

Virginia Board of Nursing Massage Therapy Advisory Board

Monday, November 5, 2018
10:00 A.M. – Board Room 2
Department of Health Professions
9960 Mayland Drive, Suite 201
Henrico, VA 23233

Agenda

- I. **Call to Order:** Stephanie Quinby, L.M.T., Co-Chair
- II. **Establishment of a Quorum**
- III. **Announcements**
 - Cathy Hanchey started on May 25, 2018 in the full-time LMT Senior Licensure Specialist position
 - Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide, Nurse Aide and Massage Therapy Manager – retirement effective August 31, 2018
 - Charlette N. Ridout, R.N., M.S., C.N.E., started on September 25, 2018 as the Deputy Executive Director for the Medication Aide, Nurse Aide, and Massage Therapy program position vacated by Brenda Krohn
 - Joseph L. Schibner, IV, L.M.T., L.Ac., D.O.M.
- IV. **Old Business**
 - Review & approval of minutes from November 7, 2017 meeting
- V. **Public Comment/Open Forum**
- VI. **New Business**
 - Election of officers – Ms. Quinby
 - Guidance Document Review – Ms. Quinby / Ms. Speller-Davis (?)
 - 90-58: Bylaws of the Advisory Board on Massage Therapy
 - 90-47: Guidance on Massage Therapy Practice (*effective November 15, 2016*)
 - 2019 Informal Conference Schedule (Jan-Jun) / 2019 Formal Hearing Schedule – Ms. Douglas
 - Review of Regulations Governing the Licensure of Massage Therapists adopted January 24, 2018
 - Scope of Practice Questions/Concerns
 - Thai Yoga Massage/Bodywork – Ms. Douglas
 - Federation of State Massage Therapy Boards (FSMTB) Massage Therapy Licensing Database –
CLOSED SESSION
- VII. **Reports**
 - Criminal Background Check Report – Ms. Douglas
 - L.M.T. Discipline Case Report – Ms. Douglas
 - L.M.T. Licensure Report – Ms. Hanchey
 - Report on FSMTB Annual Meeting (October 4-6, 2018 in Salt Lake City, Utah) – Ms. Hogue
 - Report on October 12, 2018 meeting with Henrico County Police Department – Ms. Douglas/Ms. Speller-Davis
 - Report on Anti-Human Trafficking Coordinating Committee, October 23, 2018 meeting – Ms. Speller-Davis

Mission Statement: *Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.*

VIII. Information Only (No Action Required)

- FSMTB 2018 Annual Report
- FSMTB 2018 Annual Meeting Board of Directors Election Results
- FSMTB 2017 Human Trafficking Task Force Report
- Commission on Massage Therapy Accreditation (COMTA) Policy and Procedure Manual (*updated July 2018*)
- COMTA July 2018 Commission Meeting Newsletter
- COMTA April 2018 Commission Meeting Newsletter
- COMTA November 2017 Commission Meeting Newsletter
- 90-38: Disposition of Disciplinary Cases against Nurses and Massage Therapists Practicing on Expired Licenses (*revised January 30, 2018*)
- FSMTB Massage & Bodywork Licensing Examination Candidate Handbook (*effective July 2018*)
- Letter from The Rolf Institute of Structural Integration dated October 18, 2018

IX. Discussion for Future Meetings

X. Adjournment of Meeting

*Prepared by Cathy M. Hanchey
Revised 11/01/2018*

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**VIRGINIA BOARD OF NURSING
MASSAGE THERAPY ADVISORY BOARD
MINUTES**

Tuesday, November 7, 2017

- TIME AND PLACE:** The meeting of the of the Massage Therapy Advisory Board convened at 10:30 a.m. in Board Room 3, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.
- PRESIDING:** Joseph L. Schibner, IV, L.M.T., L.Ac., D.O.M., Chair
- MEMBERS PRESENT:** Joseph L. Schibner, IV, L.M.T., L.Ac., D.O.M., Chair
Stephanie Quinby, L.M.T., Co-Chair
Dawn Hogue, L.M.T.
Kristina Page, L.M.T.
Jermaine Mincey, Citizen Member
- STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Latasha Austin, Administrative Specialist
Robin L. Hills, R.N., D.N.P., W.H.N.P.
- IN THE AUDIENCE:** Becky Bowers-Lanier, American Massage Therapy Association-VA Chapter
Jennifer Kupiec, President, American Massage Therapy Association-VA Chapter
- ESTABLISHMENT OF A QUORUM:** With 5 members of the Massage Therapy Advisory Board present, a quorum was established.
- CALL TO ORDER:** Dr. Schibner called the business meeting to order at 10:32 a.m.
- OLD BUSINESS:** An overview was done of the minutes from the last Massage Therapy Advisory Board meeting held on December 1, 2016. Ms. Hogue moved that the minutes from the December 1, 2016 meeting be approved. The motion was seconded by Ms. Quinby and carried unanimously.
- PUBLIC COMMENT:** Ms. Bowers-Lanier introduced Ms. Kupiec and announced that she was the new president for the Virginia Chapter of the American Massage Therapy Association.
- NEW BUSINESS:** Dr. Schibner announced and congratulated Mr. Mincey on his re-appointment to the Massage Advisory Board to serve a 2nd term.
- Ms. Krohn reviewed and discussed the 2018 Informal Conference Schedule for the months of January -June & the Formal Hearing dates for 2018 to determine the Massage Therapy Advisory Board Members availability.

The Massage Therapy Advisory Board reviewed and discussed Guidance Documents 90-61 and Guidance Document 90-38. The Advisory Board discussed the following proposed changes to the Guidance Documents:

- **Guidance Document 90-61**
Proposed to remove:
 - ❖ all language in the document related to Licensed Massage Therapist, LMTs or references to a license
- **Guidance Document 90-38**
Proposed to add:
 - ❖ Massage Therapist

Ms. Hogue made a motion that the Massage Therapy Advisory Board recommend to the Board of Nursing to accept to propose recommended changes to remove Licensed Massage Therapist from Guidance Document 90-61 and to add Licensed Massage Therapist to Guidance Document 90-38. The motion was seconded by Ms. Quinby and carried unanimously.

REPORTS:

Ms. Douglas gave a report on the criminal background check (CBC) requirement for massage therapist applicants by initial licensure, endorsement and reinstatement that was effective as of January 1, 2017. The report covered statistics from January 1, 2017- October 1, 2017.

- A total of 802 LMT applicants initiated the CBC process for this reporting period
- A total of 352 LMT applicants had convictions (disclosed and non-disclosed)
- A total of 220 LMT applicants self-disclosed their criminal convictions on their applications
- A total of 132 LMT applicants non-disclosed their criminal convictions on their applications

Ms. Krohn reviewed with the Advisory Board the current number of disciplinary cases for all licensees regulated by the Board of Nursing.

Ms. Austin gave a report on the number of massage therapist licensed by the Board of Nursing. The report covered statistics from January 1, 2017-October 1, 2017.

- As of October 1, 2017 there were 8,449 massage therapist currently active in Virginia
- A total of 754 new massage therapist licenses were issued for this reporting period
- A total of 796 new applications (for initial licensure & by endorsement-paper & online) has been received
 - ❖ *of the 796, 763 were online applications*
- A total of 109 duplicate license request has been received for this reporting period
- A total of 20 duplicate wall certificate request

- A total of 214 verification request had been received and processed
- A total of 1 reinstatement application after discipline had been received
- A total of 42 reinstatement applications for licensure as a massage therapist
- A total of 2,574 renewals had been completed for this reporting period

Ms. Austin gave an oral report re-capping the Federation of State Massage Therapy Boards (FSMTB) Annual Meeting that was held in Tampa, FL, September 28-30, 2017.

Ms. Hogue gave an oral report on the Federation of State Massage Therapy Boards Human Trafficking Task Force and the release of the Human Trafficking Task Force Report. The report is available on the FSMTB website at www.fsmtb.org

Ms. Douglas gave a report on the current regulatory action- period review related to regulations governing the licensure of massage therapist. At the time of this report the regulatory actions were at the secretary's office pending approval. Notification will be made and posted on the Board of Nursing website when the regulatory actions have passed.

**DISCUSSION OF
FUTURE MEETINGS:**

Board staff will coordinate with the Massage Therapy Advisory Board members on availability and confirm exact date when possible.

ADJOURNMENT:

Mr. Schibner made a motion to conclude the meeting. The motion was seconded by Ms. Page and carried unanimously. The meeting was adjourned at 11:36 a.m.

Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E.
Executive Director

BYLAWS

THE ADVISORY BOARD ON MASSAGE THERAPY VIRGINIA BOARD OF NURSING

Article I - Members of the Advisory Board

The appointments and limitations of service of the members shall be in accordance with Section 54.1-3029.1 of the Code of Virginia.

Article II - Officers

Section 1. Titles of Officers - The officers of the advisory board shall consist of a chairman and a vice-chairman elected by the advisory board. The Deputy Executive Director of the Board of Nursing shall serve in an advisory capacity.

Section 2. Terms of Office - The chairman and the vice-chairman shall serve for a one-year term and may not serve for more than two consecutive terms in each office. The election of officers shall take place at the first meeting after July 1, and officers shall assume their duties immediately thereafter.

Section 3. Duties of Officers.

a. Chairman

- (1) The chairman shall preside at all meetings when present, make such suggestions as he may deem calculated to promote and facilitate its work, and discharge all other duties pertaining by law or by resolution of the advisory board. The chairman shall preserve order and conduct all proceedings according to and by parliamentary rules and demand conformity thereto on the part of the members.
- (2) The chairman shall appoint members of all committees as needed.
- (3) The chairman shall act as liaison between the advisory board and the Board of Nursing on matters pertaining to certification, discipline, legislation and-regulation of massage therapy.

b. Vice-Chairman

The vice-chairman shall preside at meetings in the absence of the chairman and shall take over the other duties of the chairman as may be made necessary by the absence of the chairman.

Article III - Meetings

Section 1. There shall be at least one meeting each year in order to elect the chairman and vice-chairman and to conduct such business as may be deemed necessary by the advisory board.

Section 2. Quorum - Three members shall constitute a quorum for transacting business.

Section 3. Order of Business - The order of business shall be as follows:

- (1) Calling roll and recording names of members present
- (2) Approval of minutes of preceding regular and special meetings
- (3) Adoption of Agenda
- (4) Public Comment Period
- (5) Report of Officers
- (6) Old Business
- (7) New Business

The order of business may be changed at any meeting by a majority vote.

Article IV - Amendments

Amendments to these bylaws may be proposed by presenting the amendments in writing to all advisory board members prior to any scheduled advisory board meeting. If the proposed amendment receives a majority vote of the members present at that regular meeting, it shall be presented for consideration and vote to the Board of Nursing at its next regular meeting.

Virginia Board of Nursing

Guidance on Massage Therapy Practice

Documentation of Training and Education:

If modalities of bodywork and specialized massage are incorporated into massage therapy practice, the Board of Nursing recommends that the Licensed Massage Therapist (LMT) maintain documentation of education and/or training in that area.

Appropriate Draping and Technique:

Areas that should be draped and not touched unless medically indicated for a condition referred by a physician, nurse practitioner or physician assistant and with the written informed consent of the client include: Anus, penis, testicles, scrotum, vagina, labia, clitoris, nipples, and areola.

Consent:

Signed parental consent is recommended for massage therapy clients under the age of 18 years.

County/City Requirements:

A LMT should be knowledgeable about local/city requirements in which they practice.

Practice of Massage Therapy and use of title "massage therapist":

Pursuant to § 54.1-3000 of the Code of Virginia:

A "massage therapist" means a person who meets the qualifications specified in this chapter and who is currently licensed by the Board.

The practice of "Massage therapy" means the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. The term "massage therapy" does not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, midwifery, chiropractic, physical therapy, occupational therapy, acupuncture, athletic training, or podiatry is required by law or any service described in § 54.1-3001(18).

According to § 54.1-3008, it shall be a Class 1 misdemeanor for any person to:

Engage in the practice of massage therapy or hold himself out as practicing massage therapy unless he holds a license as a massage therapist issued by the Board.

**LMT ADVISORY BOARD MEMBERS
NEEDS FOR IFC & FH COVERAGE**

2019

Informal conferences (IFCs) Dates for January to June 2019

IFC dates that we will need an LMT advisory board member to be on the committee:

- _____
- _____
- _____

It could be no cases, 1 or 2 cases, or a full day of cases.

Normally it is only for morning cases (4 or 5 cases), so you would only be here 9:00 am until 12:00 noon, or 1:00 pm.

Occasionally, we will have LMT cases scheduled all day, but it is rare.

No matter how many cases, you could still get a free lunch!

Please look at your calendar and let me know if you are available on any one of these dates.

Formal Hearings (FHs) Dates for 2019

FH dates that we may need an LMT advisory board member on the panel:

- _____
- _____
- _____
- _____
- _____
- _____

To be scheduled for a formal hearing, it would be (1) certain reinstatements; (2) appealing an IFC decision; (3) not signing a consent order that is offered at an IFC. If #2 or #3, it could not be the same LMT person that was on the committee for the IFC as you would be conflicted with the case. So, please look at dates and consider when you may or may not be available, but it will depend on who and why the FH is scheduled, and I will have to ask on a case-by-case basis.



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Nurse Practitioners (18 VAC 90-30) state that "the practice agreement shall be maintained by the nurse practitioner and provided to the boards upon request."³ Consequently, the Boards also propose to remove "as is on file with the board" from the sentence in Section 120.

Thus, the proposed new sentence in Section 120 is "A nurse practitioner may dispense only those manufacturers' samples of drugs that are included in the written or electronic practice agreement." Since the proposed amendments do not alter rules or requirements, but may reduce the likelihood of confusion for readers of the regulation, there would likely be a net benefit.

Businesses and Entities Affected. The proposed amendments pertain to the 6,748 nurse practitioners⁴ licensed in the Commonwealth.

Localities Particularly Affected. The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment. The proposed amendments do not significantly affect employment.

Effects on the Use and Value of Private Property. The proposed amendments do not affect the use and value of private property.

Real Estate Development Costs. The proposed amendments do not affect real estate development costs.

Small Businesses:

Definition. Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

Costs and Other Effects. The proposed amendments do not significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact. The proposed amendments do not adversely affect small businesses.

Adverse Impacts:

Businesses. The proposed amendments do not adversely affect businesses.

Localities. The proposed amendments do not adversely affect localities.

Other Entities. The proposed amendments do not adversely affect other entities.

¹See <https://law.lis.virginia.gov/admincode/title18/agency90/chapter40/section120/>

²See <https://law.lis.virginia.gov/admincode/title18/agency90/chapter40/section10/>

³See <https://law.lis.virginia.gov/admincode/title18/agency90/chapter30/section120/> and <https://law.lis.virginia.gov/admincode/title18/agency90/chapter30/section123/>

⁴Data source: Department of Health Professions

Agency's Response to Economic Impact Analysis: The Board of Nursing and the Board of Medicine concur with the analysis of the Department of Planning and Budget.

Summary:

The amendments eliminate reference to a practice agreement being on file with the board and permit a practice agreement to be electronic rather than written.

18VAC90-40-120. Dispensing.

A nurse practitioner may dispense only those manufacturers' samples of drugs that are included in the written or electronic practice agreement as-is on file with the board.

VA.R. Doc. No. R18-5193; Filed December 4, 2017; 2:28 PM

Final Regulation

Title of Regulation: 18VAC90-50. Regulations Governing the Licensure of Massage Therapists (amending 18VAC90-50-40, 18VAC90-50-60, 18VAC90-50-70, 18VAC90-50-75, 18VAC90-50-90).

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Effective Date: January 24, 2018.

Agency Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4520, FAX (804) 527-4455, or email jay.douglas@dhp.virginia.gov.

Summary:

The amendments (i) offer additional options for completion of continuing education, (ii) require an attestation of compliance with laws and ethics for initial licensure, (iii) add provisions to the standards of conduct that may subject a licensee to disciplinary action, (iv) clarify eligibility for provisional licensure, and (v) clarify the effect of a lapsed license.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

**Part II
Requirements for Licensure**

18VAC90-50-40. Initial licensure.

A. An applicant seeking initial licensure shall submit a completed application and required fee and verification of meeting the requirements of § 54.1-3029 A of the Code of Virginia as follows:

Regulations

1. Is at least 18 years old;
2. Has successfully completed a minimum of 500 hours of training from a massage therapy program certified or approved by the State Council of Higher Education for Virginia or an agency in another state, the District of Columbia, or a United States territory that approves educational programs, notwithstanding the provisions of ~~§ 23-276.2~~ 23.1-226 of the Code of Virginia;
3. Has passed the Licensing Examination of the Federation of State Massage Therapy Boards, or an exam deemed acceptable to the board;
4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of certification as set forth in § 54.1-3007 of the Code of Virginia and 18VAC90-50-90; and
5. Has completed a criminal history background check as required by § 54.1-3005.1 of the Code of Virginia.

B. An applicant shall attest that he has read and will comply with laws and regulations and the professional code of ethics relating to massage therapy.

~~B. C.~~ An applicant who has been licensed or certified in another country and who, in the opinion of the board, meets provides certification of equivalency to the educational requirements in Virginia from a credentialing body acceptable to the board shall take and pass an examination as required in subsection A of this section in order to become licensed.

18VAC90-50-60. Provisional licensure.

A. An eligible candidate who has filed a completed application for licensure in Virginia, including completion of education requirements, may engage in the provisional practice of massage therapy in Virginia while waiting to take the licensing examination for a period not to exceed 90 days ~~upon~~ from the date on the written authorization from the board. A provisional license may be issued for one 90-day period and may not be renewed.

B. The designation of "massage therapist" or "licensed massage therapist" shall not be used by the applicant during the 90 days of provisional licensure.

C. An applicant who fails the licensing examination shall have his provisional licensure withdrawn upon the receipt of the examination results and shall not be eligible for licensure until he passes such examination.

Part III

Renewal and Reinstatement

18VAC90-50-70. Renewal of licensure.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew

their licenses by the last day of the birth month in odd-numbered years.

B. The licensee shall complete the renewal form and submit it with the required fee and attest that he has complied with continuing competency requirements of 18VAC90-50-75.

C. Failure to receive the application for renewal shall not relieve the licensed massage therapist of the responsibility for renewing the license by the expiration date.

D. The license shall automatically lapse by the last day of the birth month if not renewed, and the practice of massage therapy or use of the title "massage therapist" or "licensed massage therapist" is prohibited.

18VAC90-50-75. Continuing competency requirements.

A. In order to renew a license biennially, a licensed massage therapist shall:

1. Hold current certification by the NCBTMB; or
2. Complete at least 24 hours of continuing education or learning activities with at least one hour in professional ethics. Hours chosen shall be those that enhance and expand the skills and knowledge related to the clinical practice of massage therapy and may be distributed as follows:

a. A minimum of 12 of the 24 hours shall be in activities or courses provided by ~~an NCBTMB approved provider~~ one of the following providers and may include seminars, workshops, home study courses, and continuing education courses;

(1) NCBTMB;

(2) Federation of State Massage Therapy Boards;

(3) American Massage Therapy Association;

(4) Associated Bodywork and Massage Professionals;

(5) Commission on Massage Therapy Accreditation;

(6) A nationally or regionally accredited school or program of massage therapy; or

(7) A school of massage therapy approved by the State Council of Higher Education for Virginia.

b. No more than 12 of the 24 hours may be activities or courses that may include consultation, independent reading or research, preparation for a presentation, a course in cardiopulmonary resuscitation, or other such experiences that promote continued learning.

B. A massage therapist shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.

C. The massage therapist shall retain in his records the completed form with all supporting documentation for a

period of four years following the renewal of an active license.

D. The board shall periodically conduct a random audit of licensees to determine compliance. The persons selected for the audit shall provide evidence of current NCBTMB certification or the completed continued competency form provided by the board and all supporting documentation within 30 days of receiving notification of the audit.

E. Failure to comply with these requirements may subject the massage therapist to disciplinary action by the board.

F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

Part IV
Disciplinary Provisions

18VAC90-50-90. Disciplinary provisions.

The board has the authority to deny, revoke, or suspend a license issued by it or to otherwise discipline a licensee upon proof that the practitioner has violated any of the provisions of § 54.1-3007 of the Code of Virginia or of this chapter or has engaged in the following:

1. Fraud or deceit, which shall mean, but shall not be limited to:

- a. Filing false credentials;
- b. Falsely representing facts on an application for initial licensure, or reinstatement or renewal of a license; or
- c. Misrepresenting one's qualifications including scope of practice.

2. Unprofessional conduct, which shall mean, but shall not be limited to:

- a. Performing acts ~~which~~ that constitute the practice of any other health care profession for which a license or a certificate is required or acts ~~which~~ that are beyond the limits of the practice of massage therapy as defined in § 54.1-3000 of the Code of Virginia;
- b. Assuming duties and responsibilities within the practice of massage therapy without adequate training or when competency has not been maintained;
- c. Failing to acknowledge the limitations of and contraindications for massage and bodywork or failing to refer patients to appropriate health care professionals when indicated;

d. Entering into a relationship with a patient or client that constitutes a professional boundary violation in which the massage therapist uses his professional position to take advantage of the vulnerability of a patient, a client, or his family, to include [~~but not be limited to~~] actions that result in personal gain at the expense of the patient or client, a nontherapeutic personal involvement, or sexual conduct with a patient or client;

e. Falsifying or otherwise altering patient or employer records;

f. Violating the privacy of patients or the confidentiality of patient information unless required to do so by law;

g. Employing or assigning unqualified persons to practice under the title of "massage therapist" or "licensed massage therapist";

h. Engaging in any material misrepresentation in the course of one's practice as a massage therapist; or

i. Obtaining money or property of a patient or client by fraud, misrepresentation, or duress;

j. Violating state laws relating to the privacy of patient information, including § 32.1-127.1:03 of the Code of Virginia;

k. Providing false information to staff or board members in the course of an investigation or proceeding;

l. Failing to report evidence of child abuse or neglect as required by § 63.2-1509 of the Code of Virginia or elder abuse or neglect as required by § 63.2-1606 of the Code of Virginia;

m. Violating any provision of this chapter; or

n. Failing to practice in a manner consistent with the code of ethics of the NCBTMB, as incorporated by reference into this chapter with the exception of the requirement to follow all policies, procedures, guidelines, regulations, codes, and requirements promulgated by the NCBTMB.

VA.R. Doc. No. R16-4739; Filed December 4, 2017, 1:46 p.m.

BOARD OF PHYSICAL THERAPY
Fast-Track Regulation

Title of Regulation: 18VAC112-20. Regulations Governing the Practice of Physical Therapy (amending 18VAC112-20-131).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: January 24, 2018.

Effective Date: February 8, 2018.

Commonwealth of Virginia



REGULATIONS
GOVERNING THE LICENSURE OF
MASSAGE THERAPISTS

VIRGINIA BOARD OF NURSING

Title of Regulations: 18 VAC 90-50-10 et seq.

**Statutory Authority: §§ 54.1-2400 and Chapter 30 of Title 54.1
of the *Code of Virginia***

Revised Date: January 24, 2018

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Henrico, VA 23233-1463

(804) 367-4515 (TEL)
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email: nursebd@dhp.virginia.gov

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Part I. General Provisions.

18VAC90-50-10. Definitions.

A. The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-3000 of the Code of Virginia:

"Board"

"Massage therapist"

"Massage therapy"

B. The following word when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork.

18VAC90-50-20. Operational requirements.

A. Requirements for current mailing address.

1. Each applicant or licensee shall maintain a current address of record with the board. Any change in the address of record or the public address, if different from the address of record, shall be submitted electronically or in writing to the board within 30 days of such change.
2. All required notices mailed by the board to any applicant or licensee shall be validly given when mailed to the latest address of record on file with the board.

B. A licensee who has had a change of name shall submit as legal proof to the board a copy of the marriage certificate, a certificate of naturalization, or a court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

C. Each licensed massage therapist shall conspicuously post his current Virginia license in a public area at his practice location.

18VAC90-50-30. Fees.

A. Fees listed in this section shall be payable to the Treasurer of Virginia and shall not be refunded unless otherwise provided.

B. Fees required by the board are:

1. Application and initial licensure	\$140
2. Biennial renewal	\$95
3. Late renewal	\$30
4. Reinstatement of licensure	\$150
5. Reinstatement after suspension or revocation	\$200

6. Duplicate license	\$15
7. Replacement wall certificate	\$25
8. Verification of licensure	\$35
9. Transcript of all or part of applicant/licensee records	\$35
10. Returned check charge	\$35

C. For renewal of licensure from July 1, 2017 through June 30, 2019, the following fee shall be in effect:

Biennial renewal	\$71
------------------	------

Part II. Requirements for Certification.

18VAC90-50-40. Initial licensure.

A. An applicant seeking initial licensure shall submit a completed application and required fee and verification of meeting the requirements of § 54.1-3029 A of the Code of Virginia as follows:

1. Is at least 18 years old;
2. Has successfully completed a minimum of 500 hours of training from a massage therapy program certified or approved by the State Council of Higher Education for Virginia or an agency in another state, the District of Columbia, or a United States territory that approves educational programs, notwithstanding the provisions of § 23-1-226 of the Code of Virginia;
3. Has passed the Licensing Examination of the Federation of State Massage Therapy Boards, or an exam deemed acceptable to the board;
4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of certification as set forth in § 54.1-3007 of the Code of Virginia and 18VAC90-50-90; and
5. Has completed a criminal history background check as required by § 54.1-3005.1 of the Code of Virginia.

B. An applicant shall attest that he has read and will comply with laws and regulations and the professional code of ethics relating to massage therapy.

C. An applicant who has been licensed or certified in another country and who provides certification of equivalency to the educational requirements in Virginia from a credentialing body acceptable to the board shall take and pass an examination as required in subsection A of this section in order to become licensed.

18VAC90-50-50. Licensure by endorsement.

A. A massage therapist who has been licensed in another United States jurisdiction with requirements substantially equivalent to those stated in 18VAC90-50-40 and who is in good

standing or is eligible for reinstatement, if lapsed, shall be eligible to apply for licensure by endorsement in Virginia.

B. An applicant for licensure by endorsement shall submit a completed application and required fee, including a criminal history background check as required by § 54.1-3005.1 of the Code of Virginia, to the board and shall submit the required form to the appropriate credentialing agency in the state of original licensure or certification for verification.

18VAC90-50-60. Provisional licensure.

A. An eligible candidate who has filed a completed application for licensure in Virginia, including completion of education requirements, may engage in the provisional practice of massage therapy in Virginia while waiting to take the licensing examination for a period not to exceed 90 days from the date on the written authorization from the board. A provisional license may be issued for one 90-day period and may not be renewed.

B. The designation of "massage therapist" or "licensed massage therapist" shall not be used by the applicant during the 90 days of provisional licensure.

C. An applicant who fails the licensing examination shall have his provisional licensure withdrawn upon the receipt of the examination results and shall not be eligible for licensure until he passes such examination.

Part III. Renewal and Reinstatement.

18VAC90-50-70. Renewal of licensure.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. The licensee shall complete the renewal form and submit it with the required fee and attest that he has complied with continuing competency requirements of 18VAC90-50-75.

C. Failure to receive the application for renewal shall not relieve the licensed massage therapist of the responsibility for renewing the license by the expiration date.

D. The license shall automatically lapse by the last day of the birth month if not renewed, and the practice of massage therapy or use of the title "massage therapist" or "licensed massage therapist" is prohibited.

18VAC90-50-75. Continuing competency requirements.

A. In order to renew a license biennially, a licensed massage therapist shall:

1. Hold current certification by the NCBTMB; or

2. Complete at least 24 hours of continuing education or learning activities with at least one hour in professional ethics. Hours chosen shall be those that enhance and expand the skills and knowledge related to the clinical practice of massage therapy and may be distributed as follows:

a. A minimum of 12 of the 24 hours shall be in activities or courses provided by one of the following providers and may include seminars, workshops, home study courses, and continuing education courses.

(1) NCBTMB;

(2) Federation of State Massage Therapy Boards (FSMTB);

(3) American Massage Therapy Association (AMTA);

(4) Associated Bodywork and Massage Professionals (ABMP);

(5) Commission on Massage Therapy Accreditation (COMTA);

(6) A nationally or regionally accredited school or program of massage therapy; or

(7) A school of massage therapy approved by the State Council of Higher Education for Virginia.

b. No more than 12 of the 24 hours may be activities or courses that may include consultation, independent reading or research, preparation for a presentation, a course in cardiopulmonary resuscitation, or other such experiences that promote continued learning.

B. A massage therapist shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.

C. The massage therapist shall retain in his records the completed form with all supporting documentation for a period of four years following the renewal of an active license.

D. The board shall periodically conduct a random audit of licensees to determine compliance. The persons selected for the audit shall provide evidence of current NCBTMB certification or the completed continued competency form provided by the board and all supporting documentation within 30 days of receiving notification of the audit.

E. Failure to comply with these requirements may subject the massage therapist to disciplinary action by the board.

F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

18VAC90-50-80. Reinstatement of licensure.

A. A massage therapist whose license has lapsed may reinstate licensure within one renewal period by attesting to completion of continuing competency requirements for the period and payment of the current renewal fee and the late renewal fee.

B. A massage therapist whose license has lapsed for more than one renewal period shall file a reinstatement application, attest to completion of continuing competency requirements for the period in which the license has been lapsed, not to exceed four years, and pay the reinstatement fee.

C. A massage therapist whose license has been suspended or revoked may apply for reinstatement by filing a reinstatement application meeting the requirements of subsection B of this section, and paying the fee for reinstatement after suspension or revocation.

D. The board may require evidence that the massage therapist is prepared to resume practice in a competent manner.

Part IV. Disciplinary Provisions.

18VAC90-50-90. Disciplinary provisions.

The board has the authority to deny, revoke, or suspend a license issued by it or to otherwise discipline a licensee upon proof that the practitioner has violated any of the provisions of § 54.1-3007 of the Code of Virginia or of this chapter or has engaged in the following:

1. Fraud or deceit which shall mean, but shall not be limited to:

a. Filing false credentials;

b. Falsely representing facts on an application for initial licensure, or reinstatement or renewal of a license; or

c. Misrepresenting one's qualifications including scope of practice.

2. Unprofessional conduct which shall mean, but shall not be limited to:

a. Performing acts that constitute the practice of any other health care profession for which a license or a certificate is required or acts that are beyond the limits of the practice of massage therapy as defined in § 54.1-3000 of the Code of Virginia;

b. Assuming duties and responsibilities within the practice of massage therapy without adequate training or when competency has not been maintained;

c. Failing to acknowledge the limitations of and contraindications for massage and bodywork or failing to refer patients to appropriate health care professionals when indicated;

d. Entering into a relationship with a patient or client that constitutes a professional boundary violation in which the massage therapist uses his professional position to take

advantage of the vulnerability of a patient, a client, or his family, to include but not be limited to actions that result in personal gain at the expense of the patient or client, a nontherapeutic personal involvement or sexual conduct with a patient or client;

e. Falsifying or otherwise altering patient or employer records;

f. Violating the privacy of patients or the confidentiality of patient information unless required to do so by law;

g. Employing or assigning unqualified persons to practice under the title of "massage therapist" or "licensed massage therapist";

h. Engaging in any material misrepresentation in the course of one's practice as a massage therapist;

i. Obtaining money or property of a patient or client by fraud, misrepresentation or duress;

j. Violating state laws relating to the privacy of patient information, including §32.1-127.1:03 of the Code of Virginia;

k. Providing false information to staff or board members in the course of an investigation or proceeding;

l. Failing to report evidence of child abuse or neglect as required in § 63.2-1509 of the Code of Virginia or elder abuse or neglect as required in § 63.2-1606 of the Code of Virginia;

m. Violating any provision of this chapter; or

n. Failing to practice in a manner consistent with the code of ethics of the NCBTMB, as incorporated by reference into this chapter with the exception of the requirement to follow all policies, procedures, guidelines, regulations, codes, and requirements promulgated by the NCBTMB.

**Federation of State Massage Therapy Boards (FSMTB)
Massage Therapy Licensing Database (MTLD)**

CLOSED SESSION

Advisory Board Action Required:

Review content and make a recommendation to the full Board of Nursing regarding Virginia's participation in FSMTB's MTLT.



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

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Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

Criminal Background Check (CBC) Unit Report **LMT Applicants** **January 1, 2018 – September 30, 2018**

- Total number of LMT applicants who initiated the CBC process: 905
- Total number of LMT applicants with convictions (disclosed and non-disclosed): 135
 - Total number of LMT applicants with no convictions at time of application: 39
 - Total number of LMT applicants who Self-disclosed criminal convictions: 39
 - Total number of LMT applicants who Non-disclosed criminal convictions: 57
- Total number of LMT applicants with NO convictions: 770



COMMONWEALTH of VIRGINIA

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The Board of Nursing (Board) received 57 cases between October 1, 2017 and September 30, 2018, and the Board closed 47 cases, issuing case decisions for 44 cases, described below.

Case Decisions for 27 Licensed Massage Therapists (LMTs) **October 1, 2017 – September 30, 2018**

Action Taken	Count of Action Taken
Case Dismissed	2
License Granted	13
License Surrendered	1
Mandatory Suspension	1
Monetary Penalty	1
Reinstatement Denied	1
Reinstatement Granted	1
Renewal Right Denied	3
Reprimand	15
Revocation	2
Suspension	3
Terms Terminated	1
Grand Total	44



Massage Advisory Board Members

(Revised October 17, 2018)

NAME:

Joseph L. Schibner, IV, L.M.T., L.Ac., D.O.M., Chair, Henrico
Stephanie Quinby, L.M.T., Vice Chair, Richmond
Dawn M. Hogue, M.A., L.M.T, Faculty Member, Virginia Beach
Jermaine Mincey, Citizen Member, Annandale
Kristina E. Page, L.M.T., Sandston

TERM EXPIRES:

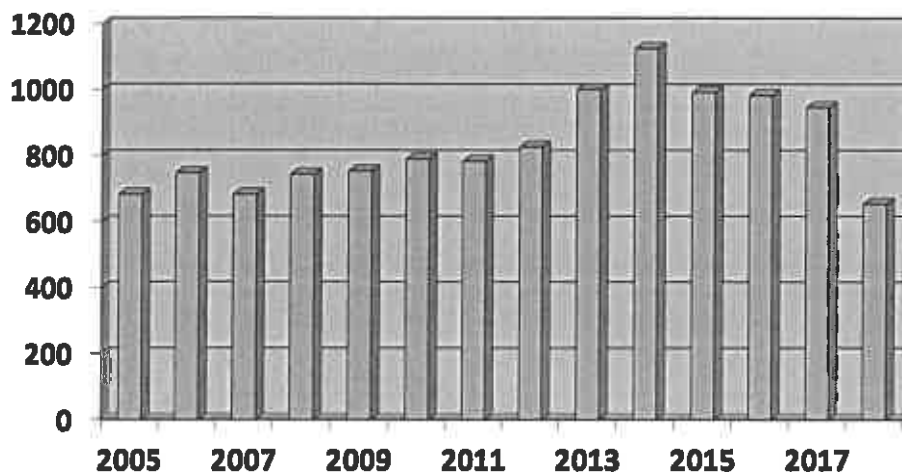
2019
2019
2020
2021
2020

STATISTICAL INFORMATION

Number of new Massage Licenses Issued

2018 (Jan 1 - Sept 30)	654
2017 (Jan 1- Dec 31)	947
2016 (Jan 1- Dec 31)	984
2015 (Jan 1-Dec 31)	992
2014 (Jan 1-Dec 31)	1,126
2013 (Jan 1-Dec 31)	1,001
2012 (Jan 1-Dec 31)	827
2011 (Jan 1-Dec 31)	784
2010 (Jan 1-Dec 31)	790
2009 (Jan 1-Dec 31)	754
2008 (Jan 1-Dec 31)	744
2007 (Jan 1-Dec 31)	683
2006 (Jan 1-Dec 31)	748
2005 (Jan 1-Dec 31)	683

**



□ New LMT licenses Issued

- MBLEX was accepted as exam for certification in Virginia as of July 1, 2013

We rcvd 1,022 new applications in 2013 (by application & by endorsement)

- 583 took the MBLEX exam
- 439 took either the NCETM or NCETMB exams

Total # of massage therapist **currently** active in Virginia as of **October 1, 2018:**

8,695

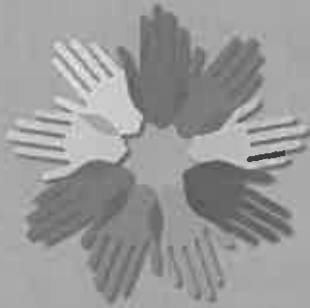
Online Massage Applications Received

	By Application	By Endorsement	Total
2018 (Jan 1 – Sept 30)	449	173	622
2017 (Jan 1- Dec 31)	747	205	952
2016 (Jan 1- Dec 31)	839	255	1,094
2015 (Jan 1- Dec 31)	766	210	976
2014 (April 1 -Dec 31)	450	156	606

- The Virginia Board of Nursing started accepting massage applications online as of April 2014
- Implementation of Licensure for Massage Therapist effective January 1, 2017 (*from Certified Massage Therapist-CMT to Licensed Massage Therapist-LMT*)
- Pursuant to Virginia Code 54.1-3005.1, the Virginia Board of Nursing incorporated both state and federal criminal background checks as part of the application process for Massage Therapist effective January 1, 2017. This requirement applies to applicants by initial application, endorsement and reinstatement.

LMT Total Count (October 1, 2017- September 30, 2018)

New Applications (initial & endorsement- paper & online)	854
Duplicate License Request	146
Duplicate Wall Certificate Request	23
Verification Request	291
Reinstatement Application after Discipline	2
Reinstatement Applications	54
Renewals	3,541
Late Renewals	413



FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

ANNUAL REPORT

October 2018



MESSAGE FROM THE PRESIDENT

FSMTB continues to be a strong and productive organization. As we reflect upon a year filled with growth, opportunities, and our fair share of challenges, we remain grounded by the organization's adherence to its core values—integrity, transparency, accountability, and people. This report, which contains information on FSMTB's programs, services, finances and communication efforts, demonstrates how those values are put into action every day.

This year is marked by transformation. As several FSMTB initiatives—including the Education Record Center (ERC) and Massage Therapy Licensing Database (MTLD)—come to fruition, we acknowledge the strides the organization makes daily toward facilitating the safe and effective practice of massage therapy. Importantly, we recognize our member boards, because without their astute direction, none of these initiatives would have been possible.

Thank you for lending your voice, insights, and passion to our organization. We look forward to another year of service, engagement, and making meaningful change.

Yours in service,



Dr. Ed D. Bolden
FSMTB President





FEDERATION OF STATE MASSAGE THERAPY BOARDS

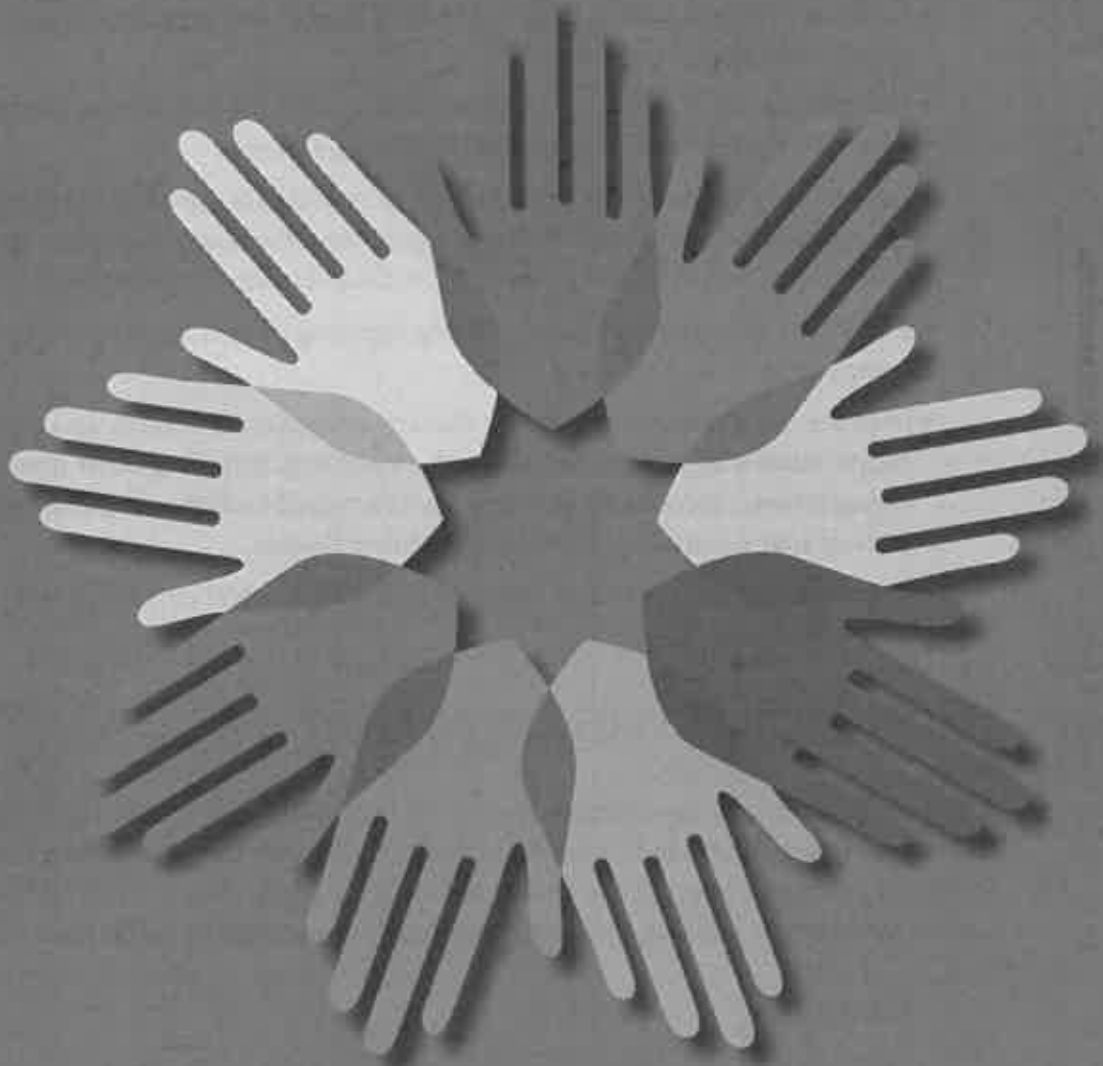
The mission of the Federation is to support its Member Boards in their work to ensure that the practice of massage therapy is provided to the public in a safe and effective manner. In carrying out this mission, the Federation shall:

- Facilitate communication among Member Boards and provide a forum for the exchange of information and experience.
- Provide education, services, and guidance to Member Boards that help them fulfill their statutory, professional, public, and ethical obligations.
- Support efforts among Member Boards to establish compatible requirements and cooperative procedures for the legal regulation of massage therapists, in order to facilitate professional mobility, and to simplify and standardize the licensing process.
- Ensure the provision of a valid, reliable licensing examination to determine entry-level competence.
- Improve the standards of massage therapy education, licensure, and practice through cooperation with entities that share this objective, including other massage therapy organizations, accrediting agencies, governmental bodies, and groups whose areas of interest may coincide with those of Member Boards.
- Represent the interests of its Member Boards in matters consistent with the scope of the Bylaws.

NON-PROFIT ORGANIZATION




The FSMTB is a fully autonomous, non-profit organization. It operates under Section 501(c) (3) of the Internal Revenue Code. All revenue collected by the organization is used to enhance FSMTB programs; improve the quality of its examinations and services; and provide support to its Members in fulfilling their responsibility of protecting the public from unsafe practice.

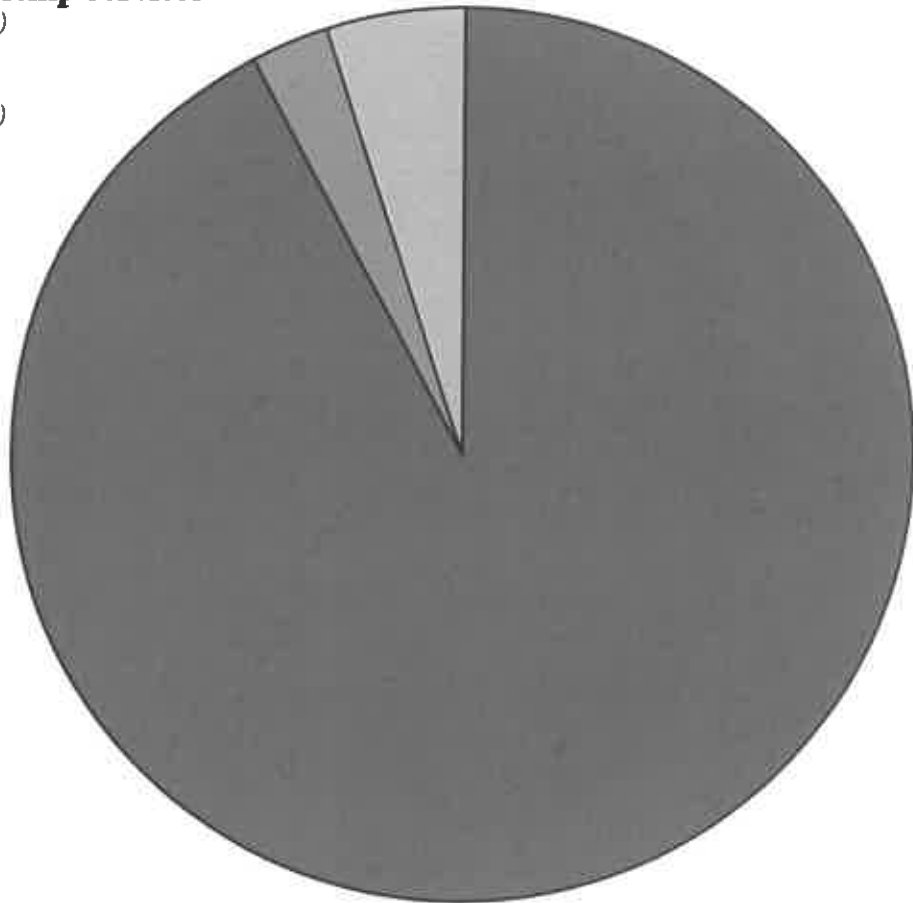
FINANCE





INCOME* (JULY 1, 2017 – JUNE 30, 2018)





-  **Examination Services**
(\$5,268,053)
-  **Membership Services**
(\$159,973)
-  **Other**
(\$281,979)

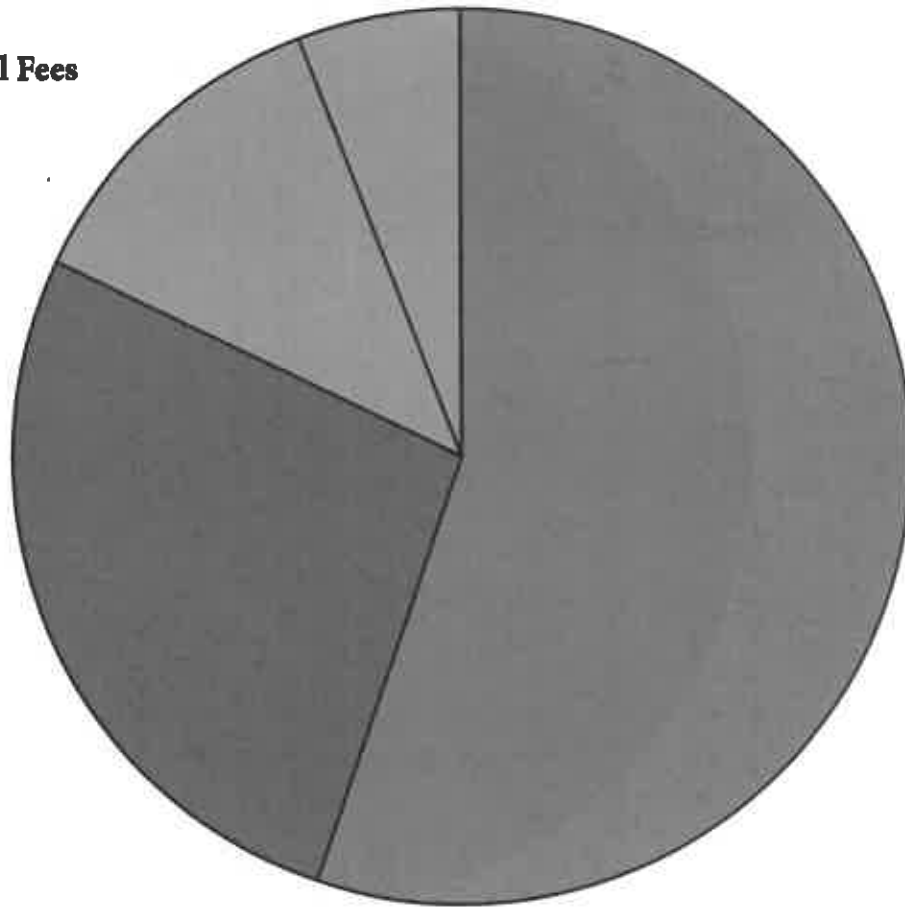


**unaudited*



EXPENSES* (JULY 1, 2017 – JUNE 30, 2018)

-  **Examination Fees**
(\$2,813,889)
-  **General Operating Expenses**
(\$1,360,675)
-  **Professional Fees**
(\$614,444)
-  **Travel**
(\$286,033)



**unaudited*

PROGRAMS AND SERVICES



JOB TASK ANALYSIS OVERVIEW

In 2017, as part of best practices in licensing exam development, FSMTB issued a Job Task Analysis Survey (JTA) to the massage and bodywork profession. This process is undertaken every five to seven years and analyzes input from the professional community to ensure that the Massage & Bodywork Licensing Examination (MBLEx) assesses knowledge and skills relevant to entry-level competence.

Findings from the 2017 JTA, derived from the survey responses of thousands of massage and bodywork practitioners, indicate that massage and bodywork practitioners are overwhelmingly satisfied with their occupation.

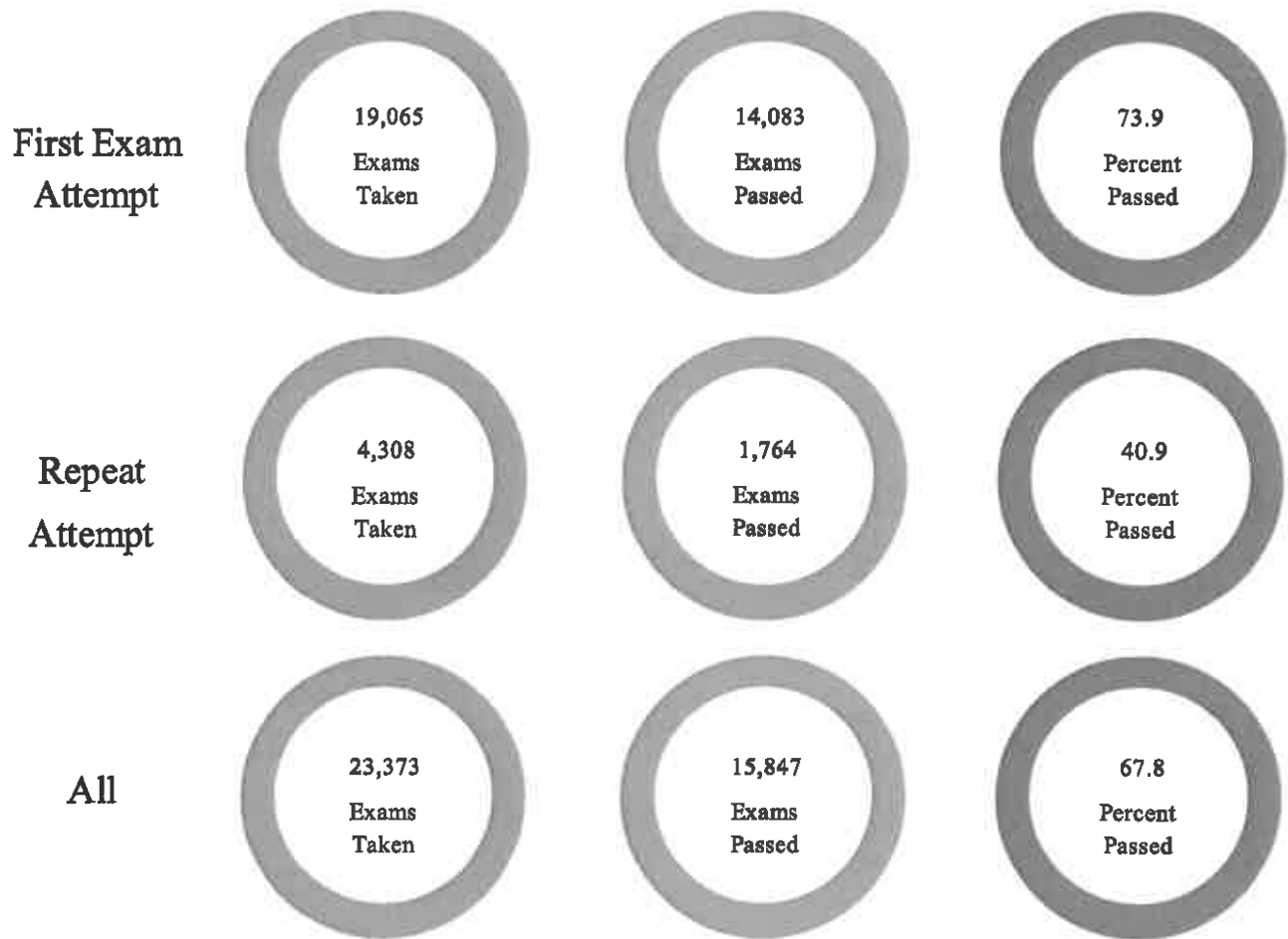
Among significant data observed in the findings are 98 percent of practitioners who cited that they like being a massage therapist. Further, 97 percent of respondents indicated that they are happy that they entered the massage therapy profession. Ninety-seven percent of respondents cited that they are proud to be in the field. When asked about their enthusiasm for their occupation, 96 percent of respondents indicated that they were enthusiastic. Lastly, 94 percent of respondents indicated that they strongly identify with the massage therapy occupation.

As a result of the JTA, minor changes to the MBLEx Content Outline became effective July 1, 2018. The profession's feedback indicated that it was no longer necessary for public protection to test entry-level practitioners on the culture and history of the profession.





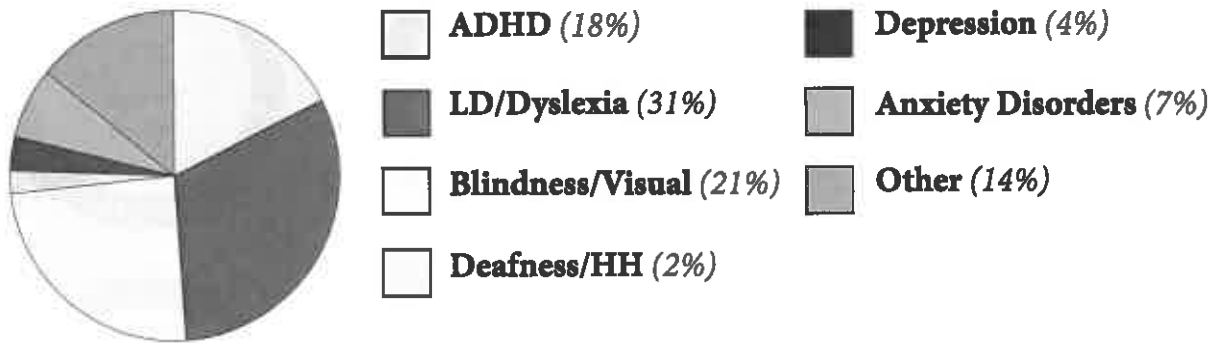
MBLEx PASS RATE (JULY 1, 2017 - JUNE 30, 2018)



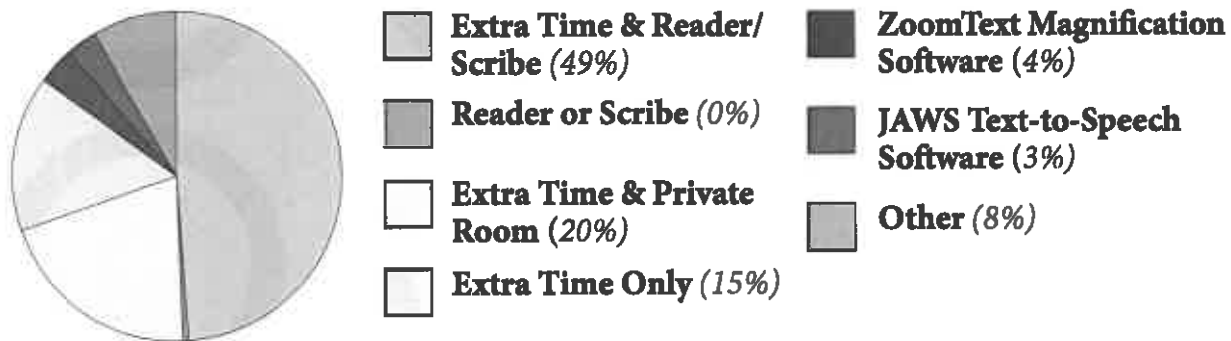


TESTING ACCOMMODATIONS

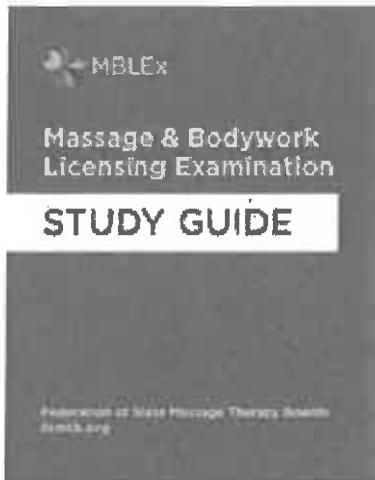
NATURE OF DISABILITY



TYPES OF ACCOMMODATIONS



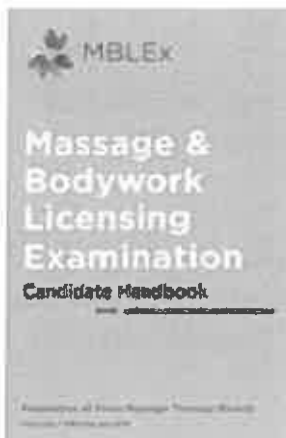
The Federation of State Massage Therapy Boards complies with the Americans with Disabilities Act of 1990 (ADA) and accommodates requests from qualified candidates with a diagnosed disability for accommodations to take the Massage & Bodywork Licensing Examination (MBLEx). Costs for the accommodations are not passed on to the candidate. Requests are reviewed to ensure that they are reasonable, properly documented and do not fundamentally alter the examination or jeopardize examination security.



NEW EDITION OF MBLEx STUDY GUIDE

In July 2018, FSMTB released a new edition of the *Massage & Bodywork Licensing Examination Study Guide*. The Study Guide reflects changes in MBLEx content that took effect on July 1, 2018. These changes resulted from the findings of the 2017 Job Task Analysis (JTA) Survey.

The MBLEx Study Guide is the only official study guide for MBLEx preparation. The new edition includes study tips, explanations of all exam content areas, and an all-new 100-item MBLEx practice exam.



MBLEx CANDIDATE HANDBOOK

A revised edition of the MBLEx Candidate Handbook was published in July 2018. Paper copies are available free of charge to applicants and schools upon request. Alternately, an online version is accessible on fsmtb.org.

In the past year, FSMTB provided schools with 10,750 FREE handbooks to distribute to their students.

FSMTB SCHOOL SUPPORT

The FSMTB School Support team assists administrative staff and faculty members from massage therapy training programs as they help their students with the process of becoming licensed massage therapists.

Education Record Center

It has been one year since the FSMTB Education Policy went into effect, requiring MBLE_x applicants to have their massage training verified by a state-approved massage therapy training program.

To assist schools, FSMTB implemented the FSMTB Education Record Center (ERC), providing a direct avenue to upload education records in support of their students' MBLE_x applications.

To date, FSMTB has registered 1,056 individuals representing 919 state-approved massage therapy training programs to use the ERC. The users have the option to upload one education record at a time, or in larger batches, making the process quick and easy.

As a result of the initiation of the Massage Education Policy and ERC, a decrease in fraudulent documentation practices to gain access to the MBLE_x, and ultimately licensure, is being noticed.

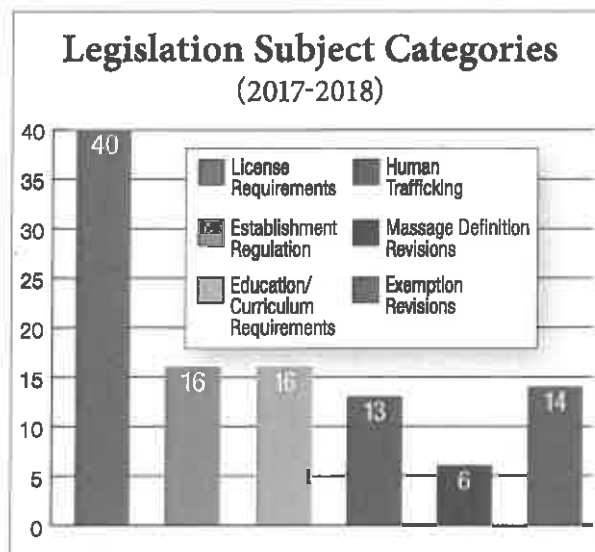
Outreach

This year, the FSMTB School Support team participated in school outreach activities at events like the Associated Bodywork & Massage Professionals (ABMP) School Forum, World Massage Festival, and the Texas Administrators of Continuing Education (TACE) Annual Conference. Multiple campus visits also occurred across the country.



GOVERNMENT RELATIONS

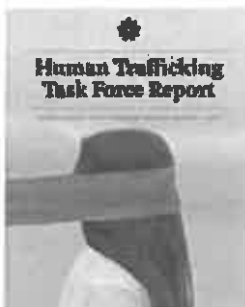
The FSMTB Government Relations team tracks proposed legislation and regulation on a daily basis. Staff monitor for new or changing legislation that may affect the massage profession or FSMTB member boards. In the past year, the team tracked 119 pieces of legislation related to massage regulation across the US.



A majority of the legislation tracked dealt with changes to individual license requirements for massage. Additional topics addressed at a high rate were establishment regulation, changes to education or curriculum requirements, and revisions to exemptions from licensure.

When requested, the Government Relations team also provides member boards with resources on state massage regulatory topics. In the last year, at least 33 resources were shared with member boards on topics like establishment licensing and school approval requirements.

Human Trafficking Task Force Report



In November 2017, the FSMTB Human Trafficking Task Force released the Human Trafficking Task Force Report. This report is the culmination of nearly two years of study, listening, discussion and consensus building. It includes an evaluation of the prevalence and impact of human trafficking on the massage profession, areas within the jurisdiction of the FSMTB to combat human trafficking, and measures that could be pursued by individual member boards to curtail or eliminate human trafficking in the massage profession. The report can be accessed on fsmtb.org.

MASSAGE THERAPY LICENSING DATABASE (MTLD)

FSMTB Member Boards have begun the process of signing on to participate in MTLD.

Benefits for Licensing Boards/Agencies

- ▶ Integrity of the massage therapy licensure process
- ▶ Central repository of therapist records
- ▶ Searching and reporting capabilities
- ▶ Easily accessible via fsmtb.org
- ▶ No cost to access MTLD
- ▶ Support license portability with quick and thorough verification of licensure in other states
- ▶ Secure data uploads and data encryption
- ▶ Access current and accurate information regarding licensed massage therapists in other states
- ▶ Improve efficiencies and increase capacity for board administrative staff to verify licensure details
- ▶ Provides a single source to enter and review board/disciplinary actions or licensee investigations to aid other state boards/agencies
- ▶ See completed continuing education credit provided by FSMTB CE Registry providers
- ▶ Facilitate enforcement decisions
- ▶ Assist staff in detecting fraud in licensure application documents
- ▶ Shows MBLEx Result Adjustments in a licensee record

Therapist Reports

Board administrative staff can access:

- ◆ **State licensing data;**
- ◆ **Education history;**
- ◆ **Board/disciplinary actions; and**
- ◆ **Professional continuing education from the FSMTB CE Registry of Providers, all in one secure place designed specifically for state licensing boards.**



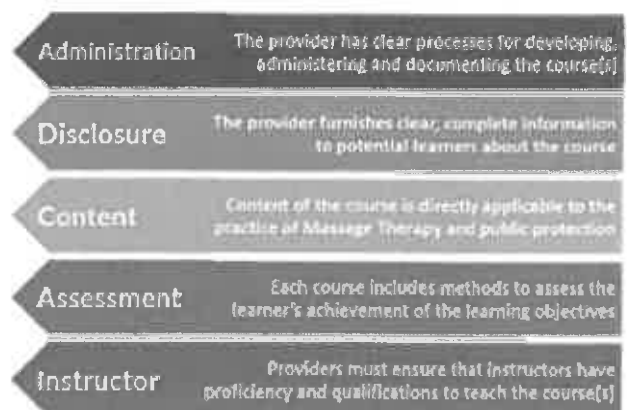


CONTINUING EDUCATION REGISTRY

The FSMTB Continuing Education Registry was developed as a result of a resolution created by a task force of regulators, which was then approved by the Delegate Assembly. The program was developed to address key concerns about the state of continuing education that were identified in the resolution. The CE Registry program was developed to meet these key concerns by:

- **Accepting only those providers that meet or exceed the member-created FSMTB CE Standards, which will provide a level of consistency across jurisdictions.**
- **Facilitating proper delegation of authority by providing a reliable source of substantiated information to member boards to make license renewal determinations.**
- **Creating a process for member boards to verify attainment of continuing education through permanent recording of accepted course completion information in the therapist record of the Massage Therapy Licensing Database (MTLD).**
- **Creating a reliable source for licensed massage therapists to find quality continuing education by using the Course Search tool, which was developed to provide accurate information on courses and sessions accepted by CE Registry.**
- **Providing efficient administrative processes for acceptance of providers and courses that meet the needs of the regulatory community without overburdening the provider.**

The CE Registry program acts as a bridge for information between the continuing education community and the Federation's Member Boards. The FSMTB holds continuing education providers accountable to meet the FSMTB Continuing Education Standards by continuous oversight and student feedback about their courses. The goal of this program is to facilitate the review of continuing education hours for license renewal by state boards through efficiently providing them with substantiated information.



REGULATORY EDUCATION AND COMPETENCE HUB (REACH)



The FSMTB completed development of the first courses this year requested by member boards. The courses include Intake Communication, Documentation, Assessment and North Carolina Documentation Laws.



MEMBER BOARD EXECUTIVE SUMMIT

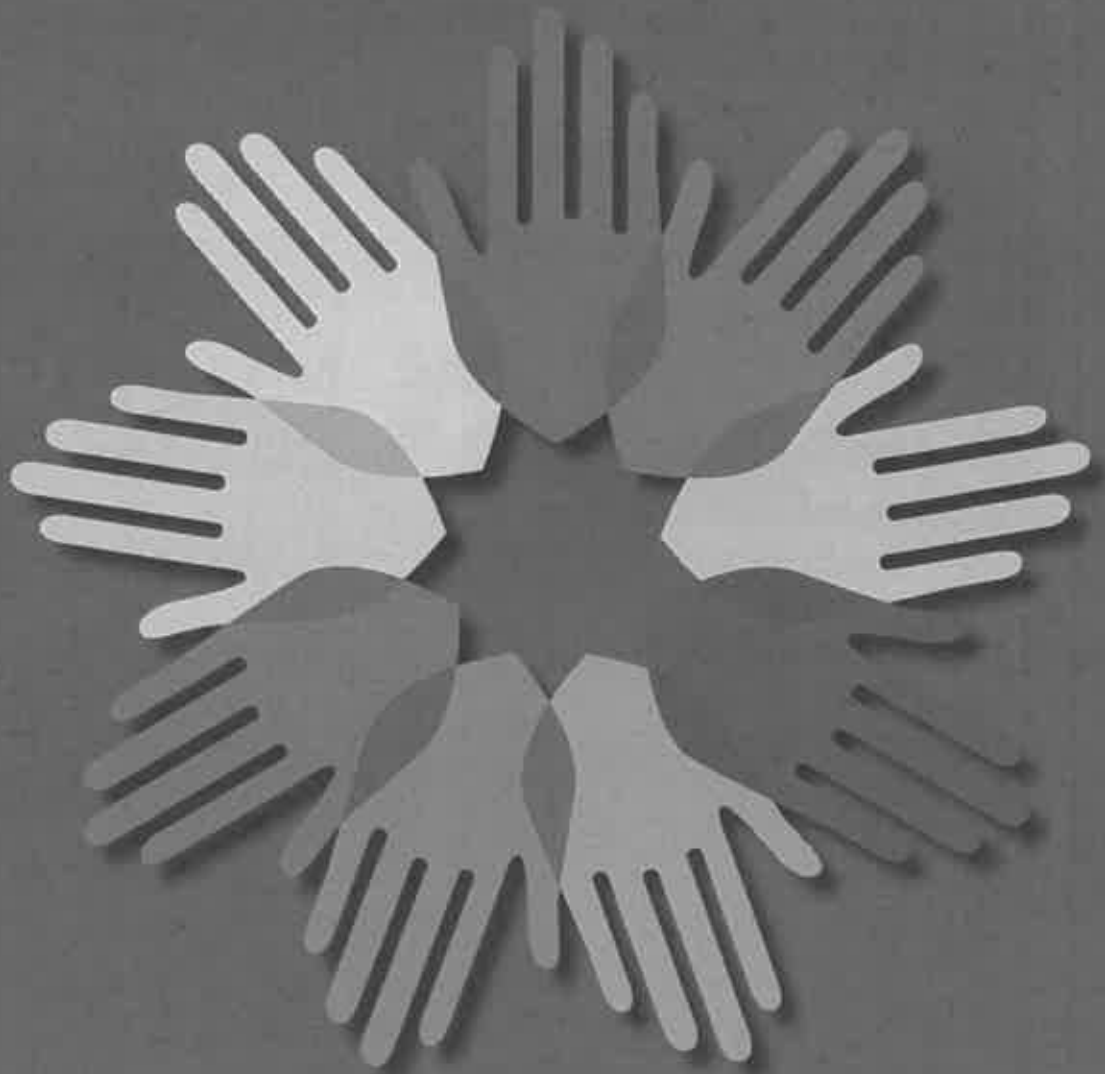
The Member Board Executive (MBE) Summit is offered as a member benefit to provide massage board staff executives opportunities for professional development and networking with other state board colleagues.



Attendees of the second annual Member Board Executive (MBE) Summit, held April 12-13, 2017 in Kansas City, Missouri.



COMMUNICATIONS



WEBSITE

The FSMTB website, fsmtb.org, remains the foremost resource for individuals seeking information about FSMTB and the MBLEx.

During the past year, the website hosted over 785,000 page views, which is a nearly five percent increase when compared to the prior year.



The screenshot shows the FSMTB website homepage. At the top left is the FSMTB logo. To its right is a search bar with a "SEARCH" button. Below the logo and search bar is a navigation menu with links for "ABOUT FSMTB", "MEMBERSHIP", "MBA", "MBA Candidates", "MBA Renewal", and "CONTACT US". The main content area features a large banner for "MBLEx Candidates" with the text: "The 2019 schedule for the Massage & Bodywork Licensing Examination (MBLEx) Candidate Handbook is available. The handbook contains all the information candidates need to know about MBLEx." Below this text is a button that says "ORDER THE HANDBOOK". To the right of the text is a large graphic of a hand surrounded by smaller hands, with the text "MBLEx MASSAGE & BODYWORK LICENSING EXAMINATION" next to it. At the bottom left, there is a "Mission" statement: "The purpose 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." To the right of the mission statement is a button that says "LEARN MORE".





SOCIAL MEDIA

FSMTB shares organizational news and regulatory information with the profession via its social media presence. In the past year, FSMTB saw a nearly five percent growth in Facebook followers, and a 25 percent growth in Twitter followers.

Follow FSMTB on all of your preferred social media channels:



facebook.com/fsmtb



twitter.com/fsmtb



linkedin.com/fsmtb



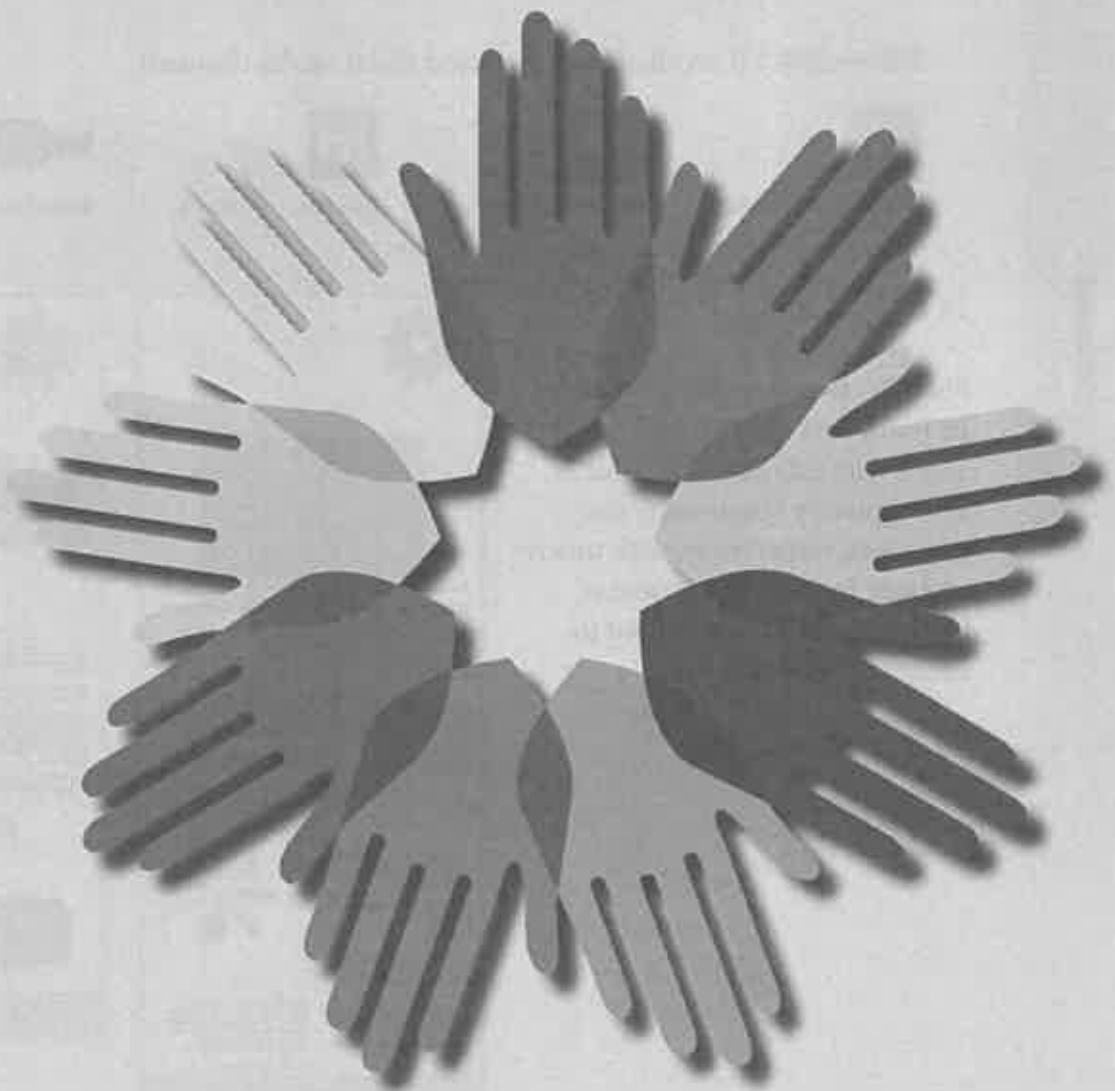
[Youtube.com The FSMTB](https://Youtube.com/TheFSMTB)

NEWSLETTERS

FSMTB's two monthly newsletters, *In Touch with FSMTB* and *In Touch with Education*, provide the regulatory community and educators, respectively, with timely updates. In 2018, the format of both newsletters was revised to enhance readability.



VOLUNTEERS





VOLUNTEERS

Volunteers remain integral to carrying out the mission of FSMTB. Our volunteers come together from all across the United States to serve on task forces, committees, and in leadership roles. To each person that gives their time, insight, and passion to our organization with the hopes of furthering regulatory governance, we thank you.



TO ALL FSMTB VOLUNTEERS: *THANK YOU!*



2017-2018 FSMTB BOARD OF DIRECTORS

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Tennessee Board of Massage Licensure
ebolden@fsmtb.org

VICE PRESIDENT

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VOLUNTEER COMMITTEES AND TASK FORCES

CE CONTENT DEVELOPMENT

Emmanuel Bistas | Illinois Board of Massage Therapy
 Jennifer Burgess | North Carolina
 Marcela Collins | Florida/Tennessee Massage Licensure Board (*former*)
 Alexander Dale | California
 Ceena Owens | Kansas
 Robert Phillips IV | Texas
 Gregory Reeves | Tennessee
 Deborah Reuss | California
 Lori Vargas | Illinois

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 Scott Dartnall | Canada
 Jason Erickson | Minnesota
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 Margie Schaeffer | Pennsylvania
 Cherie Sohnen-Moe | Arizona
 Lynda Solien-Wolfe | Florida
 Jeni Spring | Texas
 Stacy Stevens | Arizona
 Anne Williams | Colorado

CE REGISTRY REVIEW

Denise Barker | North Carolina
 Jimmy Gialelis | Arizona
 David Gonzalez | Florida
 Monique Gray | California
 Kim Moore | North Carolina

ELIGIBILITY

Craig Knowles, *Chair* | Georgia Board of Massage Therapy
 Linda Chatburn | Idaho Board of Massage Therapy
 Lance Gilliland | Alabama Board of Massage Therapy
 Tamara Leach | Montana Board of Massage Therapy
 Nicole Lennox | Michigan Board of Massage Therapy (*former*)
 Chantel Scott | Ohio State Medical Board

EXAMINATION DEVELOPMENT

Karen Armstrong | Michigan Board of Massage Therapy (*former*)
 Su Bibik | Michigan
 Vickie Branch | New Hampshire Advisory Board of Massage Therapists (*former*)
 Fran Candelaria | Indiana
 Laurie Craig | Georgia
 Rosendo Galvez | Illinois
 Jimmy Gialelis | Arizona
 Jacquie Hungerford | Texas
 Maria Leonard | Minnesota
 Bethany Lowrie | Pennsylvania
 Wendy McGinley | North Dakota Board of Massage (*former*)
 Jeff Mahadeen | New Hampshire Advisory Board of Massage Therapists
 Charlotte Phillips | Vermont
 Drew Riffe | Texas
 Jill Sanders | Oregon
 Elan Schacter | North Carolina
 Cherie Sohnen-Moe | Arizona
 Tracy Sullivan | Connecticut

EXAMINATION POLICY

Charlene Russell, *Chair* | Mississippi State Board of Massage Therapy (*former*)
 Kim Adams-Johnson | Nebraska Board of Massage Therapy
 Holly Foster | North Carolina Board of Massage and Bodywork Therapy
 Gloria Goff | Utah Board of Massage Therapy
 Gwenda Harrison | Maryland State Board of Massage Therapy Examiners
 Nicole Lennox | Michigan Board of Massage Therapy (*former*)

FEDERATION AUTHENTIC INFORMATION REVIEW (FAIR)

Anthony Jusevitch, *Chair* | Florida Board of Massage Therapy
 Kimberly Hodge | Tennessee Massage Licensure Board
 Linda Lyter | West Virginia Massage Therapy Licensure Board
 Adrienne Price | Georgia Board of Massage Therapy
 Tom Ryan | Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board
 Connie Shanks Knight | Mississippi State Board of Massage Therapy (*former*)
 Kris Waidely | Washington State Board of Massage

FINANCE

David Cox, *Chair* | Maryland State Board of Massage Therapy Examiners
 Paul Andrews | Massachusetts Board of Registration of Massage Therapy
 Micheal Black | Utah Board of Massage Therapy
 Kate Coffey | Oregon Board of Massage Therapists
 AJ Groeber | Ohio State Medical Board
 Keith Warren | Alabama Board of Massage Therapy

LICENSE RENEWAL

Becca Cauffman, *Chair* | Pennsylvania State Board of Massage Therapy
 Karen Armstrong | Michigan Board of Massage Therapy (*former*)
 Micheal Black | Utah Board of Massage Therapy
 Victoria Drago | Florida Board of Massage Therapy
 Earl Duskey | Arizona State Board of Massage Therapy
 Karen Fink | Ohio State Massage Therapy Advisory Committee
 Joe Frazer | New Hampshire Advisory Board of Massage Therapists
 Denise Logsdon | Kentucky Board of Licensure for Massage Therapy
 Wendy McGinley | North Dakota Board of Massage (*former*)
 Chantel Scott | Ohio State Medical Board
 Jan Shaw | South Carolina Board of Massage/Bodywork Therapy

NOMINATING

Lydia Nixon, *Chair* | Florida Board of Massage Therapy
 Bridget Myers | South Dakota Board of Massage Therapy
 Pam Nichols | Georgia Board of Massage Therapy

POLICY

Jamie Corey, *Chair* | Pennsylvania State Board of Massage Therapy
 Paul Andrews | Massachusetts Board of Registration of Massage Therapy
 Linda Chatburn | Idaho Board of Massage Therapy
 Victoria Drago | Florida Board of Massage Therapy
 Gloria Goff | Utah Board of Massage Therapy
 Dianne Layden | North Carolina Board of Massage and Bodywork Therapy
 Nicole Lennox | Michigan Board of Massage Therapy (*former*)
 Linda Lyter | West Virginia Massage Therapy Licensure Board





FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Federation of State Massage Therapy Boards
10801 Mastin Boulevard, Suite 350
Overland Park, KS 66210
www.fsmtb.org



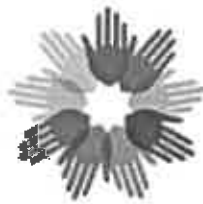
Message Therapy, rr <massagetherapy@dhp.virginia.gov>

2018 Nominations for FSMTB Board of Directors

1 message

FSMTB <dpersinger@fsmthb.org>
 Reply-To: dpersinger@fsmthb.org
 To: massagetherapy@dhp.virginia.gov

Sat, Oct 6, 2018 at 10:00 PM



FSMTB
 FEDERATION OF STATE
 MASSAGE THERAPY BOARDS

FOR IMMEDIATE RELEASE: October 6, 2018

FSMTB 2018 Election Results

The 13th Annual Meeting of the Federation of State Massage Therapy Boards (FSMTB) was held in Salt Lake City, Utah on October 5-6, 2018. In attendance were 40 state delegates, along with 52 additional registrants from member boards, businesses, and professional associations.

The delegate assembly, comprised of FSMTB member boards and agencies, elected Victoria Drago, Florida Board of Massage Therapy; Dianne Layden, North Carolina Board of Massage and Bodywork Therapy; and re-elected Craig Knowles, Georgia Board of Massage Therapy, each to three-year terms on the board of directors. Charlene Russell, formerly of the Mississippi Board of Massage Therapy was elected to serve as president, Robin Alexander, Louisiana Board of Massage Therapy, was elected to serve as vice president, and David Cox, Maryland Board of Massage Therapy Examiners, was elected to serve as treasurer of the board.

Ed Bolden, former Chair of the Tennessee Board of Massage Licensure, remains on the Board of Directors as Immediate Past President. We want to thank Linda Lyter, Executive Director of the West Virginia Massage Therapy Licensure Board, who completed six years as an FSMTB Director.

The delegate assembly elected Micheal Black of the Utah Board of Massage Therapy, Bridget Myers of the South Dakota Board of Massage Therapy and Lydia Nixon of the Florida Board of Massage Therapy to serve on the 2019 Nominating Committee.

FSMTB Board of Directors

President - Charlene Russell - Mississippi State Board of Massage Therapy (formerly)
 Vice President - Robin Alexander - Louisiana Board of Massage Therapy
 Treasurer - David Cox - Maryland State Board of Massage Therapy Examiners
 Director - Victoria Drago - Florida Board of Massage Therapy
 Director - Craig Knowles - Georgia Board of Massage Therapy
 Dianne Layden - North Carolina Board of Massage and Bodywork Therapy

Director - Thomas Ryan - Executive Director, Wisconsin Massage Therapy and
Bodywork Therapy Affiliated Credentialing Board
Ex Officio - Immediate Past President, Ed Bolden, Tennessee Board of Massage
Licensure
Ex Officio - Debra Persinger - FSMTB Executive Director

*The mission of FSMTB 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.*

STAY CONNECTED:



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November 3, 2017

Dear FSMTB Members:

Enclosed are copies of the **Human Trafficking Task Force Report**, for distribution to your message board members, key staff and board counsel. The Report will also be sent to the Governor of each state to showcase the work of the message licensing boards.

The Report was compiled by the FSMTB Human Trafficking Task Force. This task force, comprised entirely of volunteers who serve on state regulatory boards, was created by the FSMTB Delegate Assembly in 2015 to describe the human trafficking problem as it pertains to the massage therapy profession and to produce solutions for consideration by the FSMTB and state boards.

FSMTB Task Force Members

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

Kim Adams Johnson, 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

Through the publication of this Report, FSMTB aims to call attention to concerns regarding the prevalence and impact of human trafficking and illicit businesses upon the massage profession, many of which have been brought to the attention of the FSMTB and its member jurisdictions.

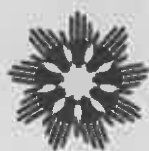
The Report is also available digitally on our website at www.fsmtb.org, should you wish to distribute it.

FSMTB is a non-profit, membership organization comprised of massage and bodywork regulatory and licensing boards and agencies from 40 states, the District of Columbia, and the territory of Puerto Rico. FSMTB's mission 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.

We appreciate the dedicated work and important contributions of the Massage Licensure Board/Agency in your state for the benefit of the health, safety and welfare of your citizens! Please reach out to FSMTB if you or your staff have any questions or feedback.

Yours in Service,

Debra A. Persinger, PhD
Executive Director



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.

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- 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
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 - 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
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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.



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

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 IBs³ 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. Polar's 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 subsection 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 NHTRC 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 Hotline²⁰; 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/illegal-massage-businesses>

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

20 https://polarisproject.org/national-human-trafficking-hotline?gclid=Cj0KEQIAzZHEBRD0ivi9_pDzgYMBEIQAtvxt-KV99b-9L_v4kJvAgOfdcODvFG7LtxTD8pgclz-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.munlcode.com/library/tx/houston/codes/code_of_ordinances?nodeId=COOR_CH28MIOFPR_ARTXIIIAES_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"

“... too often the challenges associated with a more traditional, non-networked law enforcement response prevail, and the criminal enterprise is left intact.”

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 vary³⁴, 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

“Centralized and shared access to resources related to human trafficking will promote a more effectively interconnected communication infrastructure for state boards.”

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 Davls, Patel, and Latlolars, 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.

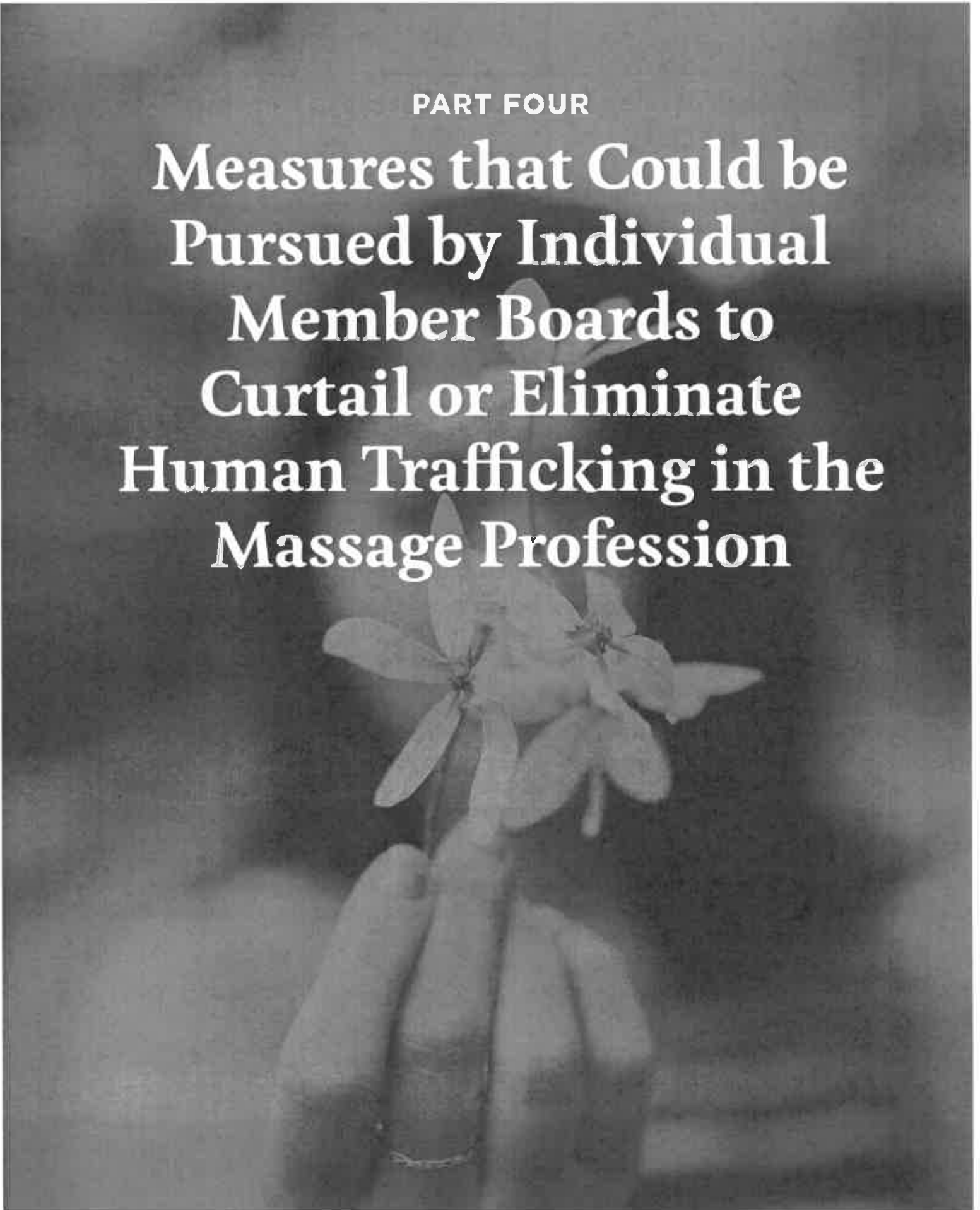
Amend the Model Practice Act to include a representative with a background in human trafficking to the composition of member boards.

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 MTL D 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, MTL D 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 jurisdictions³⁹ 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 experience⁴⁰ 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

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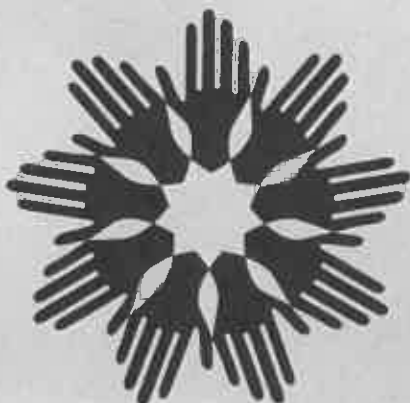
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COMMISSION ON MASSAGE THERAPY ACCREDITATION

Policy and Procedure Manual





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**Commission on Massage Therapy Accreditation
Effective July 2018**

I. INTRODUCTION

The term accreditation implies a generally accepted process by which a school or program is evaluated. Schools with accreditation may, therefore, be said to have achieved a minimum level of excellence, based on an accepted set of standards.

The benefit of accreditation to a profession lies in the fact that, the public to whom the profession is rendering a service is assured of a certain standard of quality from the graduates of accredited schools. Such assurance raises the profession in the eyes of the public and increases the public's confidence.

COMTA aspires to the highest level of integrity in the process of program and institutional accreditation. Programs and institutions seeking accreditation will demonstrate honesty and integrity and agree to comply with all COMTA standards, decisions, policies, and procedures both during the accreditation process and throughout the term of accreditation.

Applicants may choose from one of two types of accreditation that COMTA has the authority to offer.

COMTA grants *institutional accreditation* to freestanding institutions offering massage therapy and bodywork or esthetics/skin care programs. COMTA is concerned with the entire school, including all of the strengths and concerns, as described in the school's Self-Study Report and observed by the on-site evaluation team. In addition to requiring that accredited schools adhere to the Standards, COMTA ascertains how well the school meets its own objectives.

Programmatic accreditation, available to programs within an institution accredited by an agency recognized by the U.S. Department of Education is granted to an institution's educational program, focusing on program content, quality, and institutional stability. Program accreditation ensures that the school's program in massage therapy or esthetics/esthetics/skin care reaches the minimum standards set by the profession.

Accreditation is a voluntary process dependent on high standards of integrity. Each institution is expected to impress upon its staff and faculty the importance of personal and professional integrity. Breaches in integrity invalidate the process and the program or institution's status.

Accreditation processes are invariably composed of three components:

1. The self-study in which the program and institution initiate a process of self-evaluation, answering a set of specific questions about all of its parts, ranging from its mission and objectives to fiscal responsibility.
2. The peer review, in which the objective, independent accrediting agency reviews the report and sends a team of educational, administrative, and financial experts to the school to verify the self-study.
3. The final evaluation and decision by an independent accrediting commission. The Commission accredits programs and institutions and performs ongoing monitoring of their compliance with COMTA Standards and Policies. Review of annual reports and of institutions'/programs' responses to Commission's expressed concerns is part of this monitoring process. The Commission reserves the right to require a special site visit or special report if there is credible reason to question the programs'/institutions' continued compliance with the Standards. Such special visits or reports may be required by the Executive Committee and the timeframe for the visit or report will be established by the Executive Committee. Failure to cooperate with a special site visit or to submit required reports is grounds for probation or revocation of accreditation.

II. HISTORY

In 1982, the AMTA Council of Schools (COS) was established, in recognition of a shared concern among educators and school Executive Directors for the quality of massage therapy education. Early Council work focused on the need to develop and maintain educational standards.

The Commission on Massage Training Approval/Accreditation was established in 1989. In the following two years, with the assistance of AMTA's Program Approval Review Committee (PARC), COS, and additional AMTA volunteers and staff, COMTAA created and implemented standards, policies and procedures that would meet the rigorous standards of the USDE for accrediting agencies. Recognition by the Council on Postsecondary Accreditation (COPA) was pursued as a developmental stage toward the ultimate goal of USDE recognition.

In 1992, Congress passed amendments to the Higher Education Act of 1965 in an effort to combat widespread fraud, waste, and abuse in the Federal Title IV financial aid programs. This law requires USDE-recognized accrediting agencies to act as gatekeeper of federal funds. The responsibility for oversight of student loan programs for years had been shared by states, accrediting agencies, and the USDE. Congress determined that this triad was not able to guarantee program integrity and financial accountability in higher education institutions. The Amendments created a new triad in which the states (which gained new enforcement capability) and the accrediting agencies (which received new requirements to meet) each have responsibility for monitoring and reporting to each other and the USDE.

In 1997, the Commission voted to end the approval status as of March 31, 1999, and change the name to the Commission on Massage Therapy Accreditation (COMTA). USDE granted recognition on July 10, 2002. In 2004, COMTA became a completely independent organization. On November 8, 2004, COMTA's USDE recognition was continued for five years, and the scope of practice was expanded to include accreditation of academic associate degree programs. As part of the renewal of recognition process in 2010, COMTA requested an expansion into occupational associate degrees and esthetics. The expansions were both approved, and COMTA's recognition was continued in 2010, with a follow-up review scheduled for December 2012. COMTA's most recent review took place in December, 2015, followed by a five-year approval granted in 2016.

III. ORGANIZATION OF THE COMMISSION

Commissioners

COMTA-recognized institutions and programs in good standing elect non-appointed Commissioners. Each institution/program is entitled to cast one vote for each commissioner position up for election. Commissioners are elected to four-year terms, and may stand for re-election. The Commission shall be composed of individuals chosen to reflect the experience and concerns of specific communities of interest. A nominating committee composed of two COMTA Commissioners and one person who does not serve on the Commission selects candidates for nomination. The Commission appoints the two Commissioners, and the COMTA Chair appoints the external member. The external member may not be an officer or professional staff member of any organization that provides financial support to COMTA or a member of the COMTA staff. No member of the Board of Directors or staff of any massage or esthetics trade association may serve on the Commission for Massage Therapy Accreditation.

Commission Structure

The full Commission elects a chairperson, vice-chairperson, and secretary, each for a two-year term. The Chair serves as the presiding officer of the Commission and the Executive Committee. Should the Chair vacate that position, the Chair's duties shall be assumed by the Vice-Chair. The Executive Committee shall be composed of the Chair, the Vice-Chair, and Secretary. The Executive Committee serves as the primary planning and agenda-setting body for the Commission. The Executive Committee, or the Chair when designated by the Executive Committee, will be responsible for supervising the COMTA Executive Director and monitoring the operation of the COMTA office. The Commission may

delegate decision-making power to the Executive Committee to decide particular issues arising under COMTA standards and policies. The Executive Committee does not have the authority to take specific accreditation decisions. The Executive Committee may take emergency actions to respond to situations not covered by existing Commission policies. The Executive Committee shall notify the full Commission of any such actions in a timely fashion. The Commission holds two face-to-face meetings annually and other electronically-mediated meetings as needed. All Commission meetings are closed. The Commission reserves the right to invite guests to provide consultation to the Commission as required. The Commission may have standing committees that are necessary to conduct the Commission's business. The Commission may establish special or appropriate ad hoc committees as needed.

Staff

The Commission hires an Executive Director to oversee daily operations and shall have authority to make and implement necessary rules and procedures to insure the effective and efficient operation of COMTA, subject to review by the Executive Committee and the Commission. The Executive Director shall be a non-voting ex officio member of the Executive Committee. The Executive Director or her/his designee shall be a non-voting ex officio member of all standing committees. The Executive Director hires staff to support the daily operations of the Commission.

IV. VISION, MISSION STATEMENT and VALUES

Vision

All quality massage therapy/bodywork and esthetics institutions or programs are accredited by COMTA.

Mission

COMTA elevates and upholds standards of excellence in massage therapy/bodywork and esthetics education through specialized accreditation, benefiting students and schools, practitioners, and the public.

Values

1. COMTA is a dynamic organization dedicated to furthering the success of massage therapy and bodywork education, through ongoing dialogue with educators, practitioners and consumers.
2. COMTA, as a learning organization, values its relationships and dialogue in continuing to identify and reflect the existing and emerging educational trends and professional practice requirements for massage therapy and bodywork education.
3. COMTA acknowledges and supports the holistic and transformative nature of massage therapy and bodywork education.

V. SCOPE OF ACCREDITATION

COMTA extends its services to institutions and programs that award postsecondary certificates, diplomas, or degrees in the practice of massage therapy and bodywork and esthetics/skin care. COMTA provides institutional accreditation for freestanding institutions of massage therapy and bodywork as well as esthetics/skin care. COMTA also accredits educational programs in massage therapy and bodywork or esthetics/skin care offered at other institutions. Where institutional accreditation in a country is not otherwise available, the institution must have the approval of the government agency responsible for the oversight of such institutions. National and/or state (or provincial) law will prevail when either or both conflict with COMTA standards, policies, procedures, guidelines, or decisions. However, when such laws result in educational offerings and services inferior to the minimums required under COMTA standards and policies, programs and institutions must agree to accept the COMTA standards and policies as a condition of accreditation.

VI. THE FUNCTION OF STANDARDS

Standards serve a variety of functions. They provide a nationally-recognized measure against which

an institution or program may be evaluated. Therefore, the general public, employers, clients, government bodies, legislators, and students will know the criteria used to measure the institution or program's suitability for accreditation. Standards are used by both site team members and the Accrediting Commission to review and assess relevant materials submitted by the institution. Standards also serve as a target at which institutions may aim as they strive to improve the quality of their educational programs and services. The Commission periodically and systematically reviews and assesses the reliability and validity of its standards and criteria.

ACCREDITATION: COMTA's Responsibilities and Authority

I. ELIGIBILITY CRITERIA

The following requirements must be met before applying for accreditation. A school or program may not apply for COMTA accreditation unless there is a minimum of five (5) students enrolled in each program applying for accreditation status.

Institutional Accreditation

1. All programs offered by the institution must be massage therapy/bodywork or esthetics programs.
2. The institution must be legally organized and licensed by the appropriate state education and/or state licensing agency that authorizes the conduct of business in that state.
3. The institution must offer instruction at the postsecondary level.
4. The institution must offer at least one massage therapy or esthetics program that requires completion of a minimum of 600 clock hours of instruction.

Programmatic Accreditation

1. The program must be clearly identified as a professional massage therapy or esthetics educational program. Other professional education programs that include massage or skin care courses are not eligible for program accreditation.
2. A specific entity or department, organized to oversee the massage therapy or skin care program, must be responsible for the program.
3. Identifiable faculty and administrative staff with explicit authority must be assigned to and be responsible for the program.
4. The program must provide an organized plan of study of at least 600 clock hours in length.
5. The institution must offer a certificate, diploma or degree in massage therapy or esthetics to a body of students enrolled to receive such a credential.
6. The parent institution must demonstrate its financial commitment to the massage therapy and bodywork program or esthetics/skin care program by allocating enough financial support to enable all enrolled students to complete the program.
7. The program must be located in an institution that already has institutional accreditation from an agency recognized by the U.S. Department of Education.

II. STEPS IN INITIAL OR RENEWAL OF ACCREDITATION

1. **Application:** To begin the accreditation process, an institution submits an application fee and a letter of intent to apply. The institution/program will then complete the electronic application with supporting documentation. Staff will evaluate this information to determine the institution's eligibility (See Appendix for Fee Schedule and Frequently Used Forms). A program or institution officially begins the self-study process when its application is determined to be current, complete, accurate, and having fulfilled all substantive application requirements. If these requirements have not been satisfied within twelve (12) months following the receipt of the application, that application is void. Application fees are non-refundable according to specific Commission provisions as noted in the Fee Schedule. Renewing programs and institutions must apply for renewal 12 to 18 months before their current approval expires.
2. **Required Online Accreditation Training:** After an institution is determined to be eligible and before submission of the Self-Study Report (SSR), applicants must complete an online

accreditation training course. One person per campus (main and branch) must register and complete the training. Institutions/programs may do so before submitting an application, but must submit the application within one (1) year of training course completion. Programmatic applicants must complete COMTA 101 only and Institutional applicants must complete COMTA 101 and COMTA 102. Applicants for renewal must complete the online training course(s) for updates on current requirements in the 12 to 18 month period before their current approval expires.

3. Self-Study Report (SSR): If eligible, the applicant institution/program is provided access to the online submission area to complete the SSR process. The process of completing the SSR provides the applicant an opportunity for self-evaluation and improvement in areas that need strengthening. The completed Self-Study Report will serve as the primary tool for evaluation of the Institution/program by the site visit team and the Commission. Along with submission of the SSR, the institution must prepare for the site visit to be scheduled. The applicant institution/program must submit its SSR within nine months of the application acceptance, or the application becomes void, and the institution/program must reapply. Renewal applicants must submit their SSR no later than nine months before the expiration of their current accreditation. The Commission, or its designated agent, may extend this period for reason of documented exceptional circumstances at the institution or at COMTA. An extension of the deadline for SSR submission is subject to late fees of \$500 per 30-day extension at the discretion of the Commission. An accreditation site visit will not occur if COMTA staff determines that the SSR is incomplete and provides insufficient foundation for a successful visit and subsequent report by the site visit team. Such findings will be communicated to the applicant in writing, detailing areas requiring improvement and suggestions for making progress in these areas. Applicants may receive such suggestions until COMTA staff and the applicant are convinced the site visit is merited. Applicants may request a site visit, regardless of the recommendations of COMTA staff, and the Commission will comply. However, both parties (the applicant and COMTA) must recognize that the success of a site visit is dependent on the quality of the SSR. Copies of the current school catalog and other applicable publications must be submitted with the application and with the SSR when applying for accreditation. Catalog revisions must be in keeping with these guidelines. See the appendix and the COMTA website for a specific catalog requirement checklist.

4. Site Visit: Site visit teams will consist of at least three people. As team members will review the SSR materials and complete the document verification tasks for the Institution/program before the site visit, the SSR must be complete before the actual visit. This step of the process is intended to verify as much as possible so the on-site reviewers may spend their time efficiently. Team members are responsible for specific standards about which they have expertise. The task of the site visit team is to verify the information contained in the SSR and observe in person. Although the team creates a report of its findings, site visit team members do not determine accreditation. All decisions are made by the Commission. Site visits may be delayed for no more than one accrediting cycle (six [6] months) following submission of the SSR. The Commission, or its designated agent, may extend this period for reason of documented exceptional circumstances at the institution or at COMTA. An applicant may request voluntary deferral for a maximum of one six (6) month period. A written explanation of the reasons for deferral must accompany the request. An institution or program engaging in an on-site review has voluntarily invited a group of peers to provide an assessment based on a visit to the school with representatives of staff, faculty, students, graduates and employers of graduates. The effectiveness of the review depends on the openness and preparedness of the school in responding to the areas of accreditation standards that the on-site evaluation team members are expected to verify as a part of the visit. The details related to preparation and qualifications of the evaluators are outlined in the Application materials. Site visits may be scheduled visits for accreditation, renewal of accreditation, or unannounced special visits. The applicant receives a completed peer review report following the site visit. The applicant has thirty (30) days to respond to the report, to correct any misinformation, or to provide additional documentation to clarify questions that will be submitted to the Commission for review.

5. Report to the Commission: Within two weeks following the site visit, the team submits its findings into a written report to the Commission. Before submission to the Commission, the staff reviews the report and provides feedback to the applicant institution/program seeking comments, corrections and additional information. The applicant is allowed at least 30 days for response to the report, unless the applicant requested a site visit date too close to the Commission meeting and agreed beforehand to have a shorter period for response.

6. Commission Action: The Commission meets a minimum of twice per year to take action on applications. Actions on applications for initial accreditation include accreditation, deferral, or denial of accreditation. Subsequent, ongoing actions of the Commission include renewal or continuance of accreditation, provisional accreditation, transfer of accreditation, probation, and revocation of accreditation. Actions available to the applicant and accredited institutions/programs include appeal of adverse actions, withdrawal of the application, or surrender of accredited status.

7. Reaccreditation Procedures: The reaccreditation process provides an opportunity for accredited institutions/programs to reassess the quality of their educational and administrative methods periodically. Because reaccreditation requires participation in the self-study process, institutions/programs can reevaluate current practices and contemplate new directions. The required site visit provides further opportunity for the Institution/program to refine its current procedures further. The process of reaccreditation will be familiar to accredited institutions/programs as it mirrors the accreditation process, including the application, completion of online training, the self-study report, and the site visit.

III. COMMISSION ACTIONS

The Commission may enact any of the following measures. These actions are assigned based on the extent to which a program or institution complies with the accreditation standards. No adverse action taken by the Commission is final until the appeals process has been exhausted. See section VI, Publication of Commission Actions, for details regarding how these statuses are communicated to appropriate parties.

1. **Accreditation:** Confirmation that a program or institution meets or exceeds the accreditation standards. Accreditation may be granted to new applicants for seven (7) years. Conditional accreditation may be granted, provided deviations from full compliance do not immediately threaten the ability to deliver the educational program or to operate legally. When granting conditional accreditation, the Commission must stipulate a period in which the program or institution must demonstrate compliance with all accreditation standards. The period for conditional accreditation will be in accordance with the overall timeline for meeting compliance as required by the U.S. Secretary of Education recognition requirements noted here:
 - a. The timeline is based on the length of the program in question, or the longest program offered by the institution. If the program is less than one year in length, the period shall not exceed twelve (12) months.
 - b. If the program is longer than one year but less than two years, the period shall not exceed eighteen (18) months.
 - c. The maximum length of time for programs of two years or longer shall not exceed two years (24 months).

All statuses that recognize accreditation with some areas needing improvement for full compliance (conditional accreditation, probation, or deferral of re-accreditation) contribute to the timeline together. The time period begins when the institution or program is notified by the Commission that there is an area of non-compliance. If compliance is not demonstrated in the allotted time frame, the Commission will take immediate action unless there is good cause to extend the period for achieving compliance. Extensions for good cause will be limited to situations when the institution or program has complied with all directives from the Commission, is showing progress toward full compliance and the provision of additional time is required to see the outcomes of the changes already made. Generally, extensions will not exceed twelve (12) months beyond the required timeline.

2. **Continuation or Renewal of Accreditation (Reaccreditation):** Confirmation upon reevaluation of an accredited program or institution that continues to meet or exceed the accreditation standards. Continuance or renewal of accreditation may be granted for a period of seven (7) years. Conditional accreditation may be granted under the circumstances and conditions noted above.
3. **Provisional Accreditation:** A continuation of a previous grant of accreditation for a limited period, during which COMTA evaluates new information that may affect the institution's/program's ability to stay in compliance with COMTA standards. Provisional accreditation begins when COMTA receives written notification of the anticipated change and ends when the institution/program receives written notification from COMTA of the Commission's action. A change in the control of an accredited institution/program automatically triggers provisional accreditation. Provisional accreditation is granted by either the COMTA Chair or Executive Director upon initial notification of the change of control, and is subject to Commission ratification within 30 days. The Commission may modify the terms or reject the provisional accreditation. Maintenance of provisional accreditation is contingent upon an institution/program's following COMTA procedures and the completion of a site visit no later than six (6) months following the change in control. No Substantive Changes may be made during provisional accreditation.
4. **Transfer of Accreditation:** When the Commission grants provisional accreditation for a change of control, it must decide whether to transfer accreditation within seven (7) months following the change in control. If a complaint is filed before completion of the transfer of accreditation, the complaint must be resolved before completion of the transfer.
5. **Probation:** An action taken by the Commission when an accredited program or institution is no longer in compliance with the accreditation standards or policies, and the deficiency is severe enough to jeopardize that program's or institution's ability to provide quality education. Probation is a disciplinary action that may result in revocation. A program/institution may also be placed on probation for failure to meet any reporting deadlines or financial obligations or refusal of a program/institution to respond to or cooperate with the Commission's request for a special visit or report. Following a decision to place an institution or program on probation, the Commission will notify the school, specifying the reason for the probation and the conditions and timeframes that need to be met before removing the probation. During the probationary period, the program or institution is required to change its operation to comply with accreditation standards and policies. The Commission will require a written report addressing the concerns raised in the notification of probation and may require an additional site visit. While the program or institution is still recognized and listed as accredited COMTA shall notify the U.S. Department of Education, state, provincial, or national regulatory authorities, and other accreditation agencies of the program's or institution's status as appropriate. The Commission will determine period of probation, not to exceed twelve (12) months if the program is less than one (1) year in length; or eighteen (18) months, if the program is one (1) year or more in length. If conditional accreditation or deferral status was issued before the probation for the same areas of non-compliance, the timeline for probation must take into account the time period allowed in prior statuses to calculate the deadline for compliance. Failure to comply with accreditation standards or policies within the probationary period shall lead to revocation of accreditation. COMTA shall retain the ability to revoke accreditation without placing a program or institution on probation. As part of its decision to invoke probation, COMTA will specify the means that will be used to determine whether the program or institution has come into compliance with applicable COMTA standards and policies. If these means include a fact-finding visit, the program or institution will be responsible for all expenses. A school placed on show cause or probation shall not make substantive changes during the period of show cause or probation order, without written authorization from the Commission. Institutions on probation may not apply for additional locations or credential changes without prior permission from COMTA, COMTA will have the power to amend the specification during the probationary period.
6. **Deferral of Accreditation:** Deferral is not considered an accreditation action. It is a decision to delay taking an accreditation action. When the following conditions are met, Deferral is appropriate:
 - d. (a) an applicant program or institution is not in compliance with all of the accreditation

- standards,
- e. (b) the Commission believes the applicant will be able to meet the standards within a reasonable period, and
 - f. (c) deviations from compliance are of an order that does not justify accreditation on a conditional basis.

The Commission will require an interim report and may require an additional site visit before making an accreditation decision. A program or institution may be deferred for a maximum of two six-month periods. The time periods for meeting compliance for conditional accreditation apply if the deferral is regarding the decision to renew the grant of accreditation. Once the Commission makes the renewal decision, the period of deferral is included in calculating the total period for grant of accreditation not to exceed seven (7) years.

- 7. **Show Cause:** Show Cause is an action taken by the Commission when the accreditation of an institution is out of compliance and subject to revocation. The institution will be provided in writing with the alleged deficiencies, and the institution is requested to "show cause" why its accreditation should not be revoked. The COMTA Executive Director automatically issues a show cause action against a COMTA-accredited institution or program. The Commission reviews the material provided by the institution/program, and renders a decision regarding revocation. As part of its decision to invoke show cause, COMTA will specify the means that will be used to determine whether the program or institution has come into compliance with applicable COMTA standards and policies. The Commission review may include further evaluation including, but not limited to, a special site visit. If a fact-finding visit is required, the program or institution will be responsible for all expenses. COMTA has the power to amend the specification during the show cause period. A school placed on show cause or probation shall not make substantive changes during the period of show cause or probation order, without written authorization from the Commission. An Institution on show cause may not apply for additional locations or credential changes unless upon receipt prior permission. COMTA retains the ability to revoke accreditation without issuing a show cause action.
- 8. **Denial of Accreditation:** An action taken by the Commission when an applicant program or institution is not in compliance with the accreditation standards and the Commission deems the applicant to be unable to meet the standards without very substantial changes in its operations or organization. Notice of denial of accreditation or denial of continued accreditation must be sent to the program or institution with a statement of the reasons for the Commission's decision. COMTA will also inform the public of a program or institution's denial status and a summary of the reasons for the denial. The institution/program will be given an opportunity to provide official comment that COMTA will also make publicly available. Reapplication may be made no sooner than one year after the final decision of the Commission or Appeals Committee. All application and site visit fees and procedures, including submission of a new Self-Study Report, shall apply.
- 9. **Revocation of Accreditation:** An action taken by the Commission when an accredited program or institution is severely deficient in its compliance with the accreditation standards or policies.

Notice of revocation of accreditation must be sent to the program/institution outlining the reasons for the Commission's decision. The program or institution must surrender the accreditation certificate when accreditation is revoked. COMTA will also inform the public of a program or institution's revocation status and a summary of the reasons for the revocation. The institution/program has an opportunity to provide an official comment that COMTA will also make publicly available. Notification to the public, the USDE and appropriate state and accrediting agencies will be made in accordance with section VI, Publication of Commission Actions, of these policies.

IV. INSTITUTION/PROGRAM OPTIONS

Applicant and accredited institutions/programs may take the following actions regarding accreditation status.

- 1. **Appeal of Adverse Actions:** Institutions/programs may appeal denial or revocation of

accreditation. Commission decisions may be appealed by the owner or Executive Director of an institution or by the manager of the approved program in a larger institution.

2. **Withdrawal of Application:** An applicant may withdraw from the accreditation process after applying, but must do so before an accreditation decision by the Commission. All fees once paid are non-refundable.
3. **Surrender of Accredited Status:** An institution/program may voluntarily surrender its accredited status. No fees will be rebated, and the accreditation certificate must be surrendered.

V. APPEALS PROCESS

Following the denial of accreditation or revocation of accreditation, a school has the right of appeal. On appeal, the institution or program has the burden of showing that the Commission's decision to deny or withdraw accreditation resulted from errors or omissions in the execution of the Commission's policies and procedures or that the Commission's decision was arbitrary, capricious and was not based on substantial evidence on the record. The following steps must be followed:

1. A written request for appeal must be made to COMTA within ten (10) calendar days of receiving the Commission's decision. All written materials are to be sent electronically to the Executive Director.
2. A pool of candidates with knowledge of accreditation standards, policies, procedures, and purposes, established by COMTA, serves as the source of members for an Appeals Committee, and may include former Commissioners and experienced Peer Reviewers. The COMTA Chair convenes an Appeals Committee composed of five (5) persons from a list of seven (7) provided to the school in advance within ten (10) calendar days of receipt of request for an appeal of the decision. If the school has sufficient reason to believe an appointed Appeals Committee member should not hear the appeal, it shall notify the COMTA Chair immediately.
3. The Appeals Committee shall include representatives in the following roles:
 - a. One public member;
 - b. One academic representative;
 - c. One administrator within the scope of COMTA approved institutions;
 - d. One educator within the scope of COMTA approved programs; and
 - e. One practitioner within the scope of COMTA approved programs.

The Committee members will receive orientation to their roles for the appeal process as well as updates on current Commission policies and procedures from the Chair and/or Executive Director. Committee members are subject to the COMTA Statement of Ethical Responsibility agreement and conflict of interest policies. The committee will not include any individuals who were current Commissioners at the time the adverse decision was enacted.

4. The appeal fee is submitted at the same time the institution/program provides written request for appeal.

The school provides a point-by-point written response to the Commission's decision within fifty (50) calendar days of the appeal request. All submissions must be in electronic format within the online submission area provided by the Commission. Presentation of materials during the hearing will be limited to those materials that were available to the Commission at the time the decision to deny or withdraw accreditation was made, or to materials that were submitted with the appellant's point-by-point written response within the thirty (30) days of appeal request.

5. The Appeal Committee will consider new evidence that was not available to the Commission at the time of the adverse action under the following circumstances only:
 - a. If the Commission's decision made its decision on the basis of issues to which the school did not have adequate opportunity to make its position known;
Or
 - b. If relevant, existing facts were not presented to the Commission by the school because of a misunderstanding on the part of the school;
Or
 - c. If the only remaining deficiency is related to finances, new information that is significant

and bears materially on the deficiency becomes available to the school after the adverse action. In this case, new information will only be allowed once and any determination made based on the new evidence is not subject to further appeal.

The Appeals Committee has access to the complete school file. The Appeals Committee shall set a date to hear the appeal within ninety (90) calendar days of receipt of the written statement from the school and payment of appeals fee.

6. The school/program may send a representative to the hearing to make an oral presentation. The school/program must state its intent to send a representative in the school's point-by-point written response. Oral presentation will be limited to forty-five (45) minutes total by the school representative and must be limited to the information already submitted in writing within thirty (30) days of appeal request.
7. The school has the right to the presence of counsel at its own expense. A transcript of the appeal proceedings may also be made at the school's expense. Notification of the presence of counsel and the desire to transcribe the proceedings must be done in the point-by-point written response. If a transcript is made, the school will provide a copy to the Appeals Committee at the school's expense. The Commission will provide a list of court reporters and contact information from which the institution may make arrangements for reporting and transcribing.
8. Following review of written materials and oral arguments, the Appeals Committee shall, by majority vote, decide the outcome of the appeals proceedings. Proceedings of the Appeals Committee shall be closed. The Appeals Committee shall prepare a summary report that outlines the evidence and rationale for the committee's decision. The report shall be provided to the Commission. A summary of the appeal decision will be created for public notice and communicated to the institution/program.
9. The Appeals Committee may:
 - a. Uphold the decision of the Commission.
 - b. Amend the decision of the Commission.
 - c. Reverse the decision of the Commission, thereby accrediting or re-accrediting the program. This action may be taken only based on evidence previously submitted to the Commission, and may be made on the basis of newly introduced materials.
 - d. Return the matter to the Commission for further action.

In cases where new evidence has been submitted, if the Appeals Committee determines the Commission's decision was incorrect, it shall return the matter to the Commission rather than taking action to accredit on the basis of new information.

All decisions of the Appeals Committee are final.

Appeals Timeline:

Day	Action	School/Program	Agency
0	Decision of accreditation denial or revocation received by school	X	
10	School notifies intent to appeal	X	
20	COMTA transmits list of seven (&) Appeal Committee members		X
30	School notifies COMTA of any objections to members	X	
30-40	COMTA chair appoints committee		X
40	School submits point-by-point response to COMTA School submits appeals fees (see Fee Schedule)	X	
90	Committee designates date for appeal hearing		X

VI. PUBLICATION OF COMMISSION ACTIONS

Before Commission meetings, institutions and programs to be considered for accreditation action will be announced to the COMTA mailing list and on the website. Comments from third parties regarding the schools and programs will be accepted by the Chair of the Commission in writing, either via hard copy at the COMTA office, or emailed to chair@comta.org, until two days before the meeting.

Institutions and programs will be notified in writing within thirty (30) days following any decision made by the Commission. Notification of Commission accreditation action including, but not limited to, the granting, continuation, or the placement or removal from probation status, will be made in writing within thirty (30) days to the United States Secretary of Education, appropriate state agencies, and the appropriate institutional or programmatic accreditation agencies. This notification requirement will also be effected when a program or institution either voluntarily surrenders COMTA accreditation or allows it to lapse. In cases of probation, denial, and revocation of accreditation, the agency reports the final action to the USDE and state agencies at the same time as notification of the school. COMTA announces these decisions on its website within 24 hours of the school or program receiving notification.

If there is a final decision to deny or revoke accreditation, the Commission will send a written summary of the reasons for that decision, together with the comments of the affected program or institution, to the United States Secretary of Education, appropriate state agencies, and the appropriate institutional or programmatic accreditation agencies, within sixty (60) days. A summary of the action taken and the affected party's response will be available to the public on the agency website.

Once each year, a summary report of Commission actions and an updated directory of currently approved schools will be made available to the accredited members of the Commission and sent to the United States Secretary of Education. The Commission will also send the Secretary any proposed changes to the Standards or Policies & Procedures that might affect the scope of recognition for COMTA or the compliance with the criteria for recognition by the Secretary.

VII. TITLE IV COMPLIANCE MONITORING

Institutions participating in federal student aid programs (Title IV) are responsible for complying with those regulations and procedures. As a Title IV gatekeeper, COMTA is responsible for monitoring the quality of education and components of institutional operation considered to be indicators that a school is providing the education that students pay for when they enroll. COMTA includes certain standards in the accreditation process to ensure that measures of quality education are consistent with federal expectations; however, these standards are not to be considered exhaustive. When questions about an institution's compliance with Title IV arise during a site visit, peer reviewers are expected to document the issues in the team report and defer the questions to the Commission.

The Commission will provide the U.S. Secretary of Education copies of any requested documents pertaining to an institution's compliance with its Title IV HEA program responsibilities. If the Commission receives notification that an accredited institution is placed on a Heightened Cash Monitoring status or required to obtain a letter of credit, it will take action to monitor compliance as required. In addition, if the Commission has reason to believe that an institution is failing to meet its Title IV HEA program responsibilities or is engaged in fraud or abuse, it will provide the Secretary with the name of the institution and the reason for the Commission's concerns.

VIII. CONFIDENTIALITY

The Commission employs multiple methods to maintain confidentiality of information submitted during the accreditation process. Institutions/programs may redact information on documents submitted to the Commission that would personally identify students or employees of the school beyond that which is

necessary to confirm appropriate compliance, such as home addresses or Social Security numbers, unless specified as a component of the required documentation.

RESPONSIBILITIES OF ACCREDITED INSTITUTIONS AND PROGRAMS

I. SUBSTANTIVE CHANGE

COMTA requires prior notification of all changes that affect the educational and institutional integrity and that may affect the ability of the institution/program to maintain adherence to the accreditation standards. Substantive changes must be approved by COMTA before being included as part of the scope of accreditation granted the institution. Approval of Substantive Changes will not be retroactive. Failure to notify COMTA before substantive change may adversely affect the institution's accreditation status.

There is no specific limitation on the number of changes that may be made by an institution within an accreditation cycle. However, if more than two Substantive Changes are requested within the same year, the Commission will review the institution or program to determine if there are indications that the quality of education is not being maintained (data from annual reports, financial statements, high numbers of complaints, etc.) or if a mid-cycle visit is warranted.

Substantive changes include the following:

- A. Any change in the legal status, form of control, or ownership of the institution.
- B. Changes in the established mission or objectives of the institution and/or program.
- C. Curriculum Change:
 1. Change of courses or programs offered representing a significant departure in either content or method of delivery, from those offered when the Commission last evaluated the institution, including adding Distance Education or changing from linear to modular scheduling of courses.
 2. A substantial change in the number of hours required for successful completion of a program. A substantial change is considered a change of 25% or greater in the number of hours of a specific program.
- D. Establishment of an additional location geographically or the addition of a program within a location that is geographically apart from the main campus at which the institution offers at least 50% of an educational program.
- E. Addition of courses or programs at a degree or credential level different from that which is included in the institution's current accreditation.
- F. A change from clock to credit hour.
- G. Change in leadership of the institution or program such as the CEO, President, Executive Director or Program Director. This refers to a change in the position of authority for making daily management decisions that affect the institution or program. Changes in leadership only apply to such persons as the CEO, President, or Executive Director. No other changes need to be submitted to the COMTA office.
- H. Change in the name or location of the institution or program.
- I. Addition of an eligible program. This refers to new programs in massage therapy and bodywork as well as adding a program in another subject area such as esthetics or skin care.
- J. Change of Type of Accreditation (programmatic or institutional)
- K. Acquisition of any other institution or any program or location of another institution.
- L. Addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study.
- M. Entering into a contract under which an institution or organization not certified to participate in the Title IV HEA programs offers more than 25 percent of one or more of the accredited institution's educational programs (applicable only to those with institutional approval from COMTA).

Procedures:

Listed below are the notification procedures and Commission processes for addressing each of the thirteen (13) categories of substantive change within an organization or program.

A. Change In Institutional Control

Accreditation does not automatically transfer with any change in the legal status or form of effective control of an institution. COMTA must be assured of the continuance of institutional integrity and the maintenance of educational standards if accreditation is to be successfully transferred. In the absence of any specific action by COMTA either to grant provisional accreditation, to transfer accreditation, or to reinstate accreditation, any change in the legal status or form of effective control results in the immediate and automatic discontinuation of accreditation.

Definitions:

- **Change of Ownership:** Refers to the change in power within a proprietary institution. It is defined as, but not limited to, the following situations:
 1. Sale of the institution
 2. Transfer of controlling interest of stock of the institution or its parent corporation
 3. Merger of two or more institutions
 4. Transfer of controlling interest of stock to parent corporation
 5. Division into two or more institutions
 6. Transfer of assets or liabilities of institution to Parent Corporation or owners
 7. Change from profit to non-profit or to collective

- **Change of Control:** refers to change in power within a non-profit institution. It is defined as, but not limited to, the following situations:
 1. Change in fifty percent or more in the Board of Executive Directors' voting membership over a twelve (12) month period.
 2. Board of Directors' powers of control are nullified by any management change from profit to non-profit or collective.

- **Provisional Accreditation:** A continuation of the institution's previous grant of accreditation for a limited period of time during which COMTA evaluates new information that may affect the program's ability to stay in compliance with COMTA standards. Provisional accreditation begins when COMTA receives written notification of an anticipated change in institutional control and ends when the program receives written notification from COMTA of the transfer of accreditation. Provisional accreditation is initially granted by the Commission upon initial notification of the change in institutional control within 30 days. Maintenance of provisional accreditation is contingent upon faithfully following COMTA procedures and the completion of a site visit no later than six (6) months following the change in institutional control.

Procedure:

1. Notify COMTA Executive Director in writing at least thirty (30) days before a Change in Institutional Control (whether a change of ownership or control) for COMTA to grant Provisional Accreditation.
 - a. Provide a copy of the relevant Board of Executive Directors' meeting(s) minutes that set forth the conditions of the proposed change.
 - b. Provide name and address of proposed new leadership (owners/ Directors/Board members et alia).
2. Within fourteen (14) days after the Change in Institutional Control, submit to COMTA either a Change of Ownership (Proprietary) form (Appendix D.4) or a Change of Control (Non-Profit) form (Appendix D.5).
 - a. Submit the processing fee to COMTA with the appropriate document indicated above (See Fee Schedule).
3. Within forty-five (45) days after the Change in Institutional Control (Proprietary or Non-profit) submit a Change in Institutional Control—Attachments form (Appendix D.6).
 - a. The new owner or authorized official must provide evidence of maintaining all the standards and conditions of accreditation. Completion of online COMTA Accreditation training course(s) must be completed within six (6) months of the change of control.

- b. The institution must submit a report detailing all substantive changes made in the program or institution since the most recent accreditation review and planned for in the subsequent twelve (12) months. In those cases where COMTA accredits a program within a larger institution, this provision shall be limited to those institutional level changes that bear directly upon the capacity of said institution to support the accredited program. Substantive Changes may not be made during the period of provisional accreditation. Transfer of accreditation must be finalized and all proposed changes approved prior to implementation.
 - c. Copies of all legal documents of transfer of ownership or control must be submitted. For non-profit schools, include copies of the Articles of Incorporation and Bylaws. This requirement is waived for public sector institutions.
 - d. Personnel forms (Appendix D.7 & D. 8) on all professional-level employees hired after the change in institutional control must be submitted. If a new Executive Director or person with leadership responsibility is hired, the employment agreement (including any agreed upon performance goals), curriculum vitae, and the job description must be submitted.
 - e. Submit copies of curriculum vitae of the new owners or board members.
 - f. School must provide a refund guarantee statement or a financial plan for teaching out the students currently enrolled if applicable.
 - g. Current financial status must be reported to the Commission using COMTA forms) or other forms or documents providing the same information. An external accountant must verify this information.
4. As soon as available, submit proof of state authorization under the new owner.
 5. Within six (6) months of the change of institutional control or ownership, a site visit will be scheduled for verification that the quality of the educational process is maintained through adherence to the accreditation standards and the policies of COMTA. The cost of the site visit is the responsibility of the institution and is included in the fee for the change.
 6. Transfer of Accreditation. When provisional accreditation is granted, the Commission must decide whether to transfer accreditation no later than at the first meeting of the Commission following the on-site visit. If a complaint is filed before completion of the transfer of accreditation, the complaint must be resolved before completion of the transfer. The transfer of accreditation granted is for the time period remaining on the accreditation awarded at the most recent accreditation awarded the institution.
 7. Reinstatement. In cases where failure to meet COMTA notification and other procedures regarding change in institutional control have resulted in the automatic discontinuation of accreditation, the Commission may grant that institution provisional accreditation based upon that institution's good faith efforts to comply with COMTA policies and procedures. The Commission may not waive Transfer of Accreditation for any reason.

Limitations and Exclusions

1. For the purposes of determining the locus of institutional control, married couples are viewed as a single entity. Additionally, closely-related family groups also shall be viewed as a single entity when it can be established the present and future shareholders actively participate in the management of the institution, or the stock is transferred to a close family member by will or operation of law upon the death of one of the shareholders.
2. Should a change in ownership or control be contingent on the transfer of COMTA accreditation, and should COMTA not approve that transfer, COMTA will not automatically reinstate the accreditation to the previous owner or Board of Directors. COMTA will consider a request for reinstatement based upon the provisions of the COMTA change in institutional control policy.
3. A change in institutional control occurs when there is a change of 50% or more in the Board of Directors of any private or non-profit institution within any twelve (12) month period, irrespective of continuity in the articles of incorporation of that institution. A change in institutional control also occurs through the adoption of any management agreement that has a nullifying effect on the Board's powers of control over the institution.
4. A change in institutional control occurs when, in the absence of a majority owner, there is a transfer of 50% or more of the outstanding stock since the previous accreditation, irrespective

of the size of individual holdings.

5. A change in institutional control occurs when there is a dilution of stock that results in a majority owner having 50% or less of the outstanding stock.

B. Change in the Established Mission or Objectives of the Institution

1. Notify COMTA in writing of the change within sixty (60) days and articulate how this change will affect the quality of the educational program and specifically the integrity of the accreditation status of the institution.
2. Include in your notification how this change will affect the strategic planning and direction of your institution.
3. Submit the appropriate fee (See Fee Schedule).
4. COMTA will review materials and render decision regarding approval at its next meeting.

C. Curriculum Change

Addition of courses or changes to programs that represent a significant departure in either content or method of delivery from those offered when the agency last evaluated the institution, or a substantial increase in the number of hours required for successful completion of a program.

1. Notify COMTA in writing of the proposed changes and their relationship to the program elements in place as part of the most recent accreditation evaluation.
2. Specify how these courses, programs and/or hours relate to the institution's mission and objectives.
3. Specify any changes to method of delivery and how the criteria for Standard II will be met by the new methods.
4. If the changes affect the Competency Chart, complete an updated chart and submit revised syllabi for all courses in the program.
5. Identify the instructional staff hired to meet the additional requirements and submit the COMTA Instructional Staff forms for each instructor (Appendix D.7) and the job description for each proposed instructor specifically identifying the qualifications and expectations of each position.
6. Identify the process the institution used in determining the need for this expansion of programming, courses and/or hours.
7. To add a distance education course, you must comply with all of the procedures detailed above, in addition to an abbreviated SSR to comply with Standard X.
8. Submit the appropriate fee (See Fee Schedule).
9. COMTA will render an approval decision based on the information provided at its next meeting.

D. Additional Campuses (Branch or Auxiliary Classroom)

Additional campus locations may be opened under specific conditions and procedures outlined in this section. COMTA's primary concern is the capability of the institution to demonstrate the planning, financial, and administrative resources necessary for ensuring continuing compliance with the COMTA standards and policies. An institution applying for the addition of a branch must be prepared to administer all aspects of the operation as a fully accredited extension of the main campus or program at the main campus effective the first day of approval. The failure of a branch to be in full compliance is a direct reflection on the main campus and will call into question the accreditation status of the institution. An auxiliary classroom must be located within reasonable and customary distance of the main campus or branch it supports, and it must provide evidence of the distance being reasonable and customary for the school's geographic location.

1. The COMTA-approved institution may not advertise, enroll, or teach at the proposed branch before receiving written COMTA interim approval.
2. The proposed branch may be a start-up at a new location or the acquisition of a separate institution.
3. After receiving initial accreditation by COMTA, institutions may not apply to add a new branch

- or auxiliary classroom until one (1) year from the grant of initial accreditation.
- 4. After a change in institutional control, institutions may not apply to add a new branch or auxiliary classroom until one (1) year from the change in institutional control and until the transfer of accreditation has been approved by COMTA.
- 5. Institutions involved in the reaccreditation process may not submit request for approval of additional external locations following the due date of the Self Study Report, and before a final Commission decision on the institution as represented in the SSR. Exception may be made by a vote of the Commission.
- 6. An institution under any restrictive or adverse action by the Commission, including deferral, denial, probation, or withdrawal may not apply for additional locations unless prior permission from COMTA is received.
- 7. An institution whose current grant of accreditation is three (3) years or more may make application to establish a maximum of one (1) branch and three (3) auxiliary classrooms in any given twelve (12) month period. Exception may be made by a vote of the Commission.

Process:

- 1. Notify COMTA in writing of the intent to open a branch campus or auxiliary classroom before Initiating classes.
- 2. Complete the Branch Campus Application (Appendix D.9) or Auxiliary Classroom Application (Appendix D.10); submit fee and supplemental information and documentation.
- 3. COMTA will review documentation and provide interim approval. Interim approval must be granted before the beginning of classes.
- 4. The institution will be required to submit a Self-Study Report for the branch or auxiliary classroom location where at least 50% of the program is being offered, within three (3) months from the start of classes at the new site. A due date will be provided when the Commission notifies the school of interim approval status. The report should address any areas applicable, with the understanding that some Standards will not be evidenced yet due to the lack of history at the location.
- 5. A site visit of one (1) or two (2) days and one (1) or two (2) persons will be conducted within six (6) months of the start of classes of the branch or program within the new location, offering at least 50% of a program. The institution and the Commission will receive a copy of the team report and the institution will have an opportunity to respond to the report. The Commission will review the team report and the institution's response to the team report at its next regularly scheduled meeting and make a final decision regarding the approval of the new site. The length of accreditation will coincide with the current term of accreditation of the main campus.
- 6. The Executive Director will review and make determination regarding institutions requesting approval of an auxiliary classroom that provides less than 50% of the program offered at the main campus.

E. Credential Change

Addition of courses or programs at a degree or credential level different than that which is included in the institution's current accreditation. This is a two-step process with permission required prior to offering the degree program, and follow-up verification after a specified amount of time has passed.

Step 1:

- 1. Notify COMTA in writing of the proposed change and the evidence the institution has the recognition of the appropriate jurisdictional authority to administer the program and provide the credential proposed.
- 2. Submit the appropriate fee (See Fee Schedule).
- 3. All documents should be sent electronically. Upon receipt of the appropriate fee and notification of the institution's intent to add a program, an area for submission of further documentation will be made available in the online submission system.
- 4. Outline in writing how this change will impact on the other program(s) within the institution that is part of the current original accreditation action.
- 5. An institution under any restrictive or adverse action by the Accrediting Commission, including deferral, denial, probation, show cause, or withdrawal, may not apply for credential change

unless prior permission from COMTA has been received.

6. Submit all supporting documents
7. COMTA will render a decision regarding interim approval based on information at its next scheduled meeting.

Step 2:

After the degree program has been in operation for at least six (6) months and no longer than twelve (12) months, compliance with the COMTA Standards must be verified.

1. All documents should be sent electronically. Upon receipt of the appropriate fee and notification of the institution's intent to add a program, an area for submission of further documentation will be made available in the online submission system.
2. Complete a Self-Study Report with all answers and exhibits focused on the program being considered for accreditation,
3. A Peer Review and site visit will be conducted to verify compliance with the Standards and in particular the presence of a library appropriate for degree level instruction. A report from the visit will be provided to the school for response.
4. The program SSR, report from site visit and response from the school will be evaluated by the Commission at the next regular meeting.

F. Change from clock to credit hour

1. Provide the conversion used for both lecture and lab and externship courses.
2. Submit the appropriate fee within 30 days (See Fee Schedule).
3. COMTA will render a decision regarding approval based on information provided at its next scheduled meeting.
4. If institutionally accredited and COMTA serves gatekeeper functions for Title IV funding, submit FSA approval that clock to credit hour conversions are correctly measured and financial aid calculations are accurately applied.

G. Leadership change

A change in leadership of the Institution or program such as the CEO, President or Executive Director. This refers to a change in the position of authority for making daily management decisions that affect the institution or program. **Changes in leadership only apply to the CEO, President, or Executive Director. Other changes need not be submitted to the COMTA office except for the purpose of updating our records regarding the appropriate contact at the Institution.**

1. Notify COMTA in writing within forty-five (45) days after the change by submitting a copy of the curriculum vitae of the new leader. Include an employment contract with any agreed upon goals. Also submit Appendix D.8 and a current job description.
2. COMTA Executive Director or Chair will acknowledge receipt of notification and report change to the Commission at its next scheduled meeting.

H. Change in name or location of the Institution

1. For a name change: provide the legal documentation of the change including copies of the changes reflected in the by-laws of the corporation or similar documents.
2. For a change of location: notify COMTA before the move and include a detailed floor plan drawing outlining the location of classrooms, administrative offices, library, and other facilities. Also include the lease once executed and jurisdictional approval for the use of the space. COMTA must confirm the space is appropriate to support the ongoing adherence to the standards and maintaining the quality of education within the facility. A limited site visit is required within six (6) months of the start of classes at the new location and applies to all changes in location including main campus and branches.
3. Submit the appropriate fee within 30 days of changes. (See Fee Schedule).
4. COMTA will render a decision regarding approval based on information provided at its next scheduled meeting.

I. Addition of an eligible program

Addition of programs that are distinct from those offered when the agency last evaluated the institution, or a program in a new subject area not previously evaluated by the agency. This refers to any program that an institution intends to include in institutional approval for Title IV funding after receiving COMTA accreditation, unless the program is a degree (see guideline E for Credential Change). This is a two-step process with permission required before offering the program, and follow-up verification after a specified amount of time has passed.

Step 1:

1. Notify COMTA in writing of the proposed programs and their relationship to the institutional/program elements in place as part of the most recent accreditation evaluation.
2. Submit the appropriate fee (See Fee Schedule).
3. All documents should be sent electronically. Upon receipt of the appropriate fee and notification of the institution's Intent to add a program, an area for submission of further documentation will be made available in the online submission system)
4. Submit Additional Program Application with all supporting documents.
5. COMTA will render an interim approval decision based on the information provided at their next meeting.

Step 2:

After the new/additional program has been in operation for at least six (6) months and no longer than twelve (12) months, compliance with the COMTA Standards must be verified.

1. All documents should be sent electronically. Upon receipt of the appropriate fee and notification of the institution's intent to add a program, an area for submission of further documentation will be made available in the online submission system.
2. Complete a Self-Study Report with all answers and exhibits focused on the program being considered for accreditation,
3. A Peer Review and site-visit will be conducted if the program is in a new subject area (such as esthetics/skin care at a school where massage has been approved previously). A report from the visit will be provided to the school for response. In cases when a visit is not applicable, a summary report will be created based on the documentation provided in the SSR.
4. The program SSR, summary or report from Site Visit and response from the school will be evaluated by the Commission at the next regular meeting.

J. Change of Type of Accreditation

From Institutional to Programmatic:

1. Notify COMTA in writing of the change.
2. Submit the appropriate fee (See Fee Schedule).
3. Submit (1) a copy of the approval from the new Institutional accrediting agency, (2) evidence that the USDE has approved the change on the ECAR, and (3) an updated catalog showing COMTA properly designated as programmatic approval.
4. COMTA will review materials and render a decision regarding approval at its next meeting.

From Programmatic to Institutional:

1. Notify COMTA in writing of the change.
2. Submit the appropriate fee (See Fee Schedule).
3. All documents should be sent electronically. Upon receipt of the appropriate fee and notification of the institution's Intent to change to institutional accreditation, an area for submission of further documentation will be made available in the online submission system).
4. Complete an abbreviated Self-Study Report that addresses the areas of the Standards pertaining to institutions versus programs. For most schools, this will be focused on Standards XI, XII, XIII, XIV, and XV if applicable. (A small number of schools will not need to complete this SSR as they were already evaluated on all the Standards as they apply to institutions. Consult with COMTA staff to determine if this applies for a particular program).

5. A limited peer review and site visit will be conducted to verify management, financial and administrative capacity. A report from the visit will be provided to the school for response.
6. The program SSR, report from site visit, and response from the school will be evaluated by the Commission at its next regular meeting.

K. Acquisition of other institution or program

The acquisition of any other institution or any program or location of another institution is subject to approval by COMTA before being considered part of the grant of accreditation. If the institution to be acquired is already accredited by COMTA, follow the procedures for Change in Institutional Control. For acquisition of a location that will be considered a branch of an existing COMTA accredited main campus, follow the procedure for adding a branch campus. If the acquired institution will be an independent main campus, the initial accreditation process must be followed.

L. Addition of teach-out location

The addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study. Only students included in the teach-out may attend this location before COMTA interim approval as a branch. Advertising and new enrollment for the branch may not commence until interim approval has been granted. The procedure for adding a branch location applies, with the following additional requirement:

1. Submit the agreement with the closing institution detailing the expected time required to complete the teach-out of existing students. Explain how this timeline relates to the intended start date for this location to be considered a branch of the COMTA approved school.

M. Contract with non-Title IV entity

This applies only to those institutions that use approval from COMTA for Title IV eligibility entering into a contract under which an institution or organization not certified to participate in the Title IV, HEA programs offers more than 25 percent of one or more of the accredited institution's educational programs. Students may not receive Title IV funding for courses delivered by entities not certified to participate, even if the curriculum is approved at the institutional level.

1. Proposed contract must be submitted to COMTA before being finalized. A letter of explanation that details what aspect of the program will be delivered by the external entity should be included.
2. Submit the appropriate fee (See Fee Schedule).

The Executive Director and/or Chair will review the contract and determine if further documentation is required. A decision of approval will be made by the Commission at the next regular meeting. The contract may only be finalized following approval.

II. ANNUAL REPORT

An annual report from accredited institutions/programs is required to report enrollment data, completion and placement data, and continued compliance with all Standards for Accreditation.

Annual reports are due on February 1 of each year, along with applicable financial reports. Within sixty (60) days of the reporting deadline, a letter will be sent with the approval of the report or what clarification is needed in order to determine this action.

For institutions, financial reports are due within six (6) months of the close of the fiscal year. Financial reports include the audited or reviewed balance sheet and income statement for the completed fiscal year or financial compilations with disclosures if gross revenue is less than \$400,000. Please see Guidelines for Filing Financial Reports for additional information.

Annual Reports also require data regarding changes in institutional revenue and number of students

enrolled during the year. Increases or decreases in either value of more than 20% from the year prior will be evaluated for further monitoring. If the program/institution is approved for Distance Education, any change of greater than 50% will be reported to the USDE immediately.

Annual sustaining fees are due for all members who are institutionally accredited on March 1 and all members who are programmatically accredited on May 1 of each year. (See Fee Schedule. Newly accredited schools/programs will pay a prorated sustaining fee.)

III. ADVERTISING

Only educational programs (or Institutions) accredited by COMTA shall use the following statement and/or logo (that can be provided as an electronic file at the accredited school/program's request) in advertising and promotional materials to identify their accreditation status with COMTA:

"Program [or institution] accredited by the Commission on Massage Therapy Accreditation (COMTA)."



1. If an institution includes both accredited and non-accredited programs, all advertising and promotional materials must clearly reflect this distinction.
2. This policy defines promotional material as including printed, broadcast, film and video, and electronic media.
3. When referencing accreditation, schools must include the full name, address and phone number for COMTA in their catalog.
4. Schools must comply with COMTA's Accreditation Standards relating to advertising (See Standard XIII).

If an accredited or non-accredited entity is found to be advertising incorrect or misleading information about its accreditation status, the contents of reports from site visits, or COMTA actions related to their accreditation status, the Commission will require the institution or program to publicly correct the information. From the point at which the inaccurate information is discovered until the issue is resolved, COMTA will post public notification of the issue on the COMTA website

IV. CATALOG REQUIREMENTS

Before selecting a school or program, potential students are entitled to detailed information about the educational experience being offered. The catalog of a COMTA accredited institution will present an accurate description of the massage therapy or esthetics/skin care field and the education offered. The school catalog must be provided to students before the signing of an enrollment agreement. The school catalog must include the items listed on the Catalog Checklist. If the current catalog does not include all items, those excluded must be attached as catalog supplements.

Massage therapy or esthetics/skin care programs in larger institutions may not be able to publish all the required information in the catalog of the institution. Brochures and other program-specific publications may be used to ensure prospective students have all the required information

V. ACTIONS OF OTHER ACCREDITING COMMISSIONS OR STATE LICENSURE STATUS

An accredited institution/program must notify COMTA in writing within thirty (30) days of any denial, suspension, revocation, probation or any other final or interim adverse action affecting the accreditation status of the institution or program. An accredited institution/program must notify COMTA in writing within thirty (30) days of any state agency attempting to withdraw authorization or licensure of the program or institution. Failure to comply shall be grounds for probation, revocation or conditioning of its

grant of accreditation.

A new applicant with a pending or final adverse action by a State agency or other USDE-recognized accrediting agency may not be eligible for accreditation with COMTA. All applicants must be legally authorized to operate in their State. In cases when the State has taken adverse action, COMTA accreditation will not be granted. If the applicant is seeking programmatic approval from COMTA and the adverse action is with the primary institutional accrediting agency, the program cannot be accredited. If the applicant is seeking institutional accreditation and can demonstrate full compliance with the COMTA Standards more currently than the information upon which the adverse action was taken, the Commission may consider granting accreditation. Upon grant of accreditation, the Commission will notify the USDE within 30 days regarding the decision, including the explanation for why the Commission acted differently than the other recognized body

VI. SITE VISIT PEER REVIEW PROCESS

An institution or program engaging in a site visit evaluation has voluntarily invited a group of peers to provide an assessment based on a visit to the school with representatives of staff, faculty, students, graduates, and employers of graduates. The effectiveness of the review depends on the openness and preparedness of the school in responding to the areas of the accreditation standards the site visit evaluation team members are expected to verify as part of the visit. The details related to preparation and the qualifications of the evaluators are outlined in materials provided by COMTA when the visit is scheduled. Site visits may be scheduled visits for accreditation, renewal of accreditation, or unannounced special visits

VII. COMPLAINT PROCESS

For complaints brought against institutions recognized or offering programs recognized by the Commission on Massage Therapy Accreditation, or against the Commission, its staff, or its volunteers, the process is as follows:

1. Jurisdiction
 - A. COMTA has jurisdiction over complaints directly related to COMTA standards, policies, and procedures.
 - B. This jurisdiction shall be interpreted in a manner consistent with U.S. Department of Education Criteria for Recognition. Institutions/programs are expected to make complaint forms available upon request. A Complaint Form is available on the COMTA website.
 - C. Parties initiating a complaint will be expected to have exhausted remedies available at their institution.

2. Purpose

To provide a means for COMTA to ascertain whether a recognized institution or program remains in compliance with COMTA standards, policies, and procedures, and to take appropriate action under COMTA policies. Within that context, the complaint process serves the purposes stated below.

- A. To provide a forum for the aggrieved party and for the responding program to clarify what occurred and reach a mutually agreed upon resolution.
- B. To provide a process by which all parties concerned will have an opportunity to present information regarding the complaint.
- C. To allow thoughtful consideration of all information submitted.
- D. To investigate all aspects of what occurred, and based upon information gathered, to develop a recommendation to the Commission, the aggrieved party, and the responding school for resolution of the complaint.
- E. To provide a hearing procedure if a mutually agreed-upon resolution is not reached.

VIII. TEACH-OUT POLICY

Rationale:

Institutions and programs seek to ensure that students are afforded every opportunity to successfully complete their training, whether it is with another institution that has agreed to teach those students, by the Institution itself, or through refunds paid to students so that they may continue their education elsewhere. Therefore, COMTA will work with the U.S. Department of Education (USDE) and the appropriate state and accrediting agencies to the extent feasible, to ensure that students receive reasonable opportunities to complete their education without additional charge.

A school that intends to close or that, in the Commission's judgment, lacks sufficient financial resources for the proper operation of the school or program and discharge of obligations to students may be required to submit a comprehensive teach-out plan. A Teach-Out Plan would include the Intended procedure to follow in the event of dissolution of the school including a proposed Teach-Out Agreement.

According to the Higher Education Act, situations that would automatically require the submission of a teach-out plan include (USDE Regulations 602.24):

5. The Secretary of Education notifies the Commission that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA, and that a teach-out plan is required.
6. The Commission acts to withdraw, terminate, or suspend the accreditation of the institution.
7. The institution notifies the Commission that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program.
8. A State licensing or authorizing agency notifies the agency that an institution's license or legal authorization to provide an educational program has been or will be revoked.

Definitions:

Teach-out Plan: A plan that details the timing and process for possible closure of the COMTA-accredited institution or program. It does not necessitate the institution make public this plan or arrive at a formal agreement with another institution. It is meant to assure COMTA that the institution has a plan for the appropriate teach-out of its students, should it be necessary. See Appendix D.20 for required approval form and minimum requirements.

Teach-out Agreement: A teach-out agreement is a legally binding contract between an institution or program that may terminate and another institution that provides for the education of students enrolled by the former. In its discretion, COMTA may direct an institution or program to provide a teach-out agreement as part of its submitted teach-out plan. An institution that enters into a teach-out agreement with any other institution, either on its own or at the discretion or request of COMTA or any other agency or authority, must submit that teach-out agreement to COMTA for approval. See Appendix D.21 for required approval form and minimum requirements.

Teach-out Plan

Overall a teach-out plan must address and/or provide: (a) the institution's plan to teach out its own students; (b) an executed teach-out agreement with one or more institutions located in reasonable geographic proximity that currently offer programs similar to those offered at the closing institution and have agreed to conduct the teach-out; or (c) a description of how the tuition recovery fund or other means will be used to make student refunds (if applicable).

Teach-out Plan Minimum Requirements:

1. The date of last classes scheduled and date of site or program closure.

2. A listing of all students enrolled, including name and their estimated graduation dates, as well as their standing in their programs of study (hours/credits earned) and any financial responsibilities (unearned tuition, refunds due or additional charges pending if tuition is not paid in full).
3. A description of how the tuition recovery fund (if applicable) or other means will be used to make student refunds (if applicable).
4. An explanation accompanied by appropriate supporting documentation and timelines of how the school will notify students in the event of closure, including notification of the students' rights and opportunities for teach-out, transfer and refunds.
5. A demonstration and description of how the delivery of training to students will not be materially disrupted and that obligations to students will be met in a specified timeframe. (This may or may not involve a Teach-Out Agreement with another institution.)
6. If applicable, the name of the proposed teach-out institution. If more than one institution will be utilized for different programs, please list information for all. Submit a *Teach Out Agreement Approval Form* (Appendix D.21) for each agreement.
 - a. If a self teach-out is proposed, please note.
7. If applicable, a brief statement of proposed teach-out institution's history and description of its current operations, including its faculty, facilities, equipment, and mission statement; and, other materials to evidence that the institution is stable, carries out its mission, meets all obligations to existing students, and is able to provide the necessary experience, resources and support services. Submit the official Agreement and the *Teach-Out Agreement Approval Form* (Appendix D.21).
 - a. If self teach-out is proposed, detail how stability and obligations to students will be maintained.
8. In the event of school closure, a description of how all student records, including educational, billing, accounting and financial aid records, will be maintained or disposed of in an accessible location and in accordance with applicable legal requirements.

Teach-out Agreements:

If a COMTA-accredited school enters into a Teach-Out Agreement with another school (either as the closing school or the teach-out school), or if required by the Commission to submit a proposed Teach-Out Agreement as part of a Teach-Out Plan, the Agreement must be approved by the Commission **before** implementation.

As dictated by the USDE, COMTA will approve the teach-out agreement only if the agreement is between institutions that are accredited or pre-accredited by a recognized accrediting agency, is consistent with applicable standards and regulations, and provides for the equitable treatment of students by ensuring that:

1. The teach-out institution has the necessary experience, resources, and support services to:
 - a. Provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution that is ceasing operations either entirely or at one of its locations; and
 - b. Remain stable, carry out its mission, and meet all obligations to existing students; and
2. The teach-out institution demonstrates that it can provide students access to the program and services without requiring them to move or travel substantial distances and that it will provide students with information about additional charges, if any.

Teach-out Agreement Minimum Requirements

In addition to the previous USDE requirements, the following criteria will be considered in approving the Teach-out Agreement. *Appendix D.21 Teach-Out Agreement Approval Form* must be submitted with each Agreement.

1. Evidence to show that the teach-out institution is accredited in good standing by an accrediting agency recognized by the U.S. Department of Education.

2. Evidence to show that the teach-out institution is appropriately licensed and in good standing with any applicable state or federal regulatory oversight agency.
3. The Teach-Out Agreement must stipulate how the teach-out school will provide for the equitable treatment of students.
4. The Teach-Out Agreement must stipulate that the teach-out school has the necessary experience, resources, and support services to meet the requirements herein and has the capacity to remain stable, carry out its mission, and meet all obligations to existing students. Submit supporting documentation as evidence, including:
 - a. A schedule of time allocation between the administration of the teach-out students' and existing students' education; and
 - b. A budget of projected income and expenses for the entire period of the teach-out, as determined by the last date of graduation, that shows income and expenses required for the proper operation of the teach-out.
5. The Teach-Out Agreement must stipulate that the teach-out school will provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution that is ceasing operations whether entirely or at one of its locations. Submit supporting documentation as evidence, including:
 - a. A list of all programs at the closing school and all programs offered at the teach-out institution in a side-by-side comparison;
 - b. A list of any staff or faculty being hired or retained temporarily for the purposes of the teach-out, the programs and courses taught by each, and information showing that each faculty member meets COMTA faculty qualification requirements; and
 - c. An explanation as to how the proposed teach-out institution would be capable of conducting a teach-out of the programs.
6. The Teach-Out Agreement must show that the teach-out school has the capacity to provide all students with all of the instruction and services for which the students originally contracted and paid but did not receive due to the closure of the school without requiring them to move or travel substantial distances. Submit supporting documentation as evidence, including:
 - a. A description of the location and type of facility where the student will be taught out, as well as any arrangements for the absorption or addition of sites;
 - b. An explanation as to the adequacy of the teach-out location's facilities and equipment and how it complies with COMTA Standard IV; and
 - c. A map detailing the distance between the closing school and the teach-out institution.
7. The Teach-Out Agreement must stipulate that the students will not incur additional charges to complete their originally contracted program, and any changes to their original program must be made through the execution of a new enrollment agreement.
8. The Teach-Out Agreement must include the maximum number of students that can be accepted from the closing school and their expected date of completion.
9. The Teach-Out Agreement includes description of the financial responsibilities of all parties, including the assumption of any liability.
10. The Teach-Out Agreement must state whether, upon completion of the program, the student will receive a degree, diploma or certificate from the teach-out school, or whether the degree, diploma or certificate will be awarded by the closing school.
11. The Teach-Out Agreement must indicate whether students who had already enrolled but who had not yet started their course of study at the closing school, and whether students who are on leave of absence from the closing school, would be entitled to begin training or re-enroll at the teach-out school.

12. The agreement states that the closing institution will provide the teach-out institution with copies of the following records for the students being taught out: (a) Enrollment Agreements; (b) Financial Aid Transcripts; (c) Attendance Records; (d) Academic Transcripts; (e) Student Registration List; and (f) Student Account Records.
13. The Teach-Out Agreement must provide for placement services to students who complete their courses of study.
14. The Teach-Out Agreement must require that the teach-out school shall separately maintain records and document performance under accrediting standards for the students being taught-out.
15. The Teach-Out Agreement must provide for appropriate notification to the Commission and federal and state authorities.
16. The Teach-Out Agreement must comply with applicable federal and state law.

Review and Approval Process

The Teach-Out Plan and/or Agreement will be reviewed and, if it meets criteria described above, will be approved by the Executive Committee within 15 days of receipt. The institution or program will receive notification if the Teach-Out plan is not approved and an additional 15 days to provide additional information for follow-up review and approval. The Executive Committee will use Appendix D.20 Teach-Out Plan Approval Form and Appendix D.21 Teach-Out Agreement Approval Form, if applicable, as its criteria for review and approval.

The full Commission will be notified of the approval at its next regular meeting. If the Plan includes a Teach-Out Agreement with an institution accredited by another agency, notification of the approval will be sent from COMTA to the other agency.

Closure without a Teach-Out Plan or Agreement

In the event that a school closes without a Teach-Out Plan or Agreement, COMTA will work with the U.S. Department of Education and the appropriate state agency to assist students in finding reasonable opportunities to complete their education without additional charge.

Owners and/or senior administrators who fail to comply with these regulations and provide an adequate teach-out plan/agreement to minimize the risk and hardships to its students may be subject to a review by the Commission for consideration of notification to financial aid authorities and/or may be subject to legal action by the state within which the institution was licensed.

COMTA-accredited institutions that enter into Teach-Out Agreements as a teach-out school with a closing school *without* prior approval by the Commission will be subject to disciplinary action, including but not limited to Probation or Revocation of Accreditation.



FOR IMMEDIATE RELEASE

July 12 & 19, 2018 Commission Meeting
Commission Actions

The Commission on Massage Therapy Accreditation (COMTA) has concluded its July 12 & 19, 2018 Commission meeting in Arlington, VA. By action of the Commission, the following schools have received:

Continue Probation:

- **Institute for Therapeutic Massage** (Haskell, Tinton Falls, Bloomfield, NJ)
The Commission continues the probation placed July 2017 for failure to demonstrate compliance with the Standards for Financial Stability, and Title IV Satisfactory Approval.

Notification of Voluntary Withdrawal of Programmatic Accreditation:

- **Manatee Technical College Massage Program** (Bradenton, FL)
COMTA staff received official notification from the college on July 17, 2018 that it is voluntarily withdrawing from programmatic accreditation, effective June 28, 2018. The program did not close.

Please note: Renewal schools placed on show cause, probation or deferral are considered accredited institutions.

Contact info@comta.org or 202-888-6790 for additional information.



FOR IMMEDIATE RELEASE

April 18 – 19, 2018 Commission Meeting
Commission Actions

The Commission on Massage Therapy Accreditation (COMTA) has concluded its April 18-19, 2018 Commission meeting in Arlington, VA. By action of the Commission, the following schools have received:

Renewal of Institutional Accreditation – April 2018 – April 2025

- **Cortiva Institute Pennsylvania/New Jersey** (King of Prussia, PA/Wall Township, NJ)

Renewal of Institutional Accreditation – April 2018 – October 2024 (seven year grant, less previous 6 months deferral)

- **Educating Hands** (Miami, FL)

Continue Probation:

- **Institute for Therapeutic Massage** (Haskell, Tinton Falls, Bloomfield, NJ)
The Commission continues the probation placed July 2017 for failure to demonstrate compliance with the Standards for Financial Stability, and Title IV Satisfactory Approval.
- **Potomac Massage Therapy Institute** (Silver Spring, MD)
The Commission continues the probation placed November 2017 for failure to demonstrate financial stability per COMTA Standards and Guidelines.

Change of Ownership Approval

- **Educating Hands** (Miami, FL)
The Commission approves the Change of Ownership application and transfers accreditation to the new owners, Tomas Podobnik and Katarina Kostelnicakova , for the remaining period of the accreditation grant, expiring October 2024.

Please note: Renewal schools placed on show cause, probation or deferral are considered accredited institutions.

Contact info@comta.org or 202-888-6790 for additional information.



FOR IMMEDIATE RELEASE

November 15-16, 2017 Commission Meeting
Commission Actions

The Commission on Massage Therapy Accreditation (COMTA) has concluded its November 15-16, 2017 Commission meeting in Arlington, VA. By action of the Commission, the following schools have received:

Renewal of Programmatic Accreditation – October 2017 – October 2024

- **Community College of Baltimore County Therapeutic Massage Program (Baltimore, MD)**
- **Elgin Community College Massage Therapy Program (Elgin, IL)**
- **National University of Health Sciences Massage Therapy Program (Lombard, IL)**

Renewal of Institutional Accreditation – October 2017 – October 2024

- **New Hampshire Institute for Therapeutic Arts (Hudson, NH; Bridgton, ME)**

Deferral of Accreditation Renewal

- **Educating Hands (Miami, FL)**
The Commission defers the decision for renewal and extends the grant of accreditation until April 2108 to allow the school time to provide additional evidence of compliance.

Probation:

- **Potomac Massage Therapy Institute (Silver Spring, MD)**
The Commission places the institute on probation for failure to demonstrate financial stability per COMTA Standards and Guidelines.

Continue Probation:

- **Institute for Therapeutic Massage (Haskell, Tinton Falls, Bloomfield, NJ)**
The Commission continues the probation placed July 2017 for failure to demonstrate compliance with the Standards for Faculty Qualifications & Supervision, Financial Stability, and Title IV Satisfactory Approval, as well as closing a branch location without prior notification.

Notice of Branch Closure:

- **Institute for Therapeutic Massage (Hackensack, NJ)**
The Commission acknowledges the notification made on November 1, 2017 that the institute closed its branch campus in Hackensack, New Jersey on August 24, 2017. Students were transitioned to the other locations which remain operational.

Notice of Program Closure, Teach-Out Plan Approval:

- **University of Western States – Massage Therapy Program (Portland, OR)**
The Commission approved the Teach-Out Plan for the university's decision to close its massage program, effective March 23, 2018. All current students will be allowed to graduate, and the university will remain open for all records.

Please note: Renewal schools placed on show cause, probation or deferral are considered accredited institutions.

Contact info@comta.org or 202-888-6790 for additional information.

VIRGINIA BOARD OF NURSING

Disposition of Disciplinary Cases against Nurses and Massage Therapist Practicing on Expired Licenses

The Board of Nursing delegates to Board discipline staff the authority to offer a prehearing consent order in cases of nurses or massage therapist practicing on expired licenses.

The staff shall use the following when preparing prehearing consent orders:

Practice on an expired license for 30 days or less would result in a \$100 monetary penalty.

Practice on an expired license for 31 – 90 days would result in a \$200 monetary penalty.

Practice on an expired license for 91 – 180 days would results in a \$300 monetary penalty.

Practice on an expired license 6 months – 12 months would results in a \$500 monetary penalty.

Practice on an expired license greater than one year would result in a Reprimand and a \$500 monetary penalty.

In cases where there is suspicion of a willful act, the licensee will be scheduled for an informal conference.

Adopted: May 11, 1999

Revised: November 18, 2003; March 21, 2007; May 15, 2012; January 29, 2013; January 30, 2018