

AMERICAN MASSAGE THERAPY ASSOCIATION

RHODE ISLAND CHAPTER

May 8, 2023

As the Chair of the government relations committee of the Rhode Island Chapter of the American Massage Therapy Association representing over 600 members statewide, we write to both applaud the focus of this commission and to raise significant concerns. Let me say at the forefront, the overwhelming majority of our members in Rhode Island are women, small business owners and in many instances, sole practitioners. Many of the members I represent have found themselves in situations that were not expected or uncomfortable at best when certain clients may have had an expectation that did not comport to our profession. With the changes proposed to the commission, there would be an increase and confusion for the general public, which could lead to unsafe environments for the massage therapists and the public members not understanding the difference between massage therapy and sex work.

This is why we have fought so hard to ensure our profession is licensed and regulated by the Department of Health so that background checks are conducted and our massage therapists are licensed and trained. Without this training, bodily harm or even death could ensue.

We support many measures discussed at the last commission meeting including protecting women who come forward to report sexual abuse or assault. Anyone in this circumstance should know there will not be criminal repercussions for reporting a crime. As an association representing licensed massage therapists, we intimately understand the plight of women who have been victimized and trafficked, particularly women in the Asian community. What we must fervently object to is any amendments to our statute or any language that allows the unlicensed practice of massage or immunity related to the unlicensed practice of massage.

Unfortunately, there are despicable people in this world who will try and take advantage of women no matter the outcome of this commission. We can think of no greater loophole to victimize women than allowing the practice of massage without a license. The consequences of such a legislative initiative would be devastating.

There have been various bills proposed this year that reference our statute and some that do not. We cannot support any bill that allows for the practice of massage therapy without a license in Rhode Island. Unfortunately, certain members of the commission are recommending that our statute, 23-20.8: **Licensing of Massage Therapists**, be amended to provide immunity to the sex worker industry.

Again, while we are supportive of any individual having safe pathway when reporting a crime to law enforcement and that no one should be subjected to any form of violence, the massage therapy profession, or any laws pertaining to it, have nothing to do with the sex work industry. We have had an opportunity to review the commission meeting that was recently held; unfortunately, misinformation about our law was given as testimony, so we would like to take the opportunity to address those statements:

The State of Rhode Island General Law 23-20.8 (Licensing of Massage Therapists) has the authority to:

- Licenses and regulates the massage therapy profession *only*; **this law does NOT license or regulate bodywork services.**
- Identifies that a license is required to practice massage therapy, **no person may falsely represent themselves as a massage therapist, and no false advertisement of massage.**
- Provides clear definitions distinguishing between bodywork services, massage, and massage therapy.
- Establishes criteria/standards for obtaining a massage therapy license through the RI Department of Health.
- Abides by a national Code of Ethics and Standards of Practice upheld by the RI State Board for Massage Therapy
- Applies appropriate penalties in accordance to RI general laws.

Individual City/Town Ordinances have the authority to:

- Establish and uphold ordinances to **regulate** the opening, the presence, the location and the operation of any bodyworks businesses or any business providing bodywork services.
- Establish and uphold criteria/standards for credentialing qualified bodyworkers; inclusive of a national background check.
- Set requirements for obtaining an establishment license or business license through the town/city.
- Apply appropriate penalties in accordance to RI general laws.

This commission has identified that “the practice of massage without a license” is being used as a proxy for prostitution, targeted by local law enforcement; resulting in closures of sex worker’s illicit businesses and the repetitive cycle of individual citations, arrests, and incarcerations. Such issues should be heard at the municipal level where the authority lies and not at the state level.

Just like the sex work industry does not like the public conflating terms such as “trafficking” and “prostitution”, the massage therapy profession equally dislikes the public conflating terms such as “massage” with “sex work” and “massage parlors” for “brothels”. This is due to the misuse of language and definitions by the sex work industry, their associations and the general public, who have been hiding behind the massage parlor business model for years in order to conduct their services. Our statute’s definitions are readily accepted by not only the massage therapy profession, but by EVERY profession that is licensed to use massage. *Massage is defined as the systematic and scientific manipulation of the soft tissues of the body accomplished by the use of digits, hands, forearms, elbows, knees, or feet, hand-held tool, or other external apparatus. Massage may include the use of topical applications.*

Massage is not sex work.

The Massage Therapy Profession:

- Licensed and regulated in the state of Rhode Island since 1978.
- There are 327,167 Licensed Massage Therapist nationwide.

- Contrary to the numbers you heard in the last commission hearing, there are 1,130 Licensed Massage Therapists in Rhode Island.
- Forty-six states license and regulate massage therapy. Please do not make Rhode Island an outlier unregulated state. Presently, there are efforts to pursue licensure in the remaining four unlicensed states.
- Professions such as Physical Therapy, Occupational Therapy, Chiropractic Medicine/Physiotherapy, Osteopathic Medicine, Athletic Training, and Cosmetology are licensed and regulated to use massage within their statutes/scopes of practice.
- Federal programs through the VA, Medicaid & Medicare medically reimburse for massage therapy.
- CPT medical billing code 97124 = Massage Therapy
- Blue Cross/Shield, Optum Health, Neighborhood Health RI do not medically reimburse for sex work.
- Effective 1/2022, North American Industry Classification (NAICS) eliminated the category “Massage Parlor” due to its archaic terminology. Non-medical massage (code 812199) = “Massage Wellness Spas/Centers” is now in place and continuation of Massage Therapy as an integrated health therapy (code 621399)= “Other Health Practitioners”.

The practice of massage has absolutely nothing to do with the sex work industry and must continue to remain completely separate from one another. The traffickers have purposely integrated the two sectors to profit for their unsavory and criminal enterprises - we are asking that the commission not support recommendations that help these very criminals create confusion within the sectors with loopholes that they will gladly jump through.

Creating safer pathways for those that are victimized is something we empathize with and are very sympathetic to, but identifying our statute as a way to gain immunity from a criminal offence that any person is subjected to, only creates a health and safety issue for the public, undermines our profession and will put more individuals in harm’s way.

Regardless of the best intentions of the commission, there are people in the trafficking world who will exploit the law for their own gain, as the massage parlor business model is the second most used trafficking scenario and part of a multibillion-dollar industry. We implore you to continue to distinctly separate the sex work industry from the massage therapy profession and the laws that govern them.

We are always available should there be any additional questions or concerns and look forward to attending your next meeting in May.

Regards,

Cassie Rawcliffe, LMT

Government Relations Chair – AMTA RI Chapter