedic Surgery
Orthopaedic Surgery | Sports Medicine

S. Glen Neale, MD
Eric Mullins, MD
Nicole Ernst, PA-C

Phone: 802-334-4175
Fax: 802-334-4176

June 25, 2015

Office of Professional Regulation
Colin Benjamin, Director
89 Main Street, Third Floor
Montpelier, VT 05620-3402

Mr. Benjamin:

I am an orthopaedic surgeon practicing in Newport, VT. I have been in practice as an orthopaedic surgeon for almost twenty-five years now. In addition to doing surgery I treat many patients for musculoskeletal injuries and conditions resulting in chronic pain, muscle tightness, and loss of function. I am a strong proponent of massage therapy for many of these patients to improve their function and decrease their pain. This is certainly true in a time where management of many of these conditions with medications is under increasing scrutiny. In addition, I find massage therapy a vital component of managing my musculoskeletal conditions including bilateral hip replacements, chronic neck arthritis from a trampoline accident as a child, and increasing low back pain from the position required by my job as a surgeon.

Unfortunately, in the State of Vermont, trying to find appropriate therapists for treating certain conditions have largely been by trial and error, as there at present no regulatory requirements for the training of massage therapists. At the minimum this becomes frustrating for my patients because of the uncertainty whether they will receive benefit from the therapy because I have no knowledge of their background or practice style. However, my bigger concern without knowledge of the standards is treatment of certain conditions could be worsened by inappropriate treatment manipulating joints in the neck and back surrounded by the nerves to your hands and legs. This could result in temporary or permanent injury, up to, and including, paralysis. Researchers at the Mayo Clinic in Arizona have documented injury to the spinal accessory nerve following deep tissue massage resulting in difficulty lifting the arm up, even one to two years later. The same is true of patients who have had chemotherapy, radiation, or who may be pregnant. I strongly urge the office of Professional Regulation to have standards of quality and standards of ethics, as well as certification as to their education and ongoing training. As much as possible, this needs to be objective data and evidence based. I believe there are other states where this is a requirement, and certainly in Canada having talked to many

Page 2

massage therapists who work for Canadian Mountain Holidays where I ski annually, they have a very high level of training, including anatomy, physiology, kinesiology, and require licensure. As there is evidence to support the importance of massage therapy in injury rehabilitation as well as treatment of chronic conditions; it is imperative that the State of Vermont set appropriate standards, so that medical professionals will feel comfortable referring to an appropriate practitioner.

I would be happy to discuss this further if you wish. Feel free to contact me at North Country Orthopaedics. (802) 334-4175. You could also contact Stephanie Winters at the Vermont Medical Society. (802) 223-7898 and ask for the Resolutions regarding massage therapists and alternative practitioners supported by the Vermont Medical Society.

Sincerely,

A handwritten signature in black ink, appearing to read "S Glen Neale". The signature is written in a cursive, flowing style with a prominent loop at the end.

S Glen Neale, MD
North Country Orthopaedic Surgery

APPENDIX V

Vermont Massage Therapy State Licensing Act

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AN ACT

To amend the Official Code of Vermont Annotated, relating to regulation of professions and businesses, so as to regulate the practice of massage therapy; to provide a short title; to provide for certain definitions; to prohibit the unauthorized practice of massage therapy; to provide for exemptions to provide for construction of other regulated professions; to provide for duties for the director of the Office of Professional Regulations; to provide for duties of advisor appointees; to provide for licensure of massage therapists; to provide for grandfathering of currently practicing massage therapists; to provide for applications under oath; to provide for licensing examinations; to provide for licensing by endorsement; to provide for renewal and reinstatement of license; to provide for disciplinary actions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE LEGISLATURE OF VERMONT:

PART 1.

The Official Code of Vermont Annotated, relating to regulation of professions and businesses, is amended as follows:

§ 100. Short title.

This Act shall be known and may be cited as the 'Vermont Massage Therapy Practice Act.'

§ 101. Definitions.

As used in this Act, the term:

- (1) 'Applicant' means any person seeking a license under this Act.
- (2) 'Approved massage school' means a massage therapy educational program which meets the standards for training and curriculum as set forth by the Office of Professional Regulations, institution of higher or post-secondary education, or comparable authority or department in another state including
 - (i) A public or private community college, college, or university, or
 - (ii) A public or private trade, vocational, or occupational school.
- (2) 'Compensation' means the payment, loan, advance, donation, contribution, deposit or gift of money or anything of monetary value.
- (3) "Director" means the director of the Office of Professional Regulation.
- (4) "Disciplinary action" means any action taken by an administrative law officer established in 3 V.S.A. § 129(j) against a licensee or applicant on a finding of unprofessional conduct by the licensee or applicant. "Disciplinary action" includes issuance of warnings and all sanctions including denial, suspension, revocation, limitation or restriction of licenses and other similar limitations.
- (5) 'License' means a valid and current certificate issued by the Office of Public Regulation permitting the practice of massage by a qualified person.
- (6) "Massage therapy" "Massage" or "massage therapy" means 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. Such system includes, but is not limited to, techniques such as effleurage, commonly called stroking or gliding; petrissage, commonly called kneading; tapotement or percussion;

friction; vibration; compression; passive and active stretching within the normal anatomical range of movement; hydromassage; and thermal massage. Such 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. "Massage" or "massage therapy" does not include diagnosis of injury or impairment, therapeutic exercise or grade 5/grade V joint manipulation.

- (7) "Massage therapy services: may include, but are not limited to:
- (a) Development, implementation and modification of a massage therapy treatment plan that addresses client soft tissue manifestations, needs and concerns, including identifying indications, contraindications and precautions of massage therapy within the scope of the act;
 - (b) Obtaining informed consent regarding the risks and benefits of the massage therapy treatment plan and application and modification of the massage therapy treatment plan as needed;
 - (c) Using effective interpersonal communication in the professional relationship;
 - (d) Utilizing an ethical decision-making process that conforms to the ethical standards of the profession, as set forth in this act and in rules and regulations;
 - (e) Establishing and maintaining a practice environment that provides for the client's health, safety and comfort;
 - (f) Establishing and maintaining client records, professional records and business records in compliance with standards of professional conduct as required by rules and regulations.
- (8) "Massage therapist" means an individual licensed by this state to engage in the practice of massage therapy.

(9) "Professional massage and bodywork therapy association" means a state or nationally chartered professional membership organization offering services to massage therapists that has been in existence for at least 36 months prior to the effective date of this Act, that currently has at least 500 members in good standing, and whose membership requirements include the following:

- (a) The organization requires that its members meet minimum eligibility criteria, which include massage or bodywork education completion standards. Required education must include the subject areas of anatomy, physiology, hygiene, sanitation, ethics, and application of techniques; and
- (b) The organization has an established code of ethics, standards of practice and requires members to agree to that code, standards and has disciplinary procedures for the membership suspension and revocation of members violating the code of ethics.

§ 102. Prohibition; offenses

- (a) No person shall:
- (1) Practice or attempt to practice Massage therapy or hold himself or herself out as being able to do so in this state without first having obtained a license; or
 - (2) Use in connection with the person's name or business the words 'massage,' 'massage therapy,' 'massage therapist,' 'massage practitioner,' 'medical massage therapist,' 'masseur,' 'masseuse,' 'certified massage therapist,' 'manual massage therapist,' any coupling of one of those terms with the words 'licensed' or 'registered,' or the letters 'M.T.,' 'L.M.T.,' or any other words, letters, abbreviations, or insignia indicating or implying directly or indirectly that massage therapy is provided or supplied unless such massage therapy is provided by a massage therapist licensed and practicing in accordance with this Act.
 - (3) Practice or attempt to practice massage therapy during license revocation or suspension.
- (b) A person violating any of the provisions of subsection (a) of this section shall be subject to the penalties provided in subsection 127(c) of Title 3.

- (c) A licensed massage therapist shall use the letters "LMT" in connection with the massage therapist's name or place of business to denote licensure and shall display his or her license in a prominent area of their place of business for the public to review.

§ 103. Exemptions. Nothing in this article prohibits or requires a massage therapy license for any of the following:

- (1) Students enrolled in an approved massage school, while completing a clinical requirement or supervised fieldwork experience for graduation performed under the supervision of a massage therapist or other licensed health professional with subject matter relative to massage therapy, provided the student does not hold himself or herself out as a licensed massage therapist;
- (2) Massage therapists employed in the United States Armed Services, United States Public Health Service, Veterans Administration, or other federal agency;
- (3) Any persons performing massage therapy services in the state, if those services are performed for no more than 45 days in a calendar year, and for no more than 30 days within any 60-consecutive-day period, the person is not a resident of Vermont, is duly licensed, registered or certified by another state or political jurisdiction, and if one of the following conditions is satisfied:
 - (a) The person is incidentally in this state to provide service as part of an emergency response team working in conjunction with disaster relief officials;
 - (b) The person travels with and provides massage therapy exclusively to members of an athletic team, dance troupe, or other performing artists while such groups or persons are temporarily in the state;
 - (c) The person is part of an organized team of massage therapists providing massage services without compensation at a public event such as the Olympic Games, Special Olympics, a marathon or triathlon, provided that these services are performed only during a period from 48 hours prior to the commencement of the event until 24 hours after the completion of the event;
 - (d) The person is participating as a student in or instructor of an educational program in this state for a period not exceeding 30 days.
 - (e) Persons providing massage services in the State under this exemption are subject to the disciplinary and regulatory authority of the Vermont Office of Professional Regulation, and must comply with the all of the provisions of the Vermont massage therapy practice act.
- (4) Persons giving massage to members of his or her immediate or extended family;
- (5) Persons providing alternative methods that employ contact or touch and do not hold himself or herself out as a massage therapist. For the purposes of this paragraph (5), "alternative methods that employ contact" include, but are not limited to:
 - (I) Practices in which only the soft tissue of a person's hands, feet, or ears are manipulated, such as reflexology;
 - (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 to affect the human energy systems, such as reiki, shiatsu, touch for health kinesiology, and Asian or polarity bodywork therapy;

(IV) Structural integration practices such as Rolfing and Hellerwork; and

(V) The process of muscle activation techniques.

(VI) Massage therapists licensed under this Act may provide services classified as exempt practices listed under paragraph (5) if they have received training in such services.

§ 104. Construction

This chapter shall not be construed to limit or restrict in any manner the right of a practitioner of another occupation, which is regulated by this state from carrying on in the usual manner any of the functions of his or her profession.

§ 105. Director of Office of Professional Regulations; duties.

(a) The director shall

- (1) Provide general information to applicants for licensure as massage therapists.
- (2) Explain appeal procedures to licensed massage therapists and applicants, and complaint procedures to the public.
- (3) Administer fees as established by law.
- (4) Receive applications for licensure, administer examinations, provide licenses to applicants qualified under this chapter, renew, revoke, and reinstate licenses as ordered by an administrative law officer.
- (5) Refer all disciplinary matters to an administrative law officer.

(b) The director, with the advice of the advisor appointees, shall adopt rules necessary to perform the director's duties under this section.

§ 106. Advisor appointees

(a) The secretary of state shall appoint two massage therapists to serve as advisors in matters relating to massage therapy. The advisors shall be appointed as set forth in section 129b of Title 3 and serve at the pleasure of the secretary. One of the initial appointments may be for less than a four-year term. Appointees shall have at least three years' experience as a massage therapist immediately preceding appointment 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 advisors in carrying out provisions of this chapter. They shall be entitled to compensation and necessary expenses in the amount provided in 32 V.S.A. § 1010 for attendance at any meeting called by the director for that purpose.

§ 107. Eligibility

Commencing two years after the date statute is signed into law by Governor, no person may practice massage therapy in this state who is not a licensed massage therapist issued by the director to this Act.

To be eligible for licensure as a massage therapist, an applicant shall be at least 18 years of age and shall furnish satisfactory proof that he or she has:

- (1) completed a massage educational program consisting of a minimum of 500 hours from an approved massage school as defined in section 101 of this Act;
- (2) passed a national massage therapy competency assessment examination that meets generally accepted psychometric principles and standards, and that has been approved by the Director. The passage of this exam may have occurred prior to the effective date of this act.
- (3) The director shall have the authority to issue a license to an applicant who does not fully satisfy the eligibility criteria set forth in this Act but who, in the director's judgment, has sufficient training and experience to be able to practice safely on members of the public.

§ 108. Grandfathering.

For a period of 2 years after applications for licensure become available, the director shall issue a license to an applicant who is at least 18 years of age, and meets one of the following requirements:

- (e) He or she completed a massage educational program consisting of a minimum of 500 hours from an approved massage school as defined in section 101 of this Act; or
- (f) He or she has completed at least 300 hours of formal training in massage therapy and has practiced massage in the last 2 years as determined by the Office of Professional Regulation; or
- (g) He or she has been an active member in good standing as a massage therapist for a period of at least twelve (12) months, of a national professional massage association/organization that offers professional liability insurance; or
- (h) He or she has successfully passed a licensing examination meeting the requirements of section 107(2) or examination approved by the Director. The passage of this examination may have occurred before the effective date of this section.

§ 109. Application.

According to the procedures outlined in the rules of the director of the Office of Professional Regulation, a person who desires to be licensed, as a Massage therapist shall apply to the director in writing on a form furnished by the director, accompanied by payment of the specified fee.

§ 110. Examination.

- (a) The director of the office of professional regulation shall determine which national exams are acceptable to meet the requirements in Section 107(2).
- (b) Examinations administered and procedures followed by the director shall be fair and reasonable and shall be designed and implemented to reasonably ensure that an applicant is at least minimally qualified to practice massage therapy. They shall not be designed or implemented for the purpose of limiting the number of licensees.
- (c) An applicant for licensure as a massage therapist may take the examination before the application process has been completed and the application approved. The examination shall be a massage therapy competency assessment examination that meets generally accepted psychometric principles and standards, and that has been approved by the Director.
- (d) An applicant for licensure who does not pass the examination on the first attempt may retake the examination.
- (e) The director may require an examination designed to test the knowledge of the applicant regarding Vermont laws relating to massage therapy practice.

§ 111. Licensure by endorsement.

- a) A person who is licensed under the laws of another jurisdiction and who desires licensure as a massage therapist shall apply to the director of the office of professional regulation in writing on a form furnished by the director, accompanied by the specified fee. The director shall license those applicants if he or she deems that they have met requirements in the other jurisdiction, which are substantially equivalent to those of this state.
- b) The director may waive the examination requirement under Section 107(2) of this title if the applicant is a massage therapist regulated under the laws of another state who is in good standing to practice massage therapy in that state and, in the opinion of the director, the standards and qualifications required for regulation of massage therapists in that state are substantially equivalent to those required by this chapter.
- c) In all other cases, the director of the office of professional regulation may make such regulations as are reasonable and necessary for the protection of the public to assure that the applicant under this section is professionally qualified.

§ 112. Renewals

- (a) Licenses shall be renewed every two (2) years upon payment of the required fee.
- (b) Biennially, the director shall forward a renewal form to each license holder. Upon receipt of the completed form and the renewal fee, the director shall issue a new license.
- (c) Any application for renewal of a license, which has expired, shall be accompanied by the renewal fee and late fee. An applicant shall not be required to pay renewal fees for years during which the license was lapsed.
- (d) A license that has expired for three years or less shall be renewed upon meeting the renewal requirements and paying a late renewal penalty. A license that has expired for more than three years shall not be renewed; the applicant shall be required to apply for reinstatement. The director may adopt rules relating to reinstatement to assure that the applicant is professionally qualified.

§ 113. Reinstatement

If a massage therapist's license has lapsed for more than three(3) consecutive years, that applicant may have his or her license reinstated upon payment of all applicable renewal and reinstatement fees, and demonstration of competence to practice the profession by one or more of the following, as determined by the director:

- (1) Practice for a specified time under a limited or supervised license;
- (2) Completion of a remedial course;
- (3) Completion of continuing competence requirements;
- (4) Passage of an examination approved by the director; or
- (5) Practice with a license in good standing in another jurisdiction.

§ 114. Unprofessional conduct.

- (a) Unprofessional conduct is the conduct prohibited by this section and by section 129a of Title 3, whether or not taken by a license holder.
- (b) Unprofessional conduct shall include, but is not limited to:
 - (1) sexual harassment of a patient;
 - (2) engaging in a sexual act as defined in 13 V.S.A. § 3251 with a patient;
 - (3) any of the following except when reasonably undertaken in an emergency situation in order to protect life, health, or property:
 - (A) practicing or offering to practice beyond the scope permitted by law;
 - (B) accepting and performing Massage therapy practices which the licensee knows or has reason to know that he or she is not competent to perform; or
 - (C) providing massage therapy practices which have not been authorized by the consumer or the consumer's legal representative.
- (c) After hearing, an administrative law officer may take disciplinary action against a licensee or applicant found guilty of unprofessional conduct. A finding of unprofessional conduct shall be grounds for:
 - (1) denying an application for licensure;
 - (2) revoking, suspending, or conditioning a license; or
 - (3) otherwise disciplining a licensee.

§ 115. Interaction with local government regulations.

A city, county, or other political jurisdiction within the state may not enact an ordinance that regulates the practice of massage, as defined in this Act, by a person who is licensed under this Act. No provision of any ordinance enacted by a city, county, or other political jurisdiction that is in effect before the effective date of this Act, and that relates to the practice of massage, may be enforced against a person who is issued a license by the board under this Act.

PART 2.

This Act will become effective 120 days following the Governor's signing it into law.

PART 3.

All laws and parts of laws in conflict with this Act are repealed.

PART 4.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are declared to be severable.

