

## Concerning HB 6243

13 March 2013

To Whom It May Concern:

My name is Nicole Arel and I have been a Licensed Massage Therapist (004433) in CT since February 2006. I see clients at an office in Manchester and one in West Hartford as well. My practice is exclusively Traditional Thai Massage (also known in the public as 'Thai Massage', 'Thai Yoga' or 'Thai Bodywork'). In addition, I teach both Massage Therapy 1 and Acupressure at the Connecticut Center for Massage Therapy (Newington and Groton campuses), where I have been on faculty as an assistant, and later instructor, since 2003. I am also an active member of the Connecticut chapter of the American Massage Therapy Association. I completed a 200-Hour Yoga Teacher Training (YTT) and teach two weekly classes at a studio in Manchester, maintaining my RYT through the Yoga Alliance.

I do not agree with, nor support, the recently introduced HB 6243.

When HB 5455 was presented in 2012, I was in full support and came to testify in support of ensuring that proprietors of illicit acts and illegal massage were held accountable, as they were, in fact, NOT offering massage at all. There was language to specify a variety of Eastern Massage modalities.

In the time since the HB 5455 was passed, there has come to light that a number of Yoga Instructors throughout the State have training in 'Thai Yoga' and had been practicing this modality on clients. There were some formal complaints registered and the Department of Public Health had pursued these complaints for Yoga Instructors, instructing them to no longer offer Thai Yoga, as this is a massage modality.

They contacted their State Representatives and brought a complaint that HB 5455 was actually hurting their businesses and had interfered with their livelihood. I absolutely understand their position and feel that they had every right to contact their legislators and ask for some help. Unfortunately, what they were doing initially was illegal. They were practicing massage without a license.

At a meeting with Rep. Grogins on Friday, 1 March 2013, I was clarified in my understanding of Rep. Grogins original intent of HB 5455, which was referred to that day as 'The Sex Bill'. I was deeply disappointed. Many LMT's were in support of this Bill originally and wanted to ensure that all forms of bodywork/massage were noted so as to protect the public and ensure that proper training and licensing was sought and secured by anyone manipulating the soft tissues of the body.

As both an LMT and Yoga Instructor, I can see and speak to both sides of the issue, but was not allowed an opportunity to voice my opinion or thoughts. I was very disappointed in the inability to allow for proper and respectful discourse on this subject. 'We' added some language about requiring insurance coverage for Yoga Instructors performing 'Thai Yoga'

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but upon further reflection, that is not appropriate. This would allow a writing into law for non-licensed persons to perform massage. This is unacceptable.

I researched the claim that there needed to be some depth and investigation to obtain insurance coverage. My recall on securing my yoga and massage insurance coverages was that I merely sent in a letter and check; shortly thereafter, I was covered.

I contacted the Yoga Alliance, through whom I have my insurance, as do many Instructors. I specifically asked about 'thai yoga' coverage. I clarified a number of times to ensure proper understanding. I was told that: "'thai yoga' is covered under your yoga insurance so long as the massage portion of your business is 49% or less of your revenue."

I asked what additional information, certifications or paperwork I needed to complete to secure this coverage. I was informed that there is none needed. Upon examining their website, there are a variety of yoga modalities identified as covered: ashtanga, anusara, bikram, hatha, kripalu. Aco-yoga and arial yoga are *not* covered by the general policy. With thai not being identified, I asked how a therapist would know that they had this coverage. Most call and ask and are told the same that I was.

I asked specifically: "So, if i let my massage license lapse and continue to see Thai clients, I am COVERED by my yoga insurance? And I do not need to do anything further?" The representative was clear in her response: "Well, no. ***But if you take more than half your business as thai yoga, that is massage and invalidates your coverage. We do not cover massage.***" (*italics mine*)

Massage, as defined by the State of Connecticut is:

### CONNECTICUT GENERAL STATUTES

#### Chapter 384a

#### Massage Therapists

#### Sec. 20-206a. Definitions.

...

(d) "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, natureopathy, physical therapy, or podiatry is required by law.

The bold and italics are mine to highlight the pertinent sections of the Massage Statutes.

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Thai Yoga is a term that was created by Westerners in the 1990's, as Thai Massage was making inroads to the USA and Europe, as a marketing and sales tool. During the '90's, most Westerners were familiar with 'Yoga' and what that looks like. In describing Thai Massage, most therapists will suggest that the work is a 'moving meditation' or a 'lazy man's yoga'. Therefore, 'thai yoga' became a catchphrase that therapists use to continue to describe and sell their work to potential clients. There IS an actual version of yoga that is practiced in Thailand; called 'Reusi Dat Ton' (RDT) these are the Hermit's Exercises and most closely translate to what we would identify as yoga. This is not what is being disputed.

Lotus Palm is a very well-known and respected Thai Bodywork school based in Montreal, Canada and founded in 1995 by one of the respected leaders in the 'Thai Community' of bodyworkers, Kam Thye Chow. The popularity of the work has spread their training to centers such as Kripalu and Omega on the East Coast, where numerous yoga, pilates, personal trainers, massage therapists and other interested parties may learn and experience this wonderful work. Many other trainers, especially based on the West Coast, refer to their training as 'Thai yoga massage.' My concern is that on Lotus Palm's website, they state, on a PDF file to download as you consider applying:

*Practicing in Canada, USA and elsewhere*

...

*Course credits, licensing, associations, and insurance*

Since every province, state and country sets its own standards for massage, yoga and naturopathic work, we can provide some guidelines and resources that you can use to acquire additional information.

...

*Practicing Legally: Knowing your Obligations*

Legal licensing requirements vary according to location; it is the practitioner's responsibility to be informed of, and to fulfill local legal requirements governing a given region. In Canada & the United States, massage is sometimes governed by state or provincial law, and then further under municipal regulation. In some cases Thai Massage can also fall under the category of naturopathic work as well as assisted yoga. Thai yoga massage primary focus is the Sen lines and assisted yoga.

***To practice legally, we know in some cases we can rename it by calling it Thai yoga bodywork, Thai assisted yoga, Thai yoga healing etc... in our advertising and description.***

I find this very disturbing that there is a 'way around' licensing identified for participants. Many practitioners call the work: Thai massage, Thai bodywork, Thai Yoga, Thai Yoga Massage, Nuad Bo Rarn or Traditional Thai Massage. As a public health concern for safety, I believe that we need to call 'massage' massage and identify bodywork where there is a passive recipient as 'massage'.

The main difference between what is being called 'thai yoga' and any other version of yoga is that the client is a PASSIVE recipient; this would indicate the the therapist is applying the work and moving the soft tissues. As a yoga instructor, there is a very intense debate currently over whether instructors should actually touch students. There have been very gentle and conscientious ways to assist a student deepen their practice. There are also assists that have resulted in lawsuits and injury. So even within the yoga community

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there is debate over how much actual hands-on contact an instructor should have with a student.

This highlights another difference: yoga STUDENTS use an instructor (either in class or in private) to assist, lead, deepen, educate and enhance a PRACTICE. 'Thai Yoga' recipients are RECEIVERS (AKA: clients, patients) who EMPLOY a therapist to move their body and deepen their relaxation and increase the movements of the body, relax the skeletal muscles, decrease the effects of stress and help to create a better engagement of the mind-body connection.

My final concern is regarding depth/pressure. At the meeting of March 1st, there was talk of how deep a therapist works. This is ALWAYS dependent upon the health and desire of the client. The work can be very light (under a pound of pressure) and can go to the depth of the practitioner's full bodyweight. Each therapist does find their own 'style' and pace and preferred depth, but I do not believe that we are able to legislate based on the DEPTH of work performed. Traditionally, a modality such as lymph drainage is extremely light and this is massage; Structural Integration is extremely deep and this, too, falls under massage.

I call for the statutes to remain as they are, unchanged. I believe that trying to play with the semantics of language in order to allow illegal actions to be protected is unethical and against what I have learned and understand as the proper way for a yoga instructor, massage therapist or business professional to conduct themselves.

Thank you for your attention and consideration.

Sincerely,

Nicole Arel, LMT #004433  
Essential Touch LLC  
PO Box 8174  
Manchester, CT 06042

cc:

Rep. Sandy Nafis  
Rep. Auden Grogins  
Rep. Linda Orange  
Rep. Jack Hennessy  
Rep. Brian Sear  
Rep. Anthony Guglielmo  
Rep. Jason Rojas  
Judy Yost, AMTA Lobbyist  
Scott Raymond, AMTA Immediate Past President  
Susan Johnson  
Patricia Miller  
Prasad Srinivasan

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David Alexander  
David Arconti  
Whit Betts  
Michelle Cook  
Theresa Conroy  
Christopher Davis  
Mike Demicco  
DebraLee Hovey  
Themis Klarides  
James Maroney  
Jason Perillo  
Emmett Riley  
Kevin Ryan  
Pamela Sawyer  
David Scribner  
Peter Tercyak  
Patricia Widlitz  
Melissa Ziobron  
David Zoni