This report is a publication of the Nevada Chapter of the American Massage Therapy Association - the AMTA-NV Chapter is solely responsible for its content. It is intended for member notification of the official proceedings of the Nevada State Board of Massage Therapy and is available to the general public when posted on the chapter's website at amta-nv.org and is not intended to take the place of the official Minutes of the NSBMT. The official NSBMT Minutes are available on their website approximately 30 days after the date of the corresponding Meeting. Requests for NSBMT Meeting Minutes and audio recordings can be made to nvmassagebd@state.nv.us.

This is a brief overview of public proceedings during a scheduled Meeting of the Nevada State Board of Massage Therapy (NSBMT) regarding the NSBMT's actions that affect its licensees and the profession of massage therapy, reflexology, and structural integration in Nevada. Disciplinary hearings and/or Items and Public Comment are not a part of this report.

>> begin report

Locations of Meeting: see attached NSBMT Agenda

Date of NSBMT Meeting: 11/29/2017
Meeting Start Time: 9:00am

Item #10a: The results of the 2017 Audit were explained by the Auditor. The Board agreed to send the Audit on to the Legislative Counsel Bureau.

Item #10b: The Board approved a budget of up to $2000 for Reno Staff to meet CAMTC staff counterparts on a trip to CA.

Item #10c: The Board approved to increase the advertising budget line item up to $10,000 to facilitate providing educational information to potential reflexology license Applicants in the form of: 1) a NSBMT-hosted "town hall meeting" in cooperation with the Asian Community Development Council & Assemblywoman Irene Bustamante; 2) PSAs on WeChat; and, 3) in targeted ads/PSAs, released in timed increments, in 3, Las Vegas Asian community newspapers (through Oct 1, 2018)

Item #10d: The Board approved moving the annual Board Retreat from Sep 2018 to April 16 & 17, 2018, with a budget of up to $20,000 to include expenses for travel, lodging, board, supplies, and classes including active shooter response training, legislative/board training, et al, and possibly Tonic Immobility (see Item #16).

Item #10e: The Board accepted changes to the 2018 Budget vs Actual that the ED made and suggested prior (which were Approved at the last Regular NSBMT Meeting) - the 2018 Budget will be back for a final review & Approval vote in Feb 2018.

Item #10f: The Board approved staff participation in the state-deferred compensation plan administered by Voya and the contract with Nevada Deferred Compensation.

Item #10g: The Board approved $20,000 to be budgeted and spent on investigation of illegal activity within establishments that lie in jurisdictions in which Board-relationships are still being built with local law enforcement; to provide cross-jurisdictional communication & trust; to include hiring of an employee with Inspector or similar

title) that will work part-time reporting illegal activities observed & may include outside, licensed Private Investigators [in Northern Nevada] & may include staff.

Item #11: a) October's Minutes were approved.

Item #12: Inspection Team reported they are caught up with scheduled inspections, through October 2017. Inspectors completed mailings to all Establishments to introduce themselves.

Item #13: The NSBMT's Rules of Practice (employee manual) will go to the Secretary of State's office for Filing. The Policies & Procedures manual Item is Tabled until Feb 2018 - E.D. will be revamping and re-presenting to the Board for acceptance.

Item #14: A new Seal for the NSBMT was discussed and Approved. [no image available, but description: circular Name of the Board "Nevada State Board of Massage Therapy" around the state Seal.]

Item #15: Discussion re: online ethics portion of obtaining a license: Counsel advised that it may be seen as a "barrier to entering the market" and would, at least, need to pass Regulatory ruling during the next Legislative Session in 2019. Re: online ethics as an alternate course required by the Board as discipline during an Applicant disciplinary hearing: in addition to any Board-approved live courses [already registered/recommended/assigned], the Board may (upon Counsel's review/recommendation) provide a 'free' version of a vetted course, online - Board members liked this idea because the content could be controlled/targeted and would be a more-accessible (geographically and economically) solution for the reason the disciplinary assignment/requirement would be issued. Staff agreed to design a draft-course for the Board's discussion at the next Regular Meeting in Feb 2018.

Item #16: Chairperson April Whiting asked for feedback regarding possible Board training on Tonic Immobility, a condition experienced by victims of physical/emotional/verbal abuse - she thinks it's a good idea to understand the nature of the victims who submit Complaints against perpetrating-NVMTs' point of view when reviewing cases - "Tonic immobility (TI) is a temporary state of motor inhibition believed to be a response to situations involving extreme fear" (definition courtesy of Abrams, MP, et al (accessed 03Dec17 @ https://www.ncbi.nlm.nih.gov/pubmed/19170102) If a reasonable cost in time & money are presented, this may be a topic covered at the April 2017 Board Retreat.

Item #18: The Annual FSMTB Meeting was a success and one good announcement for Nevada is that the MBLEx Testees' photographs at the time of testing will be sent

to the NSBMT with the Testees' official results, better equipping the Board to compare Applicant-submitted photographs of themselves with their MBLEx Test Results photographs - an added security measure via interagency sharing of information. On November 3, 2017, the FSMTB's released a report on Human Trafficking as it relates to the massage therapy profession (attached), and it was discussed by the Board after a panel of Meeting attendees were called to speak to their purpose surrounding their intentions and responses to the report. A representative from the Nevada Attorney General's office came to express that her charge in coordinating efforts supporting anti-human trafficking efforts within the AG's office caused her to reach out to the NSBMT for any collaboration that the AG's office and the NSBMT can come up with in and for the future. The Board also was presented the November 14th, 2017, joint AMTA/ABMP response (attached) rejecting "both the misinformation [the FSMTB's report] conveys and its perceptions about the responsibilities of the massage therapy profession." In addition to the points made in the response, ABMP's Laura Embleton, Government Relations Director, spoke to caution of over-regulation via the Board's reach into areas of law enforcement and the undue financial burden additional procedures may put on the licensees under the Board. David Otto, Government Relations Committee Chair for the American Massage Therapy Association - Nevada Chapter, brought forward that Nevada has a unique position in anti-human trafficking efforts and, according to its chapter-members, is supported by Nevada Chapter members to 'shut down' illicit massage 'parlors' wherever possible and especially if through the board to which they pay fees to regulate the safe, legal practice of massage, not prostitution. The Board discussed the nature of human trafficking and its impact on Nevada massage therapists and many of the Board members thought it would be a good idea to further-pursue some kind of activity that helps the AG's office in a form of information-sharing or similar - more will be discussed at the February Regular Meeting of the NSBMT.

The Board's Item #17 cleared the Public room for Closed Session, and there were no AMTA Nevada Chapter representatives present for the rest of the meeting thereafter, for Items #19, #20, or #21.

Respectfully submitted,
David Otto, Chair - Government Relations Committee

>>end report

Nevada State Board of Massage Therapy

*****NOTICE OF PUBLIC MEETING*****
1st AMENDMED

LOCATIONS:	**Nevada Legislative Building – Carson City** 401 South Carson Street, Suite 2134 Carson City, NV 89701
	Videoconference To: **Grant Sawyer Building – Las Vegas** 555 East Washington Avenue, Suite 4412 Las Vegas, NV 89101
DATE:	**November 29, 2017**
TIME:	**9:00 a.m. PST**

AGENDA

Please Note: The Nevada State Board of Massage Therapy may 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

1. Call to order and roll call of Board Members.

2. Introduction of new Board members Bob Oliver from Washoe County and Lorna Benedict representing Structural Integration Practitioners statewide.

3. Public comment. (Discussion Only) Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.

4. Formal Hearing for Suet Lin Morgan – NVMT #3074 – NVMT-C-1710. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

5. Formal Hearing for Mi Sook Cho – NVMT #4978 – NVMT-C-1711. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

6. Formal Hearing for Jin E. Liu – NVMT #532 – NVMT-C-1713. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

7. Formal Hearing for Xiao Hong Wang – NVMT #2773 – NVMT-C-1713. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

8. Discussion and possible approval of programs of massage therapy that the Board recognizes pursuant to NRS 640C.400 and application review of education completed by applicants who attended these programs. (For Discussion and Possible Action)

    a. Review documentation for Heritage College based out of Columbus, Ohio. (For Discussion and Possible Action)
    b. Review application for Christian Phillips. (For Discussion and Possible Action)
    c. Review documentation for University of Western California based out of Los Angeles, California. (For Discussion and Possible Action)
    d. Review application for Yubo Wang. (For Discussion and Possible Action)
    e. Review documentation for Marinello School of Beauty based out of Redding, California. (For Discussion and Possible Action)
    f. Review application for Nijie Zou. (For Discussion and Possible Action)
    g. Review documentation for Concorde Career College based out of San Diego, California. (For Discussion and Possible Action)
    h. Review application for Theresa Taylor. (For Discussion and Possible Action)
    i. Review documentation for Center Point Massage and Shiatsu Therapy School and Clinique based out of Saint Louis Park, Minnesota. (For Discussion and Possible Action)
    j. Review application for Ryan Huffman. (For Discussion and Possible Action)
    k. Review documentation for New Hampshire Institute for Therapeutic Arts based out of Bridgton, Maine. (For Discussion and Possible Action)
    l. Review application for Susan Ainsworth. (For Discussion and Possible Action)

9. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

    a. Review Application of Freeman M. McWilliams. (For Discussion and Possible Action)
    b. Review Application of Orapin P. Pinta. (For Discussion and Possible Action)
    c. Review Application of Pik Yuk Li. (For Discussion and Possible Action)
    d. Review Application of Yuxia Li. (For Discussion and Possible Action)
    e. Review Application of Erin L. Buonanno. (For Discussion and Possible Action)

10. Discussion and possible action regarding financial reports and budgetary approvals (For Discussion and Possible Action)

    a. 2017 Audit Review
    b. Discussion and possible approval of Reno Staff's travelling to Sacremento to meet CAMTC staff counterparts. (For Discussion and Possible Action)

c. Discussion of possible of increasing the advertising budget line item to facilitate providing educational information to potential reflexology licensees. (For Discussion and Possible Action)
d. Discussion and possible approval of moving the Board retreat from September of 2018 to February 5th and 6th, 2018. Retreat will include training for active shooter and other topics. (For Discussion and Possible Action)
e. Discussion of 2018 Budget vs. Actual review and acceptance of additions from prior Board meetings. (For Discussion and Possible Action
f. Discussion and possible approval of staff participation in the State deferred compensation plan administered by Voya including possible approval of the contract with Nevada Deferred Compensation. (For Discussion and Possible Action)
g. Discussion and possible approval of amending the Board's budget to allocate funds for investigation of illegal activity within establishments. (For Discussion and Possible Action)

11. Discuss, amend and approve Board meeting minutes. (For Discussion and Possible Action)

    a. October 24, 2017

12. Inspection Team Report (For Discussion)

13. Discussion and possible action regarding the Board's policies and procedures and rules of practice to be sent to the Secretary of State pursuant to NRS 233B.050. (For Discussion and Possible Action)

14. Discussion and possible action regarding the adoption of a new seal for the Nevada State Board of Massage Therapy. (For Discussion and Possible Action)

15. Discussion and possible action regarding developing on-line ethics course to be offered by the Board for obtaining a license and/or continuing education. (For Discussion and Possible Action)

16. Discussion of possible Tonic Immobility. (For Discussion and Possible Action)

17. Closed Session for discussion between Board and counsel regarding potential litigation involving the Board.

18. FSMTB Annual Meeting Report and presentation of Human Trafficking Task Force Report (For Discussion)

19. Approval of applications approved and authorized by the Chairperson. (For Possible Action)

20. Public Comment

21. Adjournment no later than 4:30 PM (For Possible Action)

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific Agenda Items. The Board may discuss the matters not on the Agenda, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide Public Comment, please avoid repetition and limit your comments to no more than three (3) minutes.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider Public Comment.

Supporting material for this meeting may be requested from Sandy Anderson at 775.687.9955 (sjanderson@lmt.nv.gov) and is available at the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502.

In accordance with NRS 241.020, this public notice and agenda was posted on or before November 21, 2017, on the Nevada State Board of Massage Therapists website, http://massagetherapy.nv.gov, the State of Nevada's Public Notice Website, https://notice.nv.gov, and at the following locations:

Nevada State Board of Massage Therapists
1755 E. Plumb Lane, Suite 252
Reno, NV 89502

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, NV 89101

Nevada State Library
100 South Stewart Street
Carson City, NV 89701

Nevada Attorney General's Office
100 N. Carson Street
Carson City, NV 89701

Human Trafficking Task Force Report

FEDERATION OF STATE MASSAGE THERAPY BOARDS • 2017

Human Trafficking Task Force Report

FSMTB
FEDERATION OF STATE
MASSAGE THERAPY BOARDS

10801 Mastin Boulevard, Suite 350, Overland Park, Kansas 66210
FSMTB Executive Office: 913.681.0380 | info@fsmtb.org | www.fsmtb.org

FSMTB Mission Statement

The mission of the Federation is to support its Member Boards in their work to ensure that the practice of massage therapy is provided to the public in a safe and effective manner.

Copyright ©2017. Federation of State Massage Therapy Boards. All rights reserved.

Permission is granted to boards of massage therapy to use or reproduce all or parts of this document for licensure-related purposes only. Nonprofit education programs have permission to use or reproduce all or parts of this document for educational purposes only. Use or reproduction of this document for commercial or for-profit use is strictly prohibited.

Any authorized reproduction of this document shall display the notice: "Copyright by the Federation of State Massage Therapy Boards. All rights reserved." Or, if a portion of the document is reproduced or incorporated in other materials, such written materials shall include the following credit: "Portions copyrighted by the Federation of State Massage Therapy Boards. All rights reserved."

Address copyright permission requests in writing to: Executive Director, FSMTB, 10801 Mastin Boulevard, Suite 350, Overland Park, Kansas, 66210.

Contents

1 Executive Summary

3 Introduction: Charge and Background

6 Prevalence and Impact of Human Trafficking on the Massage Profession

7 The Trafficking Victim Protection Act (TVPA) of 2000

9 Evaluating Prevalence and Impact

15 Reducing Prevalence and Impact

20 Further Research

22 Areas within the Jurisdiction of the FSMTB to Combat Human Trafficking

23 Initiate and promote a campaign for the awareness of human trafficking

26 Evaluate the possibilities of a uniform, national accrediting body for massage therapy schools and programs

27 Create a work group to study the efficacy of massage establishment regulation and serve as an informational resource for state boards

29 Continue to develop its Massage Therapy Licensing Database (MTLD)

29 Amend the Model Practice Act to include a representative with a background in human trafficking to the composition of member boards

30 Measures that Could be Pursued by Individual Member Boards to Curtail or Eliminate Human Trafficking in the Massage Profession

31 Regularly report to the FSMTB MTLD

31 Advocate to ensure its state school oversight mechanism includes programmatic or specialized approval review and follow up audits

32 Encourage or require training in human trafficking

33 Discuss the possibility of implementing massage establishment regulation

35 Establish a relationship with law enforcement and government agencies

36 Use of the Systematic Alien Verification for Entitlements (SAVE)

37 Conclusion

39 Appendices

39 Appendix A: Resolution on Trafficking in Human Beings

40 Appendix B: Human Trafficking Awareness and Training Resources

41 Bibliography

42 Acknowledgements

EXECUTIVE SUMMARY

Massage Therapy is a profession that is commonly associated with human trafficking. It is undeniable that human trafficking is prevalent and that its impact on massage therapy is sizable. This is in part a perception problem, but it is largely based on reality due to the fact that illicit businesses (IBs) use massage therapy as a front for their illegal activity.

Regulators can change the reality. This report and the work it embodies is a step in that direction.

The Human Trafficking Task Force was created by the Federation of State Massage Therapy Boards (FSMTB) Delegate Assembly to describe the problem and to produce solutions for consideration by the FSMTB and state boards. The findings and recommendations in this report represent over 16 months of study, listening, discussion, and consensus building.

The key findings are:

- Human trafficking is prevalent within the massage profession. Research shows that as many as 6,500 illicit (massage) businesses are active in the United States. Less conservatively, it is estimated that up to 9,000 illicit (massage) businesses may be active. Research also shows that in each year from 2012 through 2016, the 'commercial-front brothel' was one of the top two venues for sex trafficking;

- The most concerning impact of trafficking on the profession is that it endangers therapists and the public;

- Trafficking costs, monetary and otherwise, are significant for professionals and consumers;

- Human trafficking is linked with fraud in massage therapist education and in the licensing pathways;

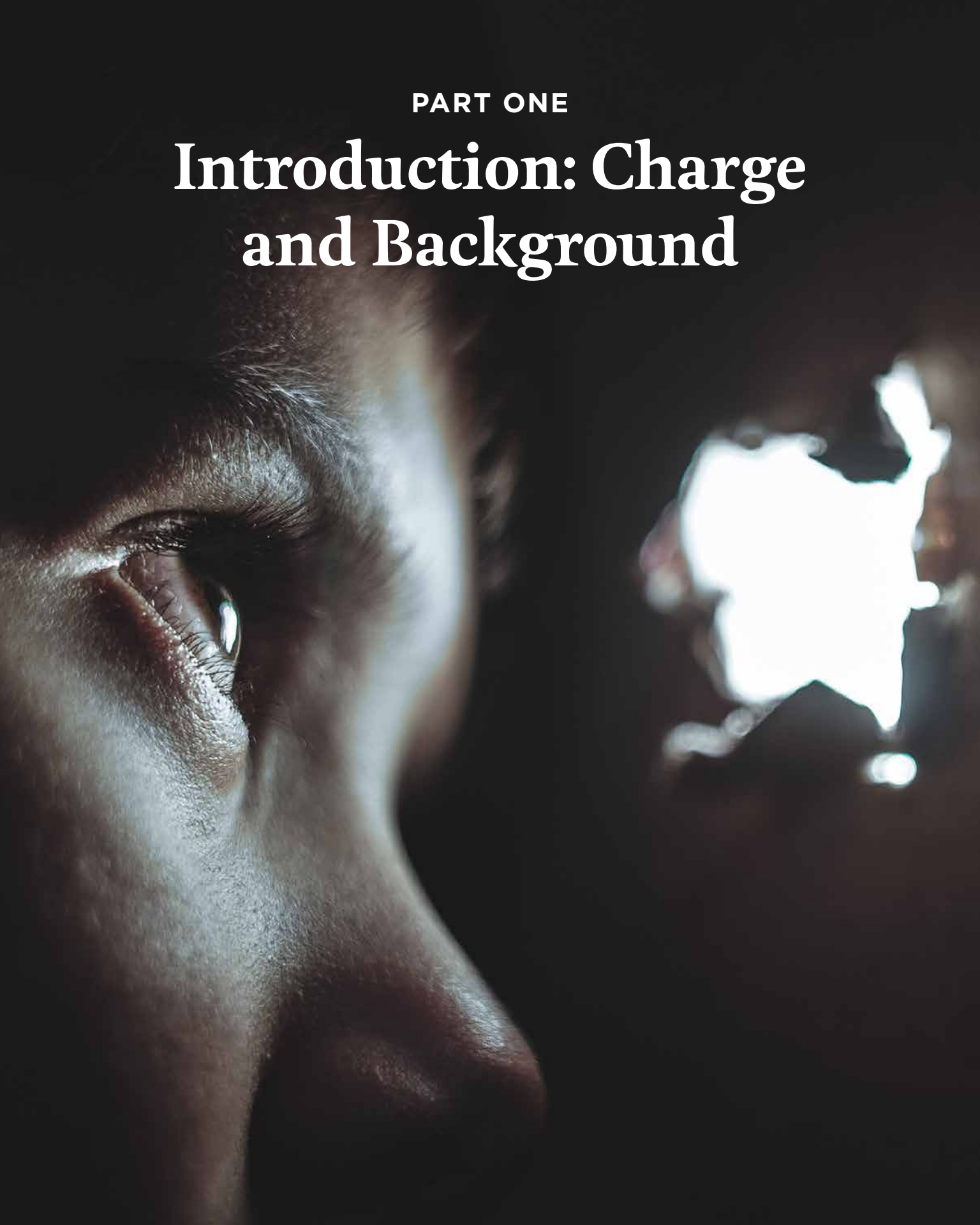
- Innovative law enforcement interventions and municipal code changes that focus on IMBs and their operatives are emerging.

Recommendations for the FSMTB and state credentialing authorities to consider include:

- Improve awareness, both nationally and locally, through campaigns and ongoing communications and outreach;
- Study ways to improve massage school evaluation processes, considering both a national accreditation standard recognized in unison by the jurisdictions, and a state-based approval system that is capable of ensuring programmatic or specialized review;
- Increase reporting of credentialing-related data to a national clearinghouse. The Massage Therapy Licensing Database (MTLD) could fulfill this role;
- Create a task force to study massage establishment licensing;
- Develop closer relationships with stakeholders, such as law enforcement, non-profit organizations, community service agencies, and others;
- Apply existing FSMTB resources like the Massage Therapy Licensing Database (MTLD), Regulatory Education and Competence Hub (REACH), In Touch newsletters and the FSMTB website toward recommended solutions.

PART ONE

Introduction: Charge and Background



CHARGE

At the 2015 FSMTB Annual Meeting, the Delegate Assembly passed a resolution introduced by the Tennessee Board of Massage Licensure. The resolution petitioned the Federation to unite against human trafficking.

The introductory recitals section of the resolution states that human trafficking has been "condemned … as being tantamount to modern slavery, which should shock the conscience," and it underscores the effect on victims from the "sexual exploitation, gender-based violence, discrimination, marginalization, and underpaid illegal labor" inherent in human trafficking activity.

This prompted the creation of a Human Trafficking Task Force (HT Task Force) to complete the following assignments:[1]

1. Determine the prevalence and impact of human trafficking on the massage profession;

2. Identify areas within the jurisdiction of FSMTB to combat human trafficking; and

3. Identify measures that could be pursued by individual member boards to curtail or eliminate human trafficking in the massage profession.

BACKGROUND

The FSMTB HT Task Force met twice in person in 2016 and held several teleconference meetings in response to the Delegate Assembly's motion. The first meeting included a presentation from Polaris, a non-profit organization focused on disrupting the higher levels of human trafficking networks, assisting victims and conducting research concerning the prevalence and impact of human trafficking on the massage profession.

At the second meeting, FSMTB's Federation Authentic Information Review (FAIR) Task Force and HT Task Force exchanged findings common to human trafficking and fraud in the various stages of the license application process. This exchange

1 Appendix A, Resolution Adopted by the Delegate Assembly

of information affirmed the notion that fraud and human trafficking are connected. Human traffickers commit fraud to obtain credentials that mask their illegal activity.

In addition, the HT Task Force created and distributed two surveys. One went to the leadership of the Coalition of National Massage Therapy Organizations regarding the prevalence of human trafficking within the profession, and the other went to states that regulate massage establishments regarding the methods and effectiveness of massage establishment regulation.[2]

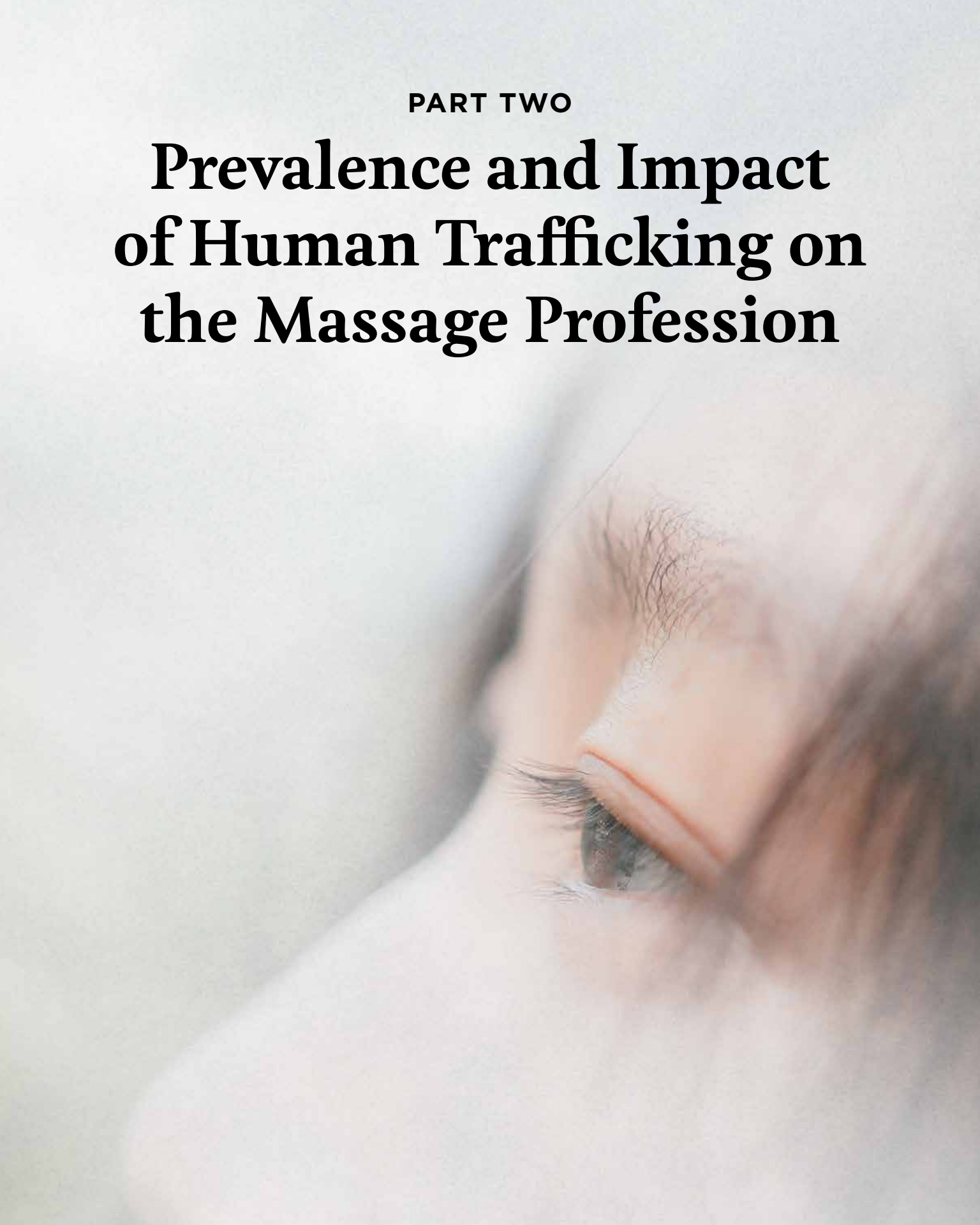
This report validates concerns regarding the prevalence and impact of human trafficking and IBs[3] upon the massage profession. It is published in order to call attention to those concerns, many of which have been brought to the attention of the Federation and its member jurisdictions, as well as to offer solutions for the regulatory community.

2 FSMTB Human Trafficking Task Force Surveys
Establishment Oversight Survey, May 2016
Massage Therapy Coalition Survey, June 2016

3 This report uses the term Illicit Businesses to describe establishments that use massage and bodywork as a front for their illegal activity. Polaris uses the term Illicit Massage Business to denote businesses using massage and bodywork as a front for human trafficking. We have inferred that use of the term 'illicit' alongside 'massage businesses' is not intended to delegitimize law-abiding massage businesses or associate them in any way with schemes that are engaged in human trafficking. Illicit Massage Business is a commonly used anti-trafficking term which is defined as an enterprise that purports to offer massage services but instead offers commercial sex. https://humantraffickinghotline.org/resources/human-trafficking-and-illicit-massage-businesses-report

PART TWO

Prevalence and Impact of Human Trafficking on the Massage Profession



Human trafficking is prevalent in massage therapy, and it has a very large and direct impact on the profession to a degree that remains largely unexplored. Though recent research has begun to measure the prevalence of sex trafficking, labor trafficking is a problem potentially as widespread within the massage therapy profession, and has received much less attention by means of legal action, legislation, through research, and in the media. The serious problem of sex trafficking and the attention it receives, consequently raises the question of whether it obscures the problem of labor trafficking. The HT Task Force believes all types of human trafficking demand our attention as regulators, and we fully support efforts to further define, expose, and combat it in all of its forms.

THE TRAFFICKING VICTIM PROTECTION ACT (TVPA) OF 2000

Human trafficking in the massage profession is part of a much larger international problem that creates slavery, bondage, intimidation, violence and trauma.

The most prominent law in effect nationally for the purpose of combating human trafficking is the United States Trafficking Victim Protection Act (TVPA) of 2000.[4] It was implemented to support prosecution of offenders, protect victims, and to prevent human trafficking. One component of this very broad effort is human trafficking that occurs within the context of massage therapy.

The TVPA defines human trafficking and makes several findings that are noteworthy as attempts to qualify the problem. The recitals in the Tennessee Board of Massage Licensure's resolution mirror the TVPA definition and many of its findings. In addition, many of the legal tools and resources created by the Act and its amendments could be useful in combating human trafficking within the massage profession.

The TVPA defined human trafficking as: "(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.[5]"

4 The Act was reauthorized in 2003, 2006, 2008 and 2013.

5 TVPA Section 108 (3)

The Act further found the following:

- Traffickers primarily target women and girls, who are disproportionately affected by poverty, have limited access to education, suffer chronic unemployment, discrimination, and lack economic opportunities in their countries of origin;

- Traffickers lure women and girls into their networks through false promises of decent working conditions;

- Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, such as HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death;

- Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide;

- Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion;

- For coercive effect, traffickers often make threats, implied or direct, to their victims that physical harm may be directed at them or others should the victim escape or attempt to escape;

- Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide;

- Trafficking in persons is often aided by corrupt government officials in countries of origin, transit, and destination, thereby threatening the rule of law;

- Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves;

- Adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries;

- Victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked. They are often subjected to coercion and intimidation including physical detention and debt bondage, and they often fear retribution and forcible removal to countries in which they will face retribution or other hardship. As a result, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.[6]

EVALUATING PREVALENCE AND IMPACT

Measuring Prevalence

There are many ways traffickers hide their activities and the exploitation of their victims. Massage therapy is one of the arenas in which they frequently operate. They may use massage, spa, reflexology, foot massage, bodywork, modeling, or another kind of service as a front. Illegal establishments often house individuals who have cheated to obtain a massage therapy credential, if a license is obtained at all. Unlicensed practice is common. In other cases, human trafficking is disguised as "free-agent prostitution" and marketed as massage.

Polaris estimates range from 6,000 to 9,000 total active IMBs in the United States.[7] Its more conservative estimate is 6,500.[8] In 2016, Polaris noted a marked decrease in the number of IMBs, documenting the closing of nearly 100 IMBs by law enforcement using in part what Polaris refers to as a networked approach, or a strategy addressing IMBs as larger operations, not simply as stand-alone businesses.[9] Similarly, an estimate in 2012 indicated that there were over 7,000 illegal prostitution sites posing as legitimate massage establishments.[10]

6 TVPA Section 102 (B)

7 Polaris Blog, 10/26/2016, Carton, Meghan, "Behind the Scenes of an Illicit Massage Business Investigation"

8 Polaris publication, "Human Trafficking and Illicit Massage Businesses," https://polarisproject.org/initiatives/illicit-massage-businesses

9 Interview with Carton, Meghan, 1/1/2017, 2/15/2017

10 McCutcheon, Heather, "Hiding in Plain Sight – Human Trafficking's Impact on Massage Therapy," Associated Bodywork and Massage Professionals (ABMP) article, January/February 2013

Polaris' projections are predicated on open source data, or information that can be accessed, modified and shared without exclusion or limitation as to the purpose of its use. Buyer review boards like "Rub Maps" are commercial websites that exist solely for review of IBs, and they are often the starting point for gathering the open source data.[11]

The states with the highest concentration of IBs are California, Texas, New York, Florida and New Jersey.[12]

There are several reasons why quantifying the connection between human trafficking and IMBs is complex, but the conclusion that it is prevalent is unavoidable. In addition to the convictions, indictments and complaints that continue to register with law enforcement, one indicator shows that from 2012 through 2016, 'commercial-front brothel' has been recorded as one of the top two venues for sex trafficking.[13] In addition, the National Human Trafficking Resource Center (NHTRC) Hotline indicates that during the five-year period between January 1, 2011 and December 31, 2015, 2,137 IMB-related calls were made to the Hotline.[14]

A NHTRC resource on Fake Massage Businesses further observes:

> *"Women in brothels disguised as massage businesses typically live on-site where they are coerced into providing commercial sex to 6 to 10 men a day, 7 days a week. Fake massage businesses frequently operate in strip malls, office buildings, and sometimes, residential homes, in urban, suburban, and rural areas across the United States... Fake massage businesses generally operate within a network of traffickers, similar to organized crime of other varieties. Each fake massage business is managed by a Brothel Keeper. The location may be financed by a business owner, who operates multiple locations from behind the scenes.[15]"*

11 Interviews with Meghan Carton, Polaris, 12/28/2016, 1/11/2017, 1/19/2017

12 Polaris publication, "Human Trafficking and Illicit Massage Businesses," https://polarisproject.org/initiatives/illicit-massage-businesses

13 Hotline Statistics, https://humantraffickinghotline.org/states

14 https://humantraffickinghotline.org/resources/human-trafficking-and-illicit-massage-businesses-report

15 NHRTC Hotline, Fake Massage Businesses, https://humantraffickinghotline.org/states

Yet we also expect that the instances of IB-related human trafficking are underreported due to 1) the factors identified in the TVPA definition of human trafficking, specifically that it involves force, fraud, or coercion; 2) existing misperceptions about victim motivations; and 3) its criminal nature.

One fallacy that contributes to underreporting of human trafficking is the assumption that IB-related prostitution is voluntary. The Federal Bureau of Investigation (FBI) has worked to dispel the misperception of voluntary engagement in human trafficking through publicity. A 2011 bulletin states:

> *Many people probably remember popular movies and television shows depicting pimps as dressing flashy and driving large fancy cars. More important, the women—adults—consensually and voluntarily engaged in the business of prostitution without complaint. This characterization is extremely inaccurate, nothing more than fiction. In reality, the pimp traffics young women (and sometimes men) completely against their will by force or threat of force; this is human sex trafficking.*[16]

In addition, the criminality particular to human trafficking obscures the baseline measurement, as operatives can be sophisticated in their deviance and subterfuge. Evidence of trafficking is more elusive than for other crimes due to the coercive influence of operatives, who imperil the safety of victims and their support networks through physical violence, mental and emotional abuse, threats, and intimidation. Debt bondage, for example, creates perverse incentives that work against bringing the ringleaders to justice.

Defining Impact

The HT Task Force identified several impacts of human trafficking on the massage industry. They are summarized here:

16 Walker-Rodriguez, Amanda and Hill, Rodney, "Human Sex Trafficking," FBI Law Enforcement Bulletin, March 2011

- It endangers therapists. In addition to all of the dangers inherent in human trafficking, the association of massage therapy with prostitution or "happy endings" subjects therapists to assault, threats, harassment, and more subtle forms of intimidation;

- The cost of doing business rises due to increased exposure to safety risks and security hazards;

- Compromised reputations:
  - Regulatory board responses may be viewed as inadequate or ineffective due to public perceptions of the nature and scope of the problem;
  - Smaller massage establishments may suffer disproportionately. Larger massage franchise brands may be perceived as less likely to be involved in illicit activity;
  - The presumption of illicit activity is prevalent and negatively affects bona fide professionals, schools and establishments;

- It encourages racial and ethnic profiling, as well as discrimination against certain groups;

- A substantial amount of fraud directed at massage therapy educational institutions, testing authorities, and state licensing boards is a problem that casts uncertainty on their ability to limit entry to qualified candidates;

- The necessity (and burden) of additional regulation and safety protections, such as:
  - Increased application fees funding interventions to detect and prevent fraud and to support investigations and prosecutions of human trafficking;
  - The high cost of ensuring that adequate security measures are in place for examinations to prevent cheating and item harvesting and to support legal action;
  - Multiple and overlapping regulatory requirements (local and state, professional and establishment);
  - Establishment licensing requirements.

Survey Results of the Coalition of Massage Therapy Organizations Regarding Prevalence and Impact

The Coalition of Massage Therapy Organizations (the Coalition) is a consortium of national massage therapy stakeholders whose purpose is to consider important issues related to the massage profession. These massage therapy organizations participate in the Coalition:

- Alliance for Massage Therapy Education (AFMTE)
- American Massage Therapy Association (AMTA)
- Associated Bodywork & Massage Professionals (ABMP)
- Commission on Massage Therapy Accreditation (COMTA)
- Federation of State Massage Therapy Boards (FSMTB)
- Massage Therapy Foundation (MTF)
- National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

The HT Task Force sent a survey to the Coalition in June 2016 to evaluate opinions regarding the prevalence and impact of human trafficking on the profession. The results validate concerns about prevalence and impact. Responses included the following:[17]

17 Human Trafficking Task Force Survey of the Massage Therapy Coalition

"I sense there are a lot of professionals in our industry that reflexively reject this issue (human trafficking) as an affront to our sensibilities. But like prostitution, it is real and must be met head-on to protect our reputation. We need to start being more realistic over the fact that traffickers are using our profession as a shield and adjust policies accordingly, instead of fighting against progress to combat it – which ultimately hurts our reputation. It does not have to be seen as "offensive" when therapists are asked to produce documentation of legitimacy. It can be seen as a way to protect the massage therapists themselves."

"The primary manifestation (of impact) is the continued association of massage with prostitution..."

"Given that there are no real data to reflect the instances of human trafficking on the profession, the real impact is perception..."

"Human trafficking has a negative impact on the Massage Therapy profession. Women are forced to perform sexual acts under the guise of massage therapists, which gives the profession a demeaning reputation."

"Admitting that this problem exists is the first step. It took us a long time to get here. I don't think getting massage therapists involved is the answer but creating awareness for therapists and consumers that the men and women who perform these sexual acts are forced into it would help people understand the racket. It is not their faults and we all need to understand this. Human Trafficking is slavery and must be treated so."

REDUCING PREVALENCE AND IMPACT

Resources and Initiatives

State and Local Government Action

The actions of state and local governmental units to reduce the prevalence and impact of human trafficking on the massage profession include the following:

- designation of aiding and abetting of unlicensed practice as a crime;
- regulating establishments, and revoking establishment licenses for unlicensed practice within an establishment;
- state actions against fraudulent massage schools or diploma mills;
- criminal actions against businesses and landlords;
- protections for trafficking victims;
- more expansive nuisance abatement ordinances that hold property owners accountable for illegal activity occurring on their premises;
- expanded definitions of massage establishment to include those that advertise or offer massage or massage services;
- widening law enforcement discretion for entering and inspecting massage establishments;
- mandated credentialing of therapists;
- closing massage establishments;
- suspending and revoking practitioner licenses for offenses related to public indecency and prostitution;
- restricting hours of operation;
- banning sleeping quarters in massage establishments;
- Increased coordination between law enforcement, licensing boards, and human trafficking support services.

Advocacy

Polaris has taken action on a number of fronts to reduce the prevalence and impact of massage-related human trafficking.

In 2015, it launched a national initiative focused specifically on the elimination of the IMB organizational model. The “End Trafficking in Illicit Massage Businesses Initiative” is a collaborative project among service providers, survivors, law enforcement, and other community members. It creates and shares known best

practices to dismantle "criminal networks fueling human trafficking in IMBs," and it aims to provide survivors with "trauma-informed and culturally sensitive services.[18]"

Additionally, as part of the End Trafficking Initiative, Polaris has begun work on recommendations for a massage establishment ordinance language tool kit.

In November 2015, Polaris hosted a face-to-face meeting of several national massage and bodywork organizations, regulatory boards, and other stakeholders to discuss the impact of human trafficking and IMBs on the massage profession.

Then in April 2016, as part of a venture with AEquitas, a non-profit advocacy group that works with law enforcement to improve the quality of justice for abused women, Polaris began offering a three-part webinar training series on the subject of human trafficking and IBs. The training explains how human trafficking arrests often result in misdemeanor convictions of trafficked employees, or victims, and it asserts the imperative of targeting IB operatives.[19]

Finally, advocates emphasize the importance of front line resources like the National Human Trafficking Center Hotline[20]; how to engage appropriate law enforcement resources should criminal activity be suspected within a community; the availability of immigration services like permanent residency status for trafficked victims, the T-Visa, the Department of Health Services' certification program for public services; witness protection programs; and the need for cultural competence in human trafficking interventions.

Challenges

Police Work

The difficult work of shutting down establishments and bringing operatives to justice has proven more challenging than arrests and prosecutions of front line traffickers and victims of the operatives. As a result, charges, prosecutions and

18 http://polarisproject.org/initiatives/illicit-massage-businesses

19 http://www.aequitasresource.org/trainingDetail.cfm?id=137

20 https://polarisproject.org/national-human-trafficking-hotline?gclid=Cj0KEQiAzZHEBRD0ivi9_pDzgYMBEiQAtvxt-KV99b-9L_v4kJvAg0fdcODvFG7LtxTD8pgclz-gwRAaArLx8P8HAQ

convictions are frequently based upon more readily identifiable offenses, like prostitution, unlicensed practice, or occasionally solicitation. In such cases, when human trafficking ringleaders are not targeted, the illegal establishment is likely to re-emerge after a case settles, or after the law enforcement focus has shifted or abated. When convictions are handed down, the result is that victims are punished more severely than the operatives.

A 2014 study by the Urban Institute on sex-based human trafficking explains why it has been more difficult to isolate the operatives. Interviews with law enforcement personnel and convicted offenders revealed that the number of cases of sex trafficking and pimping that are prosecuted in the United States is a small reflection of a problem that is much larger than law enforcement is able to pursue, due to resource constraints, political barriers, or lack of public awareness about sex trafficking crimes.[21]

To supplement massage therapy title protection provisions, which are routinely violated through unlicensed practice, new strategies are emerging. A recent ordinance in Houston, TX, has targeted law enforcement resources directly at IB advertisements online and elsewhere. Advertisement of massage therapy services has been brought within the municipal code's definition of massage establishment, allowing inspection of unlicensed IBs on the same terms as licensed establishments. The Houston Municipal Code's definition is:

> *"any building, room, place, or any establishment whose business includes advertising or offering a massage or other massage services upon the human body for compensation by any person whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses.*[22]

Code enforcement officials are trained to recognize the signs of human trafficking and in turn communicate suspected violations to law enforcement officials. To assist law enforcement in following up on the leads, the Houston Mayor's office states that a new ordinance, Section 28-370, expands police authority to inspect

---

21 Dank, Meredith, et .al., "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major Cities," Urban Institute, 2014

22 Houston Municipal Code, Section 28-361. https://www.municode.com/library/tx/houston/codes/code_of_ordinances?nodeId=COOR_CH28MIOFPR_ARTXIIMAES_S28-361DE

illicit businesses as a way to "single out the operators and owners.[23]" (If entry is denied, a warrant is still required.)

Another law enforcement intervention noteworthy for its comprehensive approach and collaboration occurred recently in Indianapolis, where six IBs were closed after experts in East Asian massage networks provided culturally adaptive and trauma-based services to police and prosecutors as the case developed. Several organizations were involved to assist the Indianapolis Metropolitan Police Department and Marion County Prosecutor's Office, including the Department of Homeland Security, the Indiana attorney general's office, the Indiana Department of Revenue, several local sheriff's offices and police departments and the Indiana Fusion Center, a county Homeland Security organization with a focus on privacy rights.[24] This is an example of the networked law enforcement approach, cited by Polaris as being instrumental in shutting down close to 100 IMBs in 2015-2016.

As awareness grows, there may be more resources dedicated to interventions that effectively isolate the operatives, culturally adaptive training, and victim services. The current reality on the ground, however, is that resources are stretched, and victim services are often not fully developed or offered. Yet convictions are increasingly resisted by advocates if they result in criminalization of victims or rely on an approach that only temporarily displaces the problem.

Legal Action

There is opportunity for improvement in combating massage-related human trafficking through legal action as well.

Significant court actions have included indictment for advertising women in media sources, convictions involving use of massage establishments as a guise for prostitution, and prison sentences.

---

23 Driessen, Katherine, "City Strengthens Law to Crack Down on Illicit Massage Businesses, Updated Law Helps Officers to Inspect Facilities," 12/2/2015, http://www.houstonchronicle.com/news/houston-texas/houston/article/City-strengthens-law-to-crack-down-on-illicit-6671734.php and Davis, Patel, and Latiolais, Todd, "Illicit Massage Establishments, Proposed Ordinance Amendments" powerpoint presentation, https://www.houstontx.gov/council/committees/pshs/20151119/ime.pdf

24 Carton, Meghan, "Challenging the Reality of Human Trafficking - Illicit Massage Businesses, https://polarisproject.org/blog/2016/10/26/behind-scenes-illicit-massage-business-investigation

The TVPA has increased the penalties for human trafficking offenses, expanded the reach of laws aimed at the less visible coercive tactics of traffickers, and added human trafficking offenses to the Racketeering Influence and Corrupt Organization Statute (RICO) statute.[25]

Still, most of the prosecutions occur at the local level, where some successful approaches have been effective, but too often the challenges associated with a more traditional, non-networked law enforcement response prevail, and the criminal enterprise is left intact.

Barriers have also been encountered in the use of the TVPA civil law remedies as a means to reduce prevalence and impact. While there has been some increase in the number of civil cases filed on behalf of trafficking victims, only 117 cases had been filed from the time of enactment of the civil remedy in the TVPA Reauthorization in 2003 until 2013.[26]

In order to connect illegal IB activity to its operatives and networks, existing laws like the RICO statute could be leveraged to greater advantage, and the following laws are noted by Polaris and AEquitas as additional tools that may be deployed in legal actions:[27]

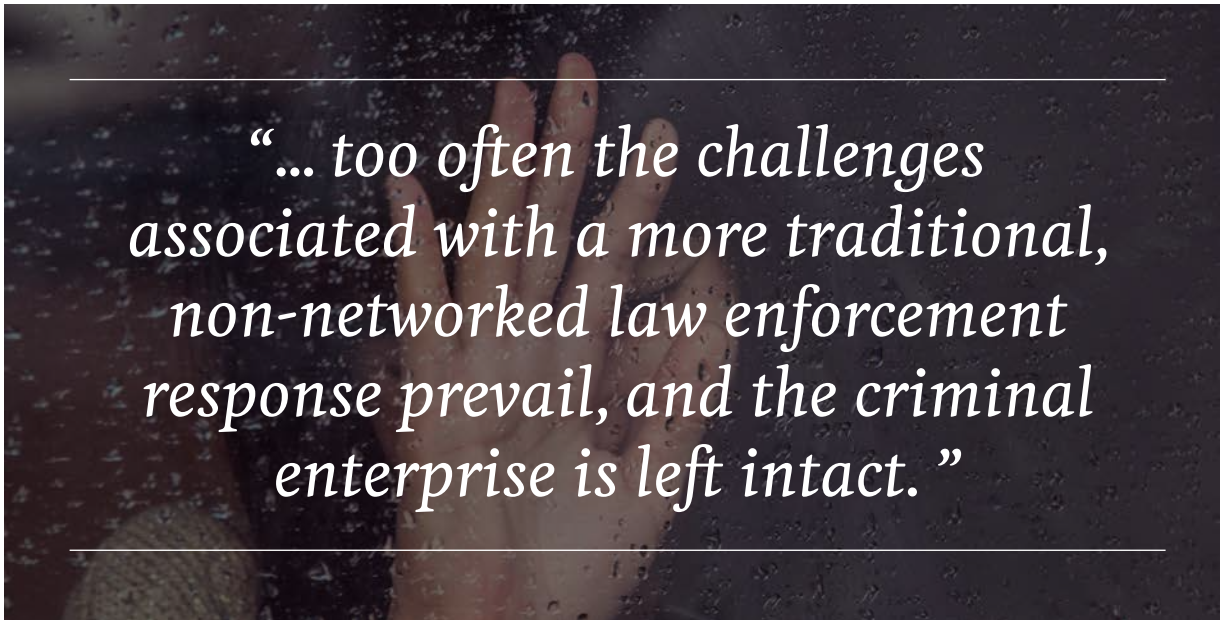
- The Department of Labor's Fair Labor Standards Act false statements laws;
- The Equal Employment Opportunity Commission's civil remedies under Title VII, Sexual Harassment and;
- The Internal Revenue Service's tax evasion conspiracy provisions.

---

25 Freedom Network website post, U.S. Laws, http://freedomnetworkusa.org/what-is-human-trafficking/trafficking-laws-in-the-united-states

26 Freedom Network, http://freedomnetworkusa.org/addressing-human-trafficking-in-the-united-states-fn-comments-for-the-trafficking-in-persons-report/

27 Polaris and Aequitas, webinar series, "Investigating and Prosecuting Trafficking in Illicit Massage Businesses"



FURTHER RESEARCH

Reducing the prevalence and impact of human trafficking on the massage profession will improve if mapping of locations continues, victim and IB indicators are further defined, adjustments are made to interventions that too often only temporarily displace the activity, and advanced strategies are adopted to isolate and bring IB operatives to justice. Inroads have been made in tracking human trafficking schemes through the use of open source data and by defining where activity is more pronounced (CA, FL, IL, NY, TX). As Polaris asserts, more attention should be paid to the known illegal operations in those states.[28]

Similarly, all states could benefit from a state-by-state comparison of IBs to legitimate massage establishments.[29] It is very likely that accurate data is available on the number and location of credentialed state massage establishments in the 10 states that regulate them. For the 40 states that do not regulate establishments, it is unlikely there is an accurate accounting of regulated establishments, so there is no accurate means of discerning the number of bona fide massage businesses

28 Interview with Keyhan, Rochelle, Polaris, 12/6/2016

29 Ibid.

in those states, or the number, location and ownership of advertised or suspected unlicensed operations. An establishment licensing requirement could fill in those critical information gaps.

In addition, Polaris' research lists the top five nationalities of potential victims as China, Korea, Thailand, Mexico/Central America, and the United States.[30] Illicit massage workers are "Most often from China or Korea, and they are shipped across the country from entry points on the coast.[31]" Tracking victims by nationality is important and should continue. It will generate better information on how to support law enforcement with culturally adaptive case management, interpreter, and investigative interventions that can lead to more successful prosecutions of IB operatives.

Finally, more research is needed to further define and quantify the prevalence and impact of IB related human trafficking, its reach in unlicensed (and licensed) practice, and the degree to which labor trafficking occurs within IBs.

30 Polaris publication, "Human Trafficking and Illicit Massage Businesses," https://polarisproject.org/initiatives/illicit-massage-businesses

31 Rood, Lee, "Concerns Grow as Massage Parlors Spread Across Iowa," Des Moines Register, November 17, 2016 (amended), quoting Keyhan, Rochelle, Polaris

PART THREE

Areas within the Jurisdiction of the FSMTB to Combat Human Trafficking

Initiate and promote a campaign for the awareness of human trafficking.

This campaign would be an ongoing project to raise and maintain awareness about the prevalence and impact of human trafficking and to advocate for practices that support the prevention of this heinous enslavement of women, men and children. It would be aimed primarily at the massage regulatory community and the broader professional massage community. The attention given to an awareness campaign targeted at the needs of each community could be one of the most effective means to motivate closure of the existing loopholes in the education and licensure pathways.

These strategies are recommended:

1. Work with massage school approval boards and approved schools to develop human trafficking awareness trainings for students, instructors and administrators.

The FSMTB could work directly with state approval boards or through its member boards in outreach efforts directed at approval boards and schools.

First of all, a greater understanding of the prevalence and impact of human trafficking on the profession by state approval boards could lead to a change in their standards. If incentives for enhanced curriculum inclusions regarding human trafficking and IBs are put in place by approval boards, or if it is otherwise not voluntary for schools to address the issue, awareness will inevitably increase.

Second, instructors and their students in massage therapy schools need to be aware that human trafficking is an issue associated with the profession and that it endangers therapists. They need to be educated on IB indicators. Polaris has identified several IB indicators. Many, but not all, describe sexually oriented businesses: 1) Serves only male clientele; 2) Locked front door, customers can only enter if buzzed in; 3) Excessive security measures; 4) Massage licensing and credentials not displayed and/or not accurate; 5) Regular rotation of women, new women coming in every several weeks; 6) Sexual advertising on social media and classified advertisement websites; 7) Open longer than posted hours; and 8) The

average illicit massage business has two to three women being forced to provide commercial sex.[32]

Trainings would help instructors and students to understand that IBs are not about massage at all, but about criminal activity that forces people to perform acts against their will. Education and awareness starts with one seed planted at a time. When instructors and students grow in their awareness, they can more effectively assist in protecting their communities and their reputation.

Moreover the role that massage therapy schools and their administrators play in the awareness campaign for human trafficking is directly related to that of instructors and students. Along with curriculum enhancements, education and training, they can create awareness through public channels of communication and advancement of community knowledge on a larger social scale. Massage schools uphold standards of education and professional practice; woven within their standards is the idea of professional integrity and social justice – a caring for the good of others and inherent respect for the dignity and worth of all people.

2. Establish partnerships with other human trafficking stakeholders and develop joint initiatives with them to create and maintain awareness in communities about the prevalence and impact of human trafficking.

Sustained attention and greater cooperation among stakeholders will be necessary to successfully combat the prevalence and impact of human trafficking.

Partnership organizations may include: national massage therapy professional stakeholder organizations; law enforcement; non-profit groups; community service agencies; and state and local human trafficking task forces.

Collaboration with these constituencies could take place on a number of fronts.

Continuing Education course(s) on the subject of human trafficking could be developed. Webinars and/or online courses could be offered through the FSMTB's Regulatory Education and Competence Hub (REACH) or another FSMTB resource that teaches how to recognize human trafficking, presents national and regional human trafficking data and trends, suggests known best practices in how to

32 polarisproject.org publication, "Human Trafficking and Illicit Massage Businesses" (1-7) and Polarisproject.org, "Behind the Scenes of an Illicit Massage Business Investigation," October 26, 2016 (8). See also, National Human Trafficking Hotline, Human Trafficking/Recognizing the Signs, https://humantraffickinghotline.org/what-human-trafficking/recognizing-signs

engage and interface with law enforcement and other resources, explains how to make most effective use of the reporting channels for suspected criminal activity (e.g., the Human Trafficking Hotline), and guides interested parties in how to facilitate assistance for victims.

Existing FSMTB media resources could be employed more extensively. Use of the section of the FSMTB website that is dedicated to Human Trafficking could be increased. The member board publication, In Touch with FSMTB, and its school newsletter, In Touch with Education, could target messages to the jurisdictions and to schools. Use of social media platforms could be intensified (e.g., facebook, twitter, blogs and e-mail). Live trainings could be created. Finally, publicity could be directed at larger audiences, such as billboards with human trafficking hotline information, or the question, 'Is your massage therapist licensed,' and press releases announcing initiatives, successes and challenges.

3. Create a committee on human trafficking and fraud prevention.

These two problems are connected. Closing the loopholes in regulation that enable fraud and human trafficking is a long term problem that requires sustained leadership, intervention and outreach. In view of its mission, the FSMTB is well positioned to provide this leadership and to play a central role in advancing awareness through outreach.

The committee could spearhead FSMTB efforts by bringing together a diverse group of experts to create and implement a long term plan of action. This would prepare the Federation to become an even more engaged, national human trafficking prevention and response resource for individual member boards, the broader massage community, and consumers.

The committee could create and disseminate known best practices, FAQs, and information related to advocacy and legislative policy, among other tools and resources.

4. Add the subject of combating human trafficking within the massage profession to the FSMTB strategic plan.

One of the priorities in the Communications Objective section of the FSMTB's Strategic Plan is to "Encourage the awareness of fraud in the licensure process." This could be amended to include human trafficking. Like fraud, human trafficking is an entrenched problem that affects the massage profession disproportionately.

As such, specific mention of it in the strategic plan should ensure adequate resources are dedicated to solutions over the long term.

Evaluate the possibilities of a uniform, national accrediting body for massage therapy schools and programs.

Accreditation and approval organizations should aim to ensure accountability and transparency. Rigorous school oversight is critical in order to protect students, schools and the public from low standards that promote the preconditions for fraud, deficient record keeping and other dubious activity.

Unlike many professions, states that regulate massage therapy do not recognize in unison a national accrediting authority.

Instead, there are currently two principal pathways of review: voluntary peer review organizations (regional and national) like COMTA; and state approval entities that are provided with legal authorization to operate. State massage therapy boards are typically involved only insofar as the approval or accreditation relates to massage therapist credential application requirements, and the United States Department of Education's (DOE) accreditation concerns are principally with an institution's stability, including its financial profile for financial aid purposes.[33] DOE is also concerned in matters of consumer protection.

Accreditors and approval authorities set standards for the following:
- Course adequacy and course approval
- School adequacy (facilities, curricula, instructors, enrollment)
- Advertising of courses
- Tuition and fee rules
- School transfer
- Cancellation, refund and change of ownership policies
- Bonding requirements
- Bylaws
- Equal opportunity
- School catalog (listing degrees and majors, term schedules, entrance and completion requirements, and attendance, grading, student conduct and placement policies)

33 Interview with Dies, David, Wisconsin Educational Approval Board, 1/16/2017

- Self-evaluation procedures
- Disclosures, e.g., enrollment information

Since the depth and breadth of school review in the individual states vary[34], states that endorse education from schools approved in other states are dependent upon the standards of a state approval or accrediting body that may apply lesser approval and oversight standards. Degree mills, accreditation mills and visa mills are allowed to operate more freely in this environment, without a uniform, national school accreditation mechanism that could eliminate this lowest common denominator portability dilemma.

One of the principal concerns with a national accreditation requirement is that it would be a financial burden on schools, forcing some to close as a result of their inability to afford the review. The HT Task Force recognizes this concern and advises that any review of an accreditation recommendation include a complete analysis of its cost impact and how accreditation costs could be minimized.

Still, there has been some movement toward a national standard within the profession. In the FSMTB Model Practice Act definitions section, under 'Approved Massage Therapy Education Program,' it states, "...it is intended that eventually all those who enter the profession shall have received an accredited education. Accreditation enables state boards to approve massage schools through a nationally established standard of accreditation and would promote educational quality and increase portability by eliminating the need for individual states to devise their own standards.[35]"

Create a work group to study the efficacy of massage establishment regulation and serve as an informational resource for state boards on this subject.

The work group could create a report identifying the benefits, costs (physical/emotional, economic, social, other), evidence of harm, fiscal impact, and potential unintended consequences of regulations that govern massage establishments.

---

34 Massage programs housed in community colleges or other, larger non-profit or for profit, private institutions may have institutional accreditation that does not include programmatic or specialized review of the massage program.

35 FSMTB Model Massage Therapy Practice Act, First Edition, pages 7-8

Creating a tracking mechanism and minimum standards for operation through a public authority would improve jurisdictions' abilities to monitor IBs and their operatives. It would make establishments more accountable and traceable, and it would expose unlicensed practice. It would also improve the exchange of information and resources among stakeholders in their cooperative efforts to identify and eliminate IBs and their criminal networks.

In Houston, for example, a recent search of 240 businesses advertising massage revealed that only 9 were licensed.[36] It was the establishment licensing law that made this discovery possible. In jurisdictions without an establishment credentialing or registration requirement, this comparison is not available to regulators or law enforcement.[37]

In addition, the FSMTB Model Practice Act does not currently address establishment licensing. The FSMTB or the work group could consider including establishment licensing in the Model Practice Act.

36 Davis, Patel, and Latiolais, Todd, Illicit Massage Establishments, Proposed Ordinance Amendments, PowerPoint presentation slide no. 8. https://www.houstontx.gov/council/committees/pshs/20151119/ime.pdf

37 In at least one state, the FBI has requested that establishments be regulated.

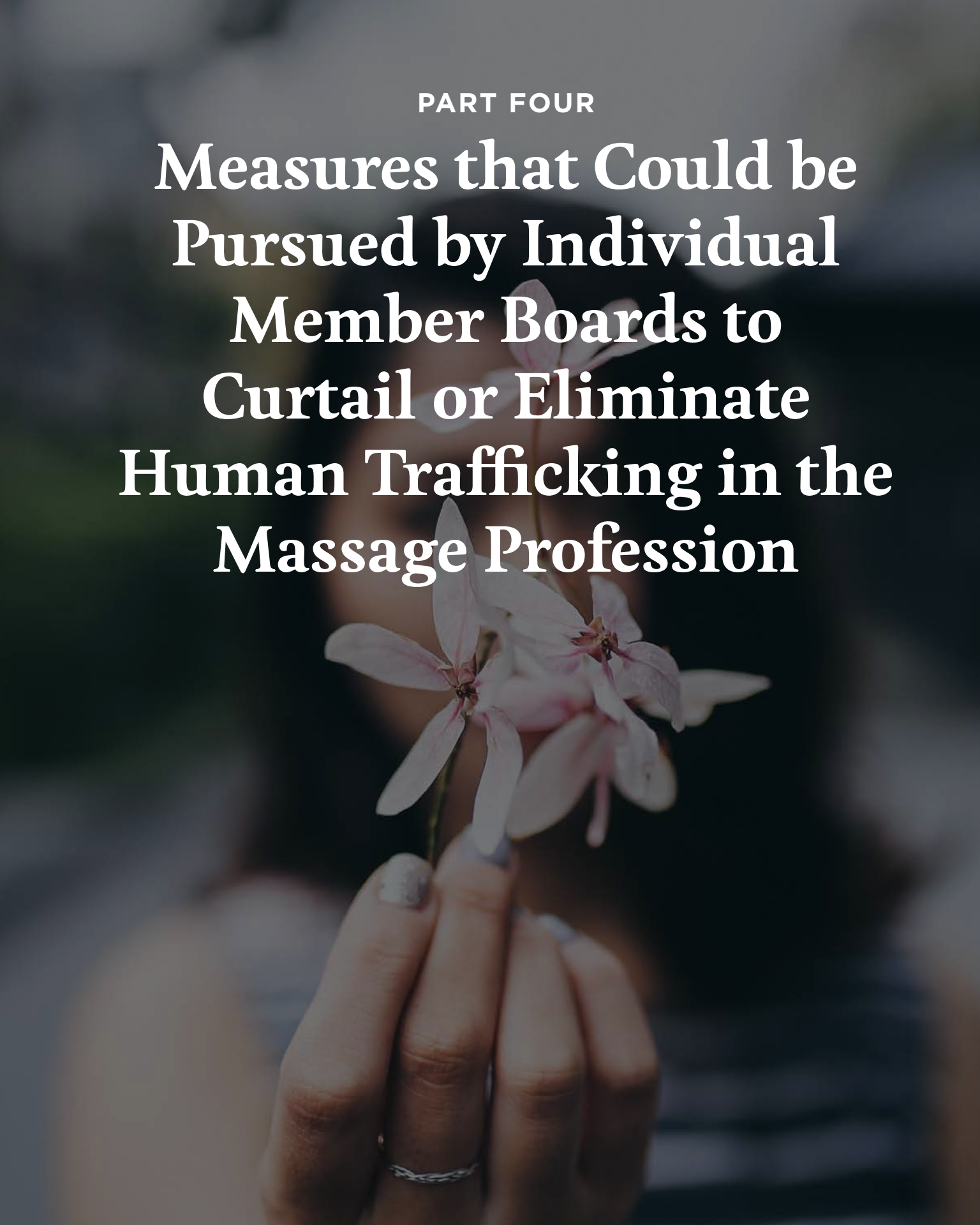
Continue to develop its Massage Therapy Licensing Database (MTLD).

Centralized and shared access to resources related to human trafficking will promote a more effectively interconnected communication infrastructure for state boards. The FSMTB will continue to develop its Massage Therapy Licensing Database (MTLD). It could facilitate collection and sharing of adverse history information useful in pinpointing credentialed operatives and establishments with trafficking history, create a cross reference to aid in identifying unlicensed practice, and provide an additional checkpoint for licensing boards in states that lack information from outside their own borders. Complete information, timely notifications, and more sophisticated and reciprocal communication among states and with the Federation will be invaluable to a widely engaged, interstate licensing and discipline alert tool.

Amend the Model Practice Act to include a representative with a background in human trafficking to the composition of member boards.

Amend Section 202 of the FSMTB Model Practice Act, "Board Composition and Qualifications," to include a member experienced with human trafficking. The issue of human trafficking is one that impacts every sector of the massage profession. The organized criminal activity taking place within human trafficking crime networks and its disproportionate impact on the profession warrants inclusion of a dedicated state board representative who is specifically trained, educated and/or experienced in the subject of human trafficking.

As examples, this representative could be a law enforcement official with special expertise in human trafficking, an advocacy organization representative, an educator with a background in the subject matter, or a massage professional with a defined interest in human trafficking.



PART FOUR

Measures that Could be Pursued by Individual Member Boards to Curtail or Eliminate Human Trafficking in the Massage Profession

Regularly report as much information as possible to the FSMTB Massage Therapy Licensing Database (MTLD) and query MTLD for every applicant and licensee as frequently as necessary for regulatory purposes.

Increased reporting and use of this national data commons will improve the circulation of information necessary to make informed licensing, investigation, and enforcement decisions. Since human trafficking is often a highly organized and networked criminal activity, it operates across jurisdictions, and its perpetrators are skewed at evading authorities. As the only comprehensive central repository of adverse information that collects data nationwide on licensing and discipline history in the massage profession, MTLD is positioned to become a critical resource in the fight against human trafficking.

Each state massage professional regulatory authority should ensure that a current list of approved massage therapy and/or massage and bodywork schools in their state is provided to and kept current with the FSMTB. Any changes to the list should be promptly communicated to the FSMTB.

State regulatory authorities should work with the FSMTB to obtain and maintain current school listings. The HT Task Force advises that sufficient staff resources are provided to ensure communications with the FSMTB are active, ongoing and initiated by the states when necessary and appropriate.

Advocate to ensure its state school oversight mechanism includes programmatic or specialized approval review and a capacity to conduct follow up audits on the performance of massage therapy and/or massage and bodywork schools to ensure each school is meeting standards.

Education is one of the key requirements for licensure as a massage therapist. The task force agrees that the approval process for massage therapy programs and schools is vital to ensure that they are effective and meet high standards.

Likewise, the public has a right to know that a credentialed massage therapist performing massage/bodywork has had the proper entry level education and training to meet the qualifications needed to practice competently and safely.

This right is currently being impeded by the absence of a uniform, national school oversight mechanism or, alternatively, a decentralized, state-based system that is dependable from jurisdiction to jurisdiction.

In the current state-based system, endorsing states lack familiarity with out of state institutions and do not have authority to affect another state's approval standards, notwithstanding doubts about the quality of the schools. As a result, a local problem has been nationalized.

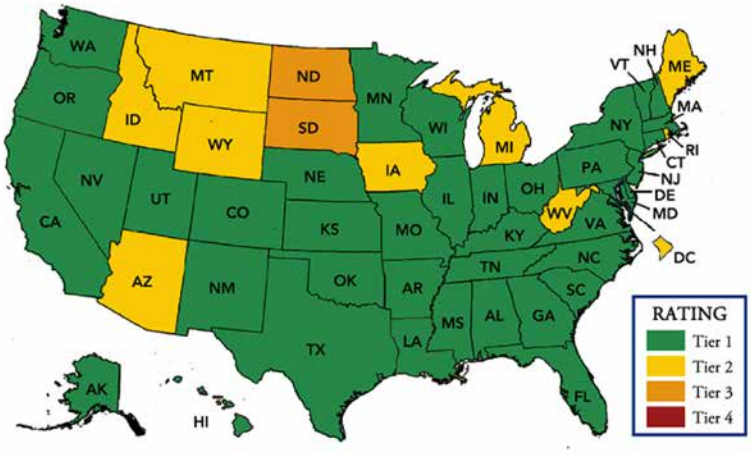
Programmatic or specialized review (with periodic, follow up reviews including site visits) would solve problems within the prevailing state-based review system. Typically, if a school or program has achieved programmatic or specialized accreditation, it demonstrates a higher standard curriculum and bona fide faculty, and it signals achievement of a certain level of assured quality. This kind of comprehensive evaluation could prohibit institutional approval or accreditation standing in for program approval evaluation in states with exemptions or loopholes in their laws, policies or procedures. Irrespective of the review pathway, what is needed is a rigorous review of schools that assures the public that sound systems and procedures are in place.

Effective communication between state regulatory authorities and school approval agencies on issues of mutual concern would also help to solve the problem. Whenever necessary, they should work together to ensure that fraudulent schools (transcript and diploma mills) are properly closed.

Encourage or require training of their massage board members and staff, in human trafficking, and familiarize themselves with human trafficking initiatives within their jurisdiction, state and federal laws, any current legislation on human trafficking, and other available resources.

Since regulatory authorities are charged with protecting the public and vetting individuals that apply for a credential to practice in the profession, training in human trafficking specifically as it relates to the massage profession and knowledge of a jurisdiction's resources and laws are essential in the protection of the public, prevention and prosecution of human trafficking, and in the treatment of victims.

To address the more global problem of human trafficking, Polaris provides a tiered rating of the states and the District of Columbia that evaluates human trafficking laws in 10 categories and tracks actions to enact new laws and amendments to existing laws.[38]



See Appendix B for a complete list of resources that may be used to train in the general subject of human trafficking that may also be applied to massage therapy related human trafficking.

Discuss the possibility of implementing massage establishment regulation, after the recommended Federation work group studying the efficacy of massage establishment regulations issues a report.

Establishment licensing can be a useful tool in protecting legitimate massage businesses and in reducing the number of IBs by providing a state or jurisdiction with the ability to institutionalize accountability, track IB movement, deny or revoke licenses, and impose discipline on establishments.

38 https://polarisproject.org/resources/2014-state-ratings-human-trafficking-laws/

States could review whether establishment licensing is appropriate in their jurisdictions[39] and what to include in the rule. In addition to the new regulation review factors identified on page 27, the establishment licensing survey created by the HT Task Force suggests an important tool: the ability to conduct unannounced inspections over time.

One innovative approach to monitor is the Houston experience[40] which grants law enforcement the authority to enter and investigate establishments that advertise massage services without being credentialed by a public authority. In the absence of a reliable establishment licensing system, the process of opening an illicit business is lacking in sufficient oversight. Trafficking owners and operators have exploited loopholes and security vulnerabilities by obtaining legally required credentials for the IB (and individuals working there). When action is taken against them, they change the methods they use to defraud the system or crop up again in another location in order to avoid punishment and tracking. A credible establishment licensing capability would make subterfuge more difficult to accomplish. It would also create a 'paper trail' of criminal and/or disciplinary history for future reference and referral between law enforcement and licensing authorities.

Establishment licensing can reinforce application review in the jurisdictions with additional sources of historical information, such as a criminal background/ fingerprint check of the operatives, license verifications from other states (revealing past discipline), pending investigations, withdrawn applications, prior history of employing unlicensed therapists, and results of in-person board interviews (which may occur for every applicant or in a more targeted manner, when questionable applications are flagged).

If disruption of human trafficking operations at the higher organizational levels is to succeed, then the focus of public safety must continue to shift to isolate the ringleaders. An effective establishment licensing system is an important strategy in achieving this goal.

39 One of the first steps in the review should be a determination as to whether there is enabling legislation that allows the Board to write rules on establishment licensing.

40 Patel and Latiolais, Id. "Illicit Massage Establishments, Proposed Ordinance Amendments," at slide 8

Establish an active and ongoing working relationship with local and state law enforcement and government agencies.[41]

IB traffickers' tactics are continuously changing. Constant monitoring and creative solutions are needed to successfully combat them. Ultimately, stakeholders need to communicate and work together outside of their own silos in order to check the interstate movement of human traffickers and their negative effects on the massage profession and public safety.

For example, the widespread problem of unlicensed practice in this area may necessitate use of a state's civil law injunctive authority, or nuisance abatement laws, combined with the criminal law and licensing agency remedies typically employed (and often criticized) to combat unlicensed practice.

State board representatives could reach out to law enforcement and other governmental agencies to present informational material about human trafficking in the profession, following the example of the Tennessee Board of Massage Licensure, which exchanged information in 2016 with law enforcement agencies regarding how licensing laws can aid law enforcement, and vice versa. As part of a training provided to state, county and city law enforcement by the state's licensing authorities, dialogue was held on the kind of law enforcement responses that provide the information sought by the licensing authorities to protect the public, specifically through license denial or enforcement action.

Additionally, participating as a state board representative or a massage profession representative knowledgeable about human trafficking on federal, state or local human trafficking task forces would ensure that the problems impacting the profession are shared widely and brought forward, and it would increase awareness in important ways.

Finally, regulators may follow the example of a case in Florida, which serves as an example of effective collaboration between state credentialing authorities,

41 Content of any collaboration with external organizations should be cleared with legal counsel to ensure compliance with state and federal disclosure laws, federal anti-trust laws and all other applicable state, local and federal laws.

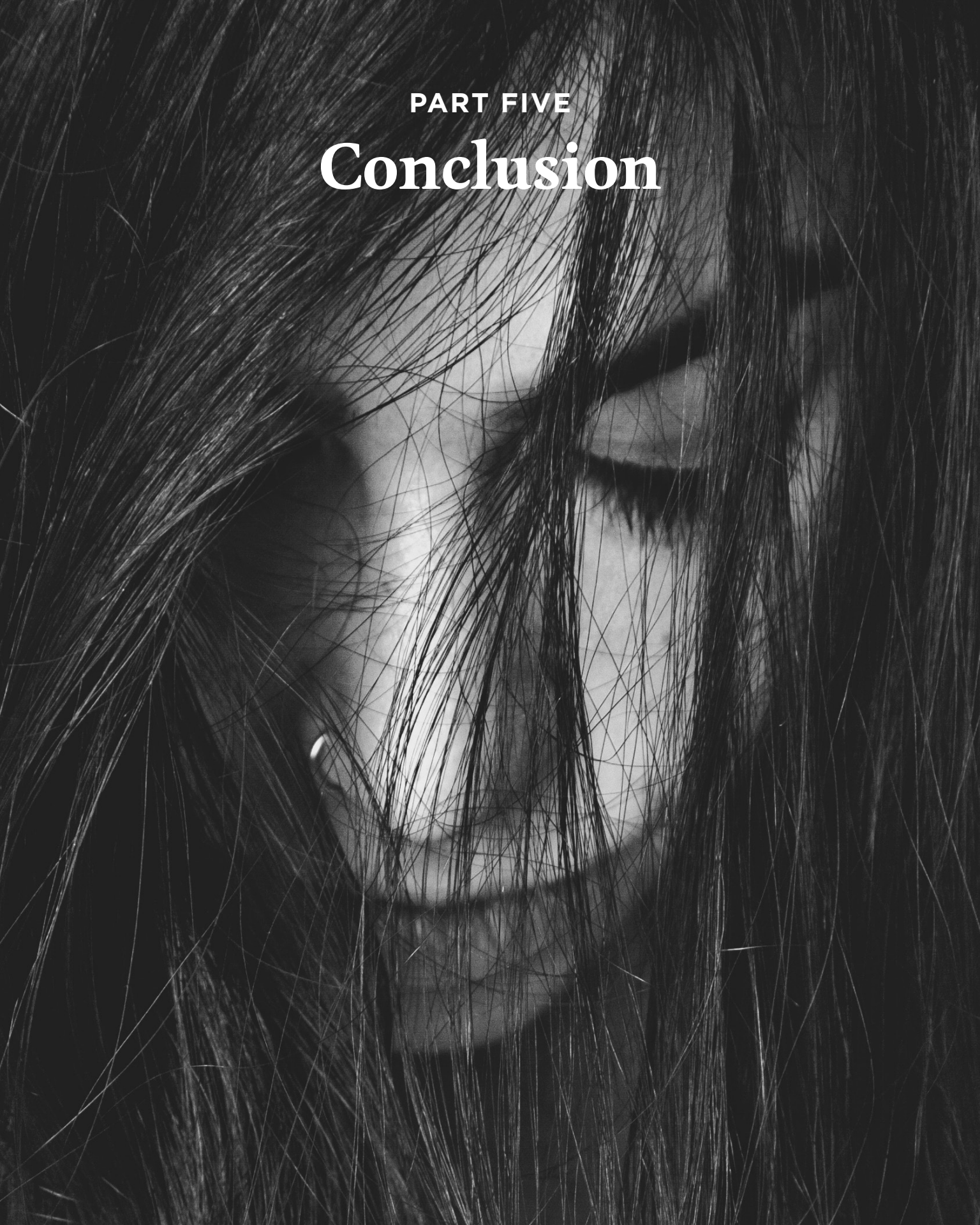
law enforcement, and other stakeholders. After a discrepancy between the hours reported on license application documents and school forms was noticed by an employee at a Florida massage school, it was discovered that fraudulent college certificates and transcripts were being sold for $10,000 - $15,000 per student. The Florida Board suspended and revoked the licenses of those who submitted fraudulent documents and initiated follow up audits. Several other stakeholder organizations were involved, including the South Florida and Clearwater Human Trafficking Task Forces and local law enforcement.[42]

Consider Careful Use of the Systematic Alien Verification for Entitlements (SAVE) to verify massage therapy applicants' immigration status/right to live and/or to work in the United States.

The Systematic Alien Verification for Entitlements Program (SAVE) is a free tool administered by the Department of Health and Human Services (DHHS) Citizenship and Immigration Services (CIS) Division. It is used to verify an applicant's immigration and/or citizenship status.

SAVE is an informational clearinghouse that was created to assist benefit-granting agencies in determining an applicant's immigration status.

42 Clarkson, Brett, "Over 80 Massage Therapists in Trafficking Used Fake Credentials from Same College, Say Regulators," Florida Sun Sentinel, September 20, 2012



PART FIVE

Conclusion

The problem of human trafficking within the massage profession is multi-faceted. It has developed over a long period of time. It is a criminal enterprise that stretches law enforcement resources, and it is a regulatory dilemma for the FSMTB and states that are under increasing pressure to contain costs.

"Success in combating the problems will depend not just on the number of recommended solutions that are pursued but also on the degree of collaboration and level of sustained commitment to reducing the prevalence and impact of the problem over the long term."

New research has defined the problem in ways that will help to pinpoint and to target resources effectively. There are success stories that should be highlighted, such as effective regulatory interventions, networked law enforcement strategies focused on pursuing human trafficking operatives, new ways to identify and assist victims, and increased awareness.

The HT Task Force believes more needs to be done, and it has presented several options to meet the challenge in this report. Success in combating the problems will depend not just on the number of recommended solutions that are pursued but also on the degree of collaboration and level of sustained commitment to reducing the prevalence and impact of the problem over the long term.

APPENDIX A: Resolution on Trafficking in Human Beings

Member Board/Committee Proposing Resolution: Tennessee Massage Licensure Board

WHEREAS, human trafficking is a deplorable violation of the human dignity of its victims; and

WHEREAS, many of the victims of human trafficking are women and children who are forced into sexual exploitation, endure gender-based violence, discrimination, marginalization and underpaid illegal labor; and

WHEREAS, both governmental and non-governmental entities have condemned the practice as being tantamount to modern slavery which should shock the conscience; and

WHEREAS, many victims of this heinous conduct are coerced into prostitution under the guise of performing massage therapy;

THEREFORE BE IT RESOLVED, that the Federation of State Massage Therapy Boards take a decisive and unified stance against human trafficking; and

RESOLVED FURTHER, that Federation of State Massage Boards form a Task Force to Address Human Trafficking in the Massage Profession. The Task Force shall consist of at least one representative from at least five states and shall meet telephonically at least twice.

RESOLVED FURTHER, that the purpose of the Task Force shall be to determine the prevalence and impact of human trafficking on the massage profession and identify areas within the jurisdiction of the Federation of State Massage Therapy Boards to combat it.

RESOLVED FURTHER, that the Task Force shall identify measures that could be pursued by individual member boards to curtail or eliminate human trafficking in the massage profession.

RESOLVED FURTHER, that the Task Force to Address Human Trafficking in the Massage Profession shall report its findings to the Delegate Assembly at the 2016 annual meeting of the Federation of State Massage Therapy Boards.

APPENDIX B: Human Trafficking Awareness and Training Resources

https://www.fsmtb.org/consumer-information/human-trafficking/ FSMTB, Consumer Information webpage, relating to human trafficking

http://www.aequitasresource.org/trainingDetail.cfm?id=137 Polaris Group and Aequitas Group, 3 part Human Trafficking Training Video Series

https://traffickingresourcecenter.org/resources?keys=education&sort_by=field_date_published_value Polaris Project National Trafficking Hotline and Resource Library

https://polarisproject.org/resources/2014-state-ratings-human-trafficking-laws/ Polaris provides a tiered rating of the states and the District of Columbia that evaluates human trafficking laws in 10 categories and tracks actions to enact new laws and amendments to existing laws.

https://www.bja.gov/ProgramDetails.aspx?Program_ID=51 US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Anti-Human Trafficking Initiative

http://www.naag.org/naag/media/campaigns-and-initiatives/naag-human-trafficking-committee-initiative.php The National Association of Attorney Generals Human Trafficking Committee Initiative

http://www.ice.gov DHS Immigration and Customs Enforcement, overview of homeland security and public safety resources

https://www.dhs.gov/blue-campaign/awareness-training DHS Blue Campaign, federal human trafficking awareness training program

http://www.acf.hhs.gov/endtrafficking/programs/rescue-and-restore US Department of Human Services Office on Trafficking in Persons

http://humantraffickingawareness.org/about-us-2/ Human Trafficking Awareness Partnerships, human trafficking awareness resource

http://www.nij.gov/topics/crime/human-trafficking/pages/welcome.aspx National Institute of Justice (NIJ): Human Trafficking

http://freedomnetworkusa.org/ Freedom Network

https://humantraffickinghotline.org/what-human-trafficking/federal-anti-trafficking-efforts, Polaris resource list, Anti-Trafficking Efforts

Bibliography

The following resource materials were also consulted in the preparation of this report.

Aequitas. (2016). Investigating and Prosecuting Trafficking in Illicit Massage Businesses: Parts 1, 2 & 3. Webinar. <http://www.aequitasresource.org/trainingDetail.cfm?id=137>. Last accessed 31 Aug. 2017.

American Massage Therapy Association. (2017). Massage Therapy Industry Fact Sheet. Web. <https://www.amtamassage.org/infocenter/economic_industry-fact-sheet.html>. Last accessed 31 Aug. 2017.

Banks, D., Kyckelhahn, T. (2011). Characteristics of Suspected Human Trafficking Incidents, 2008-2010 (pp. 1-11, Rep. No. NCJ 233732). Bureau of Justice Statistics, Office of Justice Programs. Web. <https://www.bjs.gov/content/pub/pdf/cshti0810.pdf> Last accessed 31 Aug. 2017.

Department of Justice, Health and Human Services and Homeland Security, in partnership with the member agencies of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons and other federal Agencies. (2014). Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017. Office in Trafficking in Persons, US Department of Health and Human Services. Web. <https://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf> Last accessed 31 Aug. 2017.

Human Trafficking Commission, Ohio Attorney General's Office, (2016). 2015 Human Trafficking Commission Annual Report. Web. <http://www.ohioattorneygeneral.gov/getattachment/541336ce-8e7f-44a9-ae77-85ae513d625d/2015-Human-Trafficking-Annual-Report.aspx>. Last accessed 31 Aug. 2017.

Kyckelhahn, T., Beck, A. J., Ph.D., Cohen, T. H., Ph.D., & B. (2009). Characteristics of Suspected Human Trafficking Incidents, 2007-08 (pp. 1-16, Rep. No. NCJ 224526). Bureau of Justice Statistics, Office of Justice Programs. Web. < https://www.bjs.gov/content/pub/pdf/cshti08.pdf> Last accessed 31 Aug. 2017.

Menard, M. B. (2014). Choose Wisely: the Quality of Massage Education in the United States. International Journal of Therapeutic Massage & Bodywork, 7(3), 7–24. Web. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4145003/>. Last accessed 31 Aug. 2017.

Motivans, M., Kyckelhahn, T. (2006). Federal Prosecution of Human Trafficking, 2001-2005. Bureau of Justice Statistics, Office of Justice Programs. Web. <https://www.bjs.gov/content/pub/pdf/fpht05.pdf> Last accessed 31 Aug. 2017.

Polaris Project. (2016). Illinois Board of Higher Education Investigating Suspected Fraudulent Massage School.

Polaris Project. (2016). Mapping Networks of Illicit Massage Businesses - New York. Unpublished internal document.

Polaris Project. (2015). Addressing Human Trafficking in Illicit Massage Businesses (IMB). Unpublished internal presentation.

Polaris Project. (2015). FSMTB Human Trafficking Task Force. Unpublished internal document.

Polaris Project. (2011). Fake Massage Businesses in the United States.

Acknowledgements

Human Trafficking Task Force Members

Tom Ryan, MPA, JD, Task Force Chair, Wisconsin Department of Safety and Professional Services

Kim Adams Johnson, FSMTB Board of Directors, Nebraska Board of Massage Therapy

Marvis Burke, Tennessee Massage Licensure Board

Kimberly Hodge, Tennessee Massage Licensure Board

Dawn Hogue, Virginia Board of Nursing

Dianne Layden, North Carolina Board of Massage and Bodywork Therapy

Barbara Lis, Indiana State Board of Massage Therapy

Lydia Nixon, Florida Board of Massage Therapy

Stephany Powell, EdD, California Massage Therapy Council

Task Force Contributors

Darlene Campo, Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

Meghan Carton and Rochelle Keyhan, Polaris

FSMTB Support Staff

Kevin Snedden, Director of Professional Standards

Elizabeth Chaosan, Executive Assistant

Sonja Way, Government Relations Specialist

FSMTB Board of Directors

President | Ed Bolden, Chair, Tennessee Massage Licensure Board

Vice President | Charlene Russell, Mississippi State Board of Massage Therapy (former)

Treasurer | David Cox, Chair, Maryland State Board of Massage Therapy Examiners

Director | Kim Adams Johnson, Vice Chair, Nebraska Board of Massage Therapy

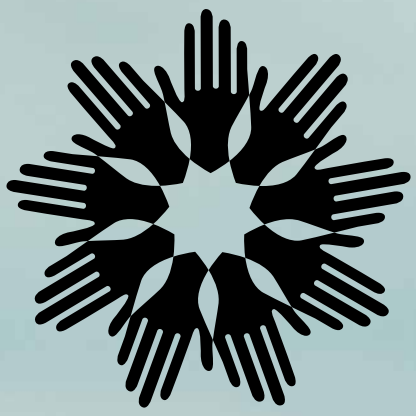
Director | Craig Knowles, Chair, Georgia Board of Massage Therapy

Director | Linda Lyter, Executive Director, West Virginia Massage Therapy Licensure Board

Director | Tom Ryan, Executive Director, Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

Immediate Past President | Karen Armstrong, Michigan Board of Massage Therapy (former)

Executive Director | Debra Persinger, PhD



FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Federation of State Massage Therapy Boards

10801 Mastin Boulevard, Suite 350, Overland Park, Kansas 66210

FSMTB Executive Office: 913.681.0380 | info@fsmtb.org | www.fsmtb.org

The American Massage Therapy Association (AMTA) and Associated Bodywork & Massage Professionals (ABMP) are joining together to respond to the new report on human trafficking and recommendations by the Federation of Massage Therapy Boards (FSMTB).

Human trafficking is a serious problem worldwide. It takes many forms, including forced labor, domestic servitude, and commercial sex trafficking. AMTA and ABMP condemn all forms of human trafficking and support the myriad law enforcement efforts to combat it.

One of the pretenses employed by traffickers to attempt to disguise their exploitation of individuals under their control is to co-opt the word 'massage' to describe what in fact is forced prostitution. This pretense has led numerous concerned but misguided state and local governments to create ordinances and regulations directed at legitimate practitioners of massage therapy. The result has been inappropriate burdens on licensed, educated massage therapists performing work to support clients' health and well-being.

In its response to a Federation of Massage Therapy Boards (FSMTB) survey on human trafficking in 2016, AMTA stated, "Given that there are no real data to reflect the instances of human trafficking in the profession, the real impact is perception. Human trafficking is an indefensible act and, globally, very prevalent, but it isn't a massage therapy fight. It's a distraction from our mission to promote massage therapy as a means for health."

Addressing both human trafficking in general and prostitution specifically is the province of law enforcement, not massage therapists or regulators of the massage therapy profession. Virtually every jurisdiction has laws on the books that empower police and district attorneys to pursue human trafficking and prostitution. Imperfect enforcement is a product mostly of inadequate resources and priority given to these issues.

Legitimate massage therapists are regulated (save for Kansas, Minnesota, Vermont and Wyoming) either by state massage boards or other state government departments. To advance sound regulatory practices, these boards and government agencies elected to form FSMTB. FSMTB does not govern state regulators, but rather convenes representatives to examine issues and develop best practices guidelines. FSMTB also developed and administers a profession entry examination, which most state regulatory bodies have chosen to adopt. Both AMTA and ABMP support the general purposes FSMTB was formed to serve.

FSMTB's recently issued report on human trafficking includes numerous recommendations that, if implemented, would inappropriately burden the practice of massage therapy. Despite our shared general support for FSMTB, ABMP and AMTA believe FSMTB and the task force it created are badly off-base, arguing for changes that would lead state boards outside the boundaries and purposes for which they were formed.

The FSMTB task force did reach out in the early stages of its work to an array of organizations, including ABMP and AMTA, comprising the Coalition of National Massage Organizations (Coalition). AMTA's comment above and similar views expressed by ABMP were part of the feedback they received.

Now FSMTB's final report implies that AMTA and ABMP, along with other Coalition organizations, support the report's findings and recommendations. AMTA and ABMP strenuously object to this characterization and demand that FSMTB remove any such language from their report.

Following are our basic objections to the report and its recommendations:

- The opening sentence and paragraph of the Executive Summary imply that the massage therapy profession is infested with human trafficking, rather than reporting that human traffickers and prostitutes use the word 'massage' to bypass unenforced laws to conduct their illegal activities. Prostitutes and human traffickers are outside the massage therapy profession, not a part of it. They are using the good name of massage therapy to give a false appearance to their illegal activities. The implication of the report is that massage and the massage therapy profession are the problems, not human traffickers and prostitutes co-opting our profession.
- Human trafficking and prostitution are very different activities. This report does not adequately differentiate between them or how they each use the name of massage to hide their behavior.
- The report is filled with information that ignores FBI and Homeland Security data and lacks credible citations.
- In January 2013, the national UCR Program began collecting offense and arrest data regarding human trafficking as authorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. The act requires the FBI to collect human trafficking offense data and to make distinctions between prostitution, assisting or promoting prostitution, and purchasing prostitution. The FSMTB report surprisingly does not address this data.
- Human trafficking is an issue to be primarily addressed by law enforcement. The FBI has stated: "Human trafficking, believed to be the third-largest criminal activity in the world, is a form of human slavery which must be addressed at the interagency level. The FBI works human trafficking cases under both its Civil

> Rights program and its Violent Crimes Against Children program. The majority of human trafficking victims in our cases are U.S. citizens, and we take a victim-centered approach in investigating such cases, which means that ensuring the needs of the victims take precedence over all other considerations."

The FSMTB is straying far from its mission in this report. It ignores readily available data from law enforcement and implies, wrongly in our opinion, that the massage therapy profession is responsible for ending human trafficking. AMTA and ABMP oppose the premise of the report. We reject both the misinformation it conveys and its perceptions about the responsibilities of the massage therapy profession.

November 14, 2017