

**Virginia Board of Nursing
Massage Therapy Advisory Board**

Wednesday, December 1, 2021 at 2:00 P.M.
Department of Health Professions
9960 Mayland Drive, Suite 201
Henrico, VA 23233
Training Room 2

Agenda

- I. Call to Order:** Jermaine Mincey, Chair
- II. Establishment of a Quorum**
- III. Announcements**
 - Christina Bargdill, B.S.N., M.H.S., R.N., started on August 25, 2021 as the Deputy Executive Director for the Medication Aide, Nurse Aide, and Massage Therapy program position vacated by Charlette Ridout
- IV. Old Business**
 - Review and approval of minutes from November 2, 2020 meeting
- V. Public Comment/Open Forum**
- VI. New Business**
 - Election of Officers – Mr. Mincey
 - December 2021 / January – June 2022 Informal Conference / 2022 Formal Hearing Schedule – Ms. Douglas
 - Issue of Online Programs – Ms. Douglas
 - Revision of Sanction Reference Points for Licensed Massage Therapists – Ms. Bargdill / Kim Small, Visual Research
 - Environmental Scan – All Advisory Board Members share current trends and issues in the massage therapy education and practice environment
- VII. Reports**
 - Massage Therapy Compact Development Update – Ms. Douglas / Ms. Hogue (Verbal)
 - L.M.T. Discipline Case Report – Ms. Hanchey
 - L.M.T. Licensure Report – Ms. Hanchey

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 2021 Annual Report - <https://www.fsmtb.org/media/2513/fsmtbannualreport20217.pdf>
- FSMTB 2021 Annual Meeting Board of Directors Election Results
- FSMTB In Touch Newsletters
 - Interstate Compact, Vermont Registration, Annual Meeting and More (April 2021)
 - Cease-and-Desist Orders Issued to Massage Programs (June 2021)
 - Front Page Article in USA Today Addresses Fraud in Massage Therapy Education (July 2021)

IX. Discussion for Future Meetings

X. Adjournment of Meeting

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

Monday, November 2, 2020

TIME AND PLACE: The virtual meeting via Webex of the Massage Therapy Advisory Board was called to order at 2:10 p.m. on November 2, 2020.

PRESIDING: Dawn Hogue, L.M.T., Chair

MEMBERS PRESENT: Dawn Hogue, L.M.T., Chair
Jermaine Mincey, Citizen Member, Vice-Chair
Shawnté Peterson, L.M.T.
Erin Claire Osborn Osiol, M.S.W., L.M.T.
María Mercedes Olivieri, L.M.T.

MEMBERS ABSENT: None

STAFF

PARTICIPATING

VIRTUALLY: Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., Executive Director
Charlette N. Ridout, R.N., M.S., C.N.E., Deputy Executive Director
Cathy Hanchey, Senior Licensing/Discipline Specialist

OTHERS

PARTICIPATING

VIRTUALLY: Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Huong Vu, Board of Nursing, Executive Assistant
Sally R. Ragsdale, Board of Nursing, Discipline Specialist

PUBLIC

PARTICIPATING

VIRTUALLY: Becky Bowers-Lanier, American Massage Therapy Association-VA Chapter
Lisa Elgin, Department of Health Professions, Senior Investigator
Alan Burton, Department of Health Professions, Senior Investigator
Dwayne Cromer, Department of Health Professions, Senior Investigator

**ESTABLISHMENT OF A
QUORUM:**

Ms. Hogue welcomed attendees and asked Ms. Hanchey to take a roll call of Massage Therapy Advisory Board Members present. With five (5) members present, a quorum was established.

Staff and public attendees were identified.

ANNOUNCEMENTS:

Ms. Hogue welcomed three new Advisory Board members, Shawnté Peterson, Erin Osiol, and María Olivieri as recent appointees to the Massage Therapy Advisory Board, and introductions were made. Ms. Kristina Page resigned her term effective February 5, 2020.

OLD BUSINESS:

An overview was done of the minutes from the last Massage Therapy Advisory Board meeting held on May 29, 2019. Ms. Olivieri moved that the minutes from the May 29, 2019, meeting be approved. The motion was seconded by Ms. Peterson and carried unanimously.

Ms. Ridout advised that the Board of Nursing supported the Massage Therapy Advisory Board's recommendation to participate fully in the Federation of State Massage Therapy Board's (FSMTB) Massage Therapy Licensing Database (MTLD), and the Board of Nursing is working through required channels. Ms. Ridout also advised that there are minor changes to the process and contractual information by FSMTB. Updated status should be noted by spring 2021. Ms. Hanchey provided a brief explanation of MTLT for new Massage Advisory Board Members.

PUBLIC COMMENT:

Ms. Hogue said that as indicated in the meeting notice on Regulatory Town Hall and in the agenda package, comments will be received during Public Comment form those persons who submitted an email to Cathy Hanchey no later than 12:00 noon on November 2, 2020, indicating that they wish to offer comment.

Ms. Hogue asked if anyone has signed up to comment. Ms. Hanchey said no one has contacted her requesting to offer comment as of 12:00 noon today, and no one was present on the call to make comment.

NEW BUSINESS:

Ms. Hogue announced that according to the By-laws, her term as Chair, and a new Chair must be elected. Mr. Mincey is currently serving as Vice-Chair.

Ms. Olivieri moved to nominate Mr. Mincey as Chair, and the motion was seconded by Ms. Osiol. Ms. Peterson expressed interest in serving as Chair. Ms. Olivieri moved to adopt the slate with Mr. Mincey and Ms. Peterson as nominees for Chair, and the motion was seconded by Ms. Osiol. The vote for the slate as proposed was carried unanimously.

Ms. Olivieri moved to call the vote for Mr. Mincey as Chair, and the motion was seconded by Ms. Osiol. Mr. Mincey was elected to serve as Chair with a vote of 4-1. Mr. Mincey nominated Ms. Peterson for Vice-Chair, and the motion was seconded by Ms. Osiol. Ms. Peterson was elected to serve as Vice-Chair with a vote of 5-0.

Ms. Ridout reviewed the Formal Hearing schedule for January – December 2021, and covered dates for January 2021 Formal Hearings, and Informal Conferences for December 2020. Ms. Ridout advised she would be sending an email out for additional dates, and asked for responses for availability once issued.

Ms. Yeatts presented information based on the Massage Therapy Advisory Board recommendations for changes to reflect completion of an approved massage therapy program and requirement for an English-proficiency exam that were enacted by the Virginia General Assembly that went into effect on September 30, 2020. Following discussion, additional evidence in the form of TOEFL (Test of English as a Foreign

Language) exam is required in addition to the English version of the Massage and Bodywork Licensing Exam (MBLEx) administered by FSMTB.

Ms. Yeatts advised that Guidance Documents are required to be reviewed and reaffirmed every four years. Guidance Document 90-59 was last reviewed December 2016. The purpose is to give information about what the impact of a criminal conviction may be on the granting of a massage therapy license. There is no barrier crime as such, but a licensee may be denied employment. Following discussion, Ms. Douglas reiterated that that there is no specific, predetermined conviction that will automatically deny licensure; non-routine applications are reviewed on a case-by-case basis. Additionally, Criminal Background Checks will reveal all convictions. Ms. Olivieri moved to recommend the continued use of Guidance Document 90-59, and that it be revised to incorporate the requirement for a Criminal Background Check on page 4 under the section: “The following information will be requested from an applicant with a criminal conviction.” Ms. Peterson seconded the motion, and it carried unanimously.

Ms. Hanchey reviewed correspondence received from Cedar Stone School of Massage and an email from Eastern Virginia Community College concerning licensure exam and specification of number of hours for programs. Following discussions, the Massage Therapy Advisory Board felt that no changes to the statutes and regulations as currently enacted were necessary.

Ms. Hanchey also noted that Department of Health Professions recognized the impact of the pandemic and noted that renewal fees have been waived, and completion of continuing education requirements were extended by six months. No action is necessary.

REPORTS:

Ms. Ridout advised that for the 2019 calendar period, the increases in the number of “Fraud, Non-Patient Care” cases is due to the number of licensees having licensure exams invalidated by FSMTB due to fraudulent activity on the application to take the exam discovered years after the exam. Another increase for disciplinary cases is seen in “Eligibility” due to applicants attending non-approved massage therapy programs. There is also an increase in the number of “Abuse/Abandonment/Neglect” and “Inappropriate Relationship” cases. Ms. Hanchey further noted that of the 8,479 Licensed Massage Therapists, for the October 2018 – September 30, 2020 time period, the Board closed 113 cases for 55 different licensees. Statistical reports provided are incorporated and attached to these minutes.

Ms. Hanchey presented information concerning Licensed Massage Therapists. Decrease in licenses issued for 2020 greatly reduced due to impact of pandemic. Moratorium on the practice of massage therapy and impact on massage therapy programs resulted in delayed graduations. Applications have since increased since restrictions on practice have been lifted. Statistical reports provided are incorporated and attached to these minutes.

Additionally, the Board of Nursing has ceased providing license verifications for licensees to other states, and they are directed to License Lookup. States have been notified.

Ms. Hanchey and Ms. Hogue provided comment on the FSMTB Event dated September 17, 2020, concerning Dr. Michael Vogel's "Sexual Misconduct Allegations within Massage Therapy." Takeaways from the event included various biases and an appreciation for investigative resources for our state.

INFORMATION ONLY:

Ms. Hogue provided information concerning the 2019 FSMTB Annual Meeting and noted the presentations made by a corporate representative from Massage Envy addressed the attendees concerning diligence and standards, as well as educational quality and standards from Mississippi's Board of Massage Therapy.

Ms. Ridout pointed out that additional information concerning MTLT could be located in the FSMTB 2020 Annual Report.

**DISCUSSION OF
FUTURE MEETINGS:**

Board staff will coordinate with the Massage Therapy Advisory Board on Massage Therapy members on availability for a meeting in late-October/early-November 2021.

ADJOURNMENT:

The meeting was adjourned at 3:28 p.m.

Charlette N. Ridout, R.N., M.S., C.N.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 the Agenda - The order of the agenda 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.

LMT ADVISORY BOARD MEMBERS
NEEDS FOR IFC & FH COVERAGE 2022

Informal conferences (IFCs) Dates for January – June, 2022

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

- *February 3, 2022 – Shawnte' Peterson*
- *April 5, 2022 – Maria Mercedes Olivieri*
- *June 7, 2022 – Dawn Hogue*

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!

Formal Hearings (FHs) Dates for 2022

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

- *January 24-27, 2022 – NOTE: Summary Suspension currently scheduled for January 26*
- *March 21-24, 2022*
- *May 16-19, 2022*
- *July 18-21, 2022*
- *September 12-15, 2022*
- *November 14-17, 2022*

To be scheduled for a formal hearing, it would be (1) Summary Suspension; (2) certain reinstatements; (3) appealing an IFC decision; (4) not signing a consent order that is offered at an IFC. If #2, #3, or #4, 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 we will have to ask on a case-by-case basis.

Revised Sanctioning Reference Points Worksheet for LMTs

November 16, 2021

Prepared for:
Board of Health Professions
Board of Nursing

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Kim Small
804.794.3144
vis-res.com

SRP Worksheet Revision Status

Profession	Worksheet	Status
CNAs	Single	Adopted
Nurses	Inability to Safely Practice	Adopted
	Patient Care	Adopted
	Fraud	Adopted
RMAs	Single	Adopted
LMTs	Single	Available for Adoption

SRP Worksheet for CNAs Only

Adopted

This worksheet correctly predicts **80%** of cases

Case Type Score (score only one)	Points	Score
a. Abuse/Inappropriate Relationship	70	_____
b. Misappropriation of Patient Property	60	_____
c. Inability to Safely Practice	50	_____
d. Neglect	40	_____
e. Verbal Violations	30	_____
f. Abandonment/Standard of Care/Fraud	10	_____
Case Type Score		<input type="text"/>

Offense and Respondent Score (score all that apply)	Points	Score
a. Act of commission	60	_____
b. Patient injury	50	_____
c. Impaired while practicing	45	_____
d. Respondent failed to initiate corrective action	40	_____
e. Any patient involvement	30	_____
Offense and Respondent Score		<input type="text"/>

Total Worksheet Score (Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-100	No Sanction Monetary Penalty Probation Take No Action Stayed Suspension Terms
101-149	Reprimand
150 and up	Revocation Suspension Surrender Finding of Abuse Finding of Neglect Finding of Misappropriation

0010

SRP ISP Worksheet for Nurses Only

Adopted

This worksheet
correctly predicts
70% of cases

Case Type Score (score only one)	Points	Score
a. Inability to Safely Practice	40	_____
b. Drug Related with Patient Care	20	_____
c. Drug Related without Patient Care	10	_____
Case Type Score		<input type="text"/>

Offense and Respondent Score (score all that apply)	Points	Score
a. License ever taken away	50	_____
b. Case involved a mental health admission	40	_____
c. Act of commission	30	_____
d. Any prior Virginia Board violations	20	_____
e. Past difficulties (substances, mental/physical)	15	_____
f. Evidence of drug diversion	10	_____
g. Respondent failed to initiate corrective action	10	_____
h. Any action against the respondent (employer, criminal, civil)	10	_____
Offense and Respondent Score		<input type="text"/>

Total Worksheet Score
(Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-20	No Sanction Monetary Penalty
21-60	Reprimand
61-140	Probation Stayed Suspension Terms
141 and up	Revocation Suspension Surrender



SRP Patient Care Worksheet for Nurses Only

Adopted

This worksheet correctly predicts **72%** of cases

Case Type Score (score only one)	Points	Score
a. Inappropriate Relationship	50	_____
b. Standard of Care	45	_____
c. Abuse/Abandonment/Neglect	30	_____
Case Type Score		<input type="text"/>

Offense and Respondent Score (score all that apply)	Points	Score
a. License ever taken away	40	_____
b. Act of commission	35	_____
c. Past difficulties (substances, mental/physical)	30	_____
d. Patient injury	25	_____
e. Evidence of drug diversion	20	_____
f. Any action against the respondent (employer, criminal, civil)	20	_____
g. Any prior Virginia Board violations	5	_____
h. Respondent failed to initiate corrective action	5	_____
Offense and Respondent Score		<input type="text"/>

Total Worksheet Score
(Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-40	No Sanction Monetary Penalty
41-70	Reprimand
71-140	Probation Stayed Suspension Terms
141 and up	Revocation Suspension Surrender

SRP Fraud Worksheet for Nurses Only

Adopted

This worksheet
correctly predicts
71% of cases

Case Type Score (score only one)	Points	Score
a. Misappropriation of Patient Property	30	_____
b. Other Fraud	20	_____
		Case Type Score <input type="text"/>

Offense and Respondent Score (score all that apply)		
a. Act of commission	40	_____
b. License ever taken away	35	_____
c. Any patient involvement	30	_____
d. Respondent failed to initiate corrective action	30	_____
e. Any action against the respondent (employer, criminal, civil)	25	_____
f. Any prior Virginia Board violations	25	_____
g. Patient especially vulnerable	10	_____
h. Evidence of drug diversion	10	_____
		Offense and Respondent Score <input type="text"/>

Total Worksheet Score
(Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-50	No Sanction Monetary Penalty
51-85	Reprimand
86-135	Probation Stayed Suspension Terms
136 and up	Revocation Suspension Surrender

Proposed SRP Worksheet for RMAs Only

Adopted

This worksheet
correctly predicts
77% of cases

Case Type Score (score only one)	Points	Score
a. Inability to Safely Practice	50	_____
b. Physical Abuse	40	_____
c. Verbal Abuse/Neglect	25	_____
d. Standard of Care/Abandonment	15	_____
e. Unlicensed Activity	5	_____
Case Type Score		<input type="text"/>

Offense and Respondent Score (score all that apply)	Points	Score
a. Patient injury	40	_____
b. Evidence of drug diversion	25	_____
c. Any action against the respondent (employer, criminal, civil)	10	_____
d. Act of commission	10	_____
e. Any patient involvement	10	_____
f. Past difficulties (substances, mental/physical)	5	_____
g. Financial or material gain	5	_____
h. Respondent failed to initiate corrective action	5	_____
Offense and Respondent Score		<input type="text"/>

Total Worksheet Score
(Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-15	No Sanction Monetary Penalty
16-50	Reprimand
51-70	Probation Stayed Suspension Terms
71 and up	Revocation Suspension Surrender

Proposed SRP Worksheet for LMTs Only

This worksheet correctly predicts **79%** of cases

This is a new worksheet for the board. Previously, LMTs were scored on a worksheet for Nurses.

Case Type Score (score only one)	Points	Score
a. Abuse/Inappropriate Relationship	50	_____
b. Inability to Safely Practice	35	_____
c. Fraud/Continuing Education	25	_____
d. Unlicensed Activity	10	_____

Case Type Score

Offense and Respondent Score (score all that apply)

a. Concurrent criminal conviction	40	_____
b. Past difficulties (substances, mental/physical)	30	_____
c. Case involved a mental health admission	25	_____
d. Concurrent action by employer	20	_____
e. Act of commission	15	_____
f. Respondent failed to initiate corrective action	15	_____
g. License ever taken away	10	_____
h. Financial or material gain	10	_____
i. Any prior Virginia Board violations	10	_____

Offense and Respondent Score

Total Worksheet Score
(Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-50	No Sanction Reprimand Monetary Penalty
51-85	Probation Stayed Suspension Terms
86 and up	Refer to Formal Hearing Revocation Suspension Surrender

0015

What's Next?

1. Crafting a new SRP manual for all new worksheets, instructions, case types, sanctioning recommendations and professions
2. Adoption of complete SRP manual by the BON
3. New manual out for public comment, 30 days
4. New manual published to the board's website, replacing the existing manual
5. Training for board members and all relevant staff



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
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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

The Board of Nursing (Board) received **56** cases between October 1, 2020 and September 30, 2021, and the Board closed **52** cases, issuing case decisions for **29** cases, described below.

Case Decisions for 29 Licensed Massage Therapists (LMTs) October 1, 2020 – September 30, 2021

Action Taken	Count of Action Taken
Case Dismissed	1
License Granted	3
License Surrendered	1
Mandatory Suspension	3
Monetary Penalty	2
Reinstatement Granted	2
Renewal Right Denied	3
Reprimand	11
Revocation	5
Summary Suspension	5
Suspension	8
Terms Imposed – Other	10
Terms Terminated	4
Grand Total	58



COMMONWEALTH of VIRGINIA

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Case Category Report for Nursing - Cases Received Between:						
		<u>1/1/2017 -</u> <u>12/31/2017</u>	<u>1/1/2018 -</u> <u>12/31/2018</u>	<u>1/1/2019 -</u> <u>12/31/2019</u>	<u>1/1/2020 -</u> <u>12/31/2020</u>	<u>1/1/2021 -</u> <u>10/31/2021</u>
01	Inability to Safely Practice	4	6	5	7	10
02	Drug Related, Patient Care	1				
03	Abuse/Abandonment/Neglect	13	17	23	11	13
05	Std of Care, Diagnosis/Treatment	8	8	4	3	5
07	Std of Care, Malpractice Reports		1	1		
08	Std of Care, Exceeding Scope	4		1		
09	Std of Care, Other				1	
10	Inappropriate Relationship	17	16	24	16	16
11	Unlicensed Activity	19	15	9	3	3
14	Action by Another Board, Patient Care	1	1			2
50	Criminal Activity	14	9	11	5	11
51	HPMP				1	1
52	Drug Related, Non-Patient Care	1				
53	Fraud, Non-Patient Care	13	2	17	10	5
54	Business Practice Issues	9	10	8	10	6
56	Compliance	2	1		2	1
57	Misappropriation of Property, NPC	1				
59	Continuing Competency Req Not Met			7	2	1
62	Action by Another Board, NPC	2		2	2	
63	Reinstatement	1	2	2	1	1
64	Eligibility	<u>25</u>	<u>13</u>	<u>19</u>	<u>11</u>	<u>6</u>
		135	101	133	85	81

Massage Advisory Board Members

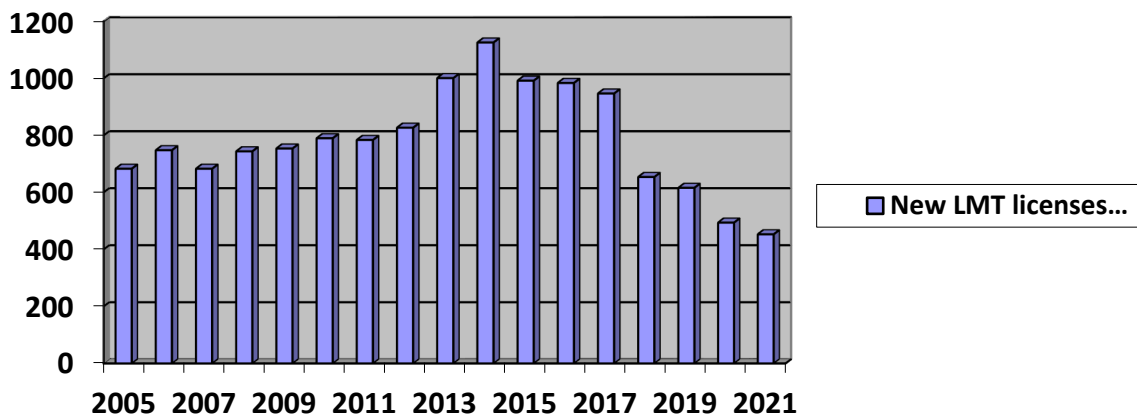
(Revised November 9, 2021)

NAME:	TERM EXPIRES:
Jermaine Mincey, Citizen Member, Annandale	2021
Dawn M. Hogue, MA, LMT, Chair, Virginia Beach	2024
Erin C. Osiol, MSW, LMT, Richmond	2023
Shawnté Peterson, LMT, Chesapeake	2023
María Mercedes Olivieri, LMT. Burke	2024

STATISTICAL INFORMATION

Number of new Massage Licenses Issued

2021 (Jan 1- Oct 31)	453
2020 (Jan 1- Dec 31)	494
2019 (Jan 1- Dec 31)	616
2018 (Jan 1- Dec 31)	796
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



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

Total # of massage therapist **currently** active in Virginia as of **November 9, 2021**: **8,323**

Online Massage Applications Received

	By Application	By Endorsement	Total
2021 (Jan 1 – Oct 31)	357	129	486
2020 (Jan 1 – Dec 31)	376	147	523
2019 (Jan 1 – Dec 31)	504	195	699
2018 (Jan 1 – Dec 31)	564	227	791
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.
- Effective April 16, 2020, the Board of Nursing no longer provides official verification for licensees wishing to obtain out-of-state licensure. Licensees are directed to [License Lookup](#).
- Effective September 30, 2020, pursuant to Virginia Code 54.1-3029, the Virginia Board of Nursing clarified the requirement for applicants to have **completed** a massage therapy program that is at least 500 hours, **and** requires a Board-approved English-proficiency exam for applicants educated outside of the United States.

LMT Total Count (October 1, 2020 - September 30, 2021)

New Applications (initial & endorsement- paper & online)	537
Duplicate License Request	125
Duplicate Wall Certificate Request	22
Verification Request	81
Reinstatement Application after Discipline	1
Reinstatement Applications	36
Renewals	3,623
Late Renewals	211



FSMTB
FEDERATION OF STATE
MASSAGE THERAPY BOARDS



Annual Report

October 2021



2021 PRESIDENT'S REPORT

Dear Members,

As I reflected on my year as your president of this great organization, I was filled with a sense of optimism, despite it being a very difficult and demanding time. I want to thank my colleagues on the Board of Directors who have supported me in my leadership role, as we worked together to drive the mission of the Federation forward. Not only do these people have family and work obligations, they also work at the state board level and then show up, generously and enthusiastically to work on your behalf, at the national level.

We are fortunate to have a talented and dedicated staff who work every day to essentially bring our vision to life. These amazing people have also encountered COVID-19-related challenges such as illnesses and deaths in their own families, and they have counseled massage therapy students through a return to testing, after a nationwide shut down. They are loyally committed to our mission, and to the importance of public protection and they fully understand the value of regulation. They truly are a testament to teamwork in action.

So, surrounded and supported by great people, including you, the members of the Federation, what are some of the important items that the Federation has addressed this past year to support the states individually and collectively in fulfilling your responsibilities to the public?

LICENSURE FRAUD

As a result of the COVID-19 pandemic, many state boards modified their educational requirements for online learning to accommodate COVID-19 safety protocols. Some unscrupulous business people found loopholes to exploit the modified requirements. Their interest is clearly not the unsuspecting student or the welfare of the public. The Federation has sponsored multiple opportunities for the regulatory community to connect and share information about the pitfalls and the propaganda being provided to students that actively promotes circumventing the regulatory process.

Examination fraud is where the Federation intersects with many of the organized crime schemes. The states that use the MBLEx, contribute an enormous amount of power and influence to stopping the fraud. The predictive analytics that stem from the MBLEx data is another remarkable tool that the Federation uses on your behalf not only to catch the fraud but to proactively prevent it. And so I challenge the few jurisdictions that have not yet embraced the MBLEx as the assessment for safe and competent entry-level massage practice, to fully consider the unintended consequences of diluting, if not unintentionally thwarting, the good work in the rest of the nation.

The Federation expends a significant amount of our financial resources on investigative and legal fees. We take our responsibility to you, and the public we all serve, very seriously. And we are grateful for the collaboration with our members, and other affiliated state agencies, that goes a long way to catching imposters in the regulatory process and shutting them down.

CONTINUING PROFESSIONAL EDUCATION

In response to the directive from our membership, the Federation moved forward with investing significant resources to develop a Continuing Education Registry.

Based on a refreshingly different model of bringing CE Providers into compliance rather than a punitive structure (except in the case of egregious acts), the CE Registry serves the state boards by ensuring that CE Providers comply with the Standards developed by the massage regulatory community.

The consumers of CE, in this case the Licensed Massage Therapists, play a pivotal role in validating provider compliance in real time. Your citizens are empowered in the regulatory process! I am pleased to report that 27 states have already adopted CE Registry as an accepted educational avenue for license renewal.

Another service that the Federation is providing to the membership is the development of online courses, and the state boards can customize a course for disciplinary or remediation purposes. We are

grateful to the state board administrators as well as volunteers from the licensed professional community who support the content development of these courses. The need for credible, quality education is being fulfilled.

IN SUMMARY...

I am so very proud of our massage and bodywork regulatory community. Despite having to work virtually, we continued to network and share information and resources, to continue the vital work of regulating the profession, and supporting the health and safety of the public we all serve.

Our tenacity, resilience, compassionate service, and commitment to our communities has been unwavering. I am a proud President. You should be equally as proud of yourselves. The Federation sincerely thanks you!



David Cox, LMT

FSMTB President

*Maryland State Board
of Massage Therapy Examiners*

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 competent manner. In carrying out this mission, the Federation shall:

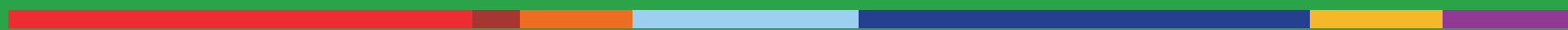
- » Facilitate communication among Member Boards and provide a forum for the exchange of information and experience.
- » Provide education, services, and guidance to Member Boards that help them fulfill their statutory, professional, public, and ethical obligations.
- » Support efforts among Member Boards 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

JULY 1, 2020 – JUNE 30, 2021

REPORT FROM THE TREASURER

Thank you to the members of the Finance Committee. We appreciate your service and skills to help the Federation with fiscal accountability to our members. The committee convened virtually in 2021 to meet with the auditors, accountants, and investment advisors, and to work on the budget for the 2021-2022 fiscal year.

SNAPSHOT OF THE 2020-2021 FISCAL YEAR

We had a \$450,000 projected budget deficit for the year, and I am happy to report that it did not come to fruition primarily due to a reduction in travel and the delayed increase in examination fees. In addition, due to a change from accrual to a modified cash basis of accounting, we had a \$2.9 million surplus, resulting in \$3.3 million more than expected.

The financial ramifications of the COVID-19 pandemic continued to send every expectation awry. Examination revenue was significantly reduced due to the ongoing shutdown of testing centers and inability to operate at full capacity. In addition, the April 1, 2020 examination fee increase was delayed by six months and all examination authorizations to test were extended by at least six months beyond typical expiration and forfeiture of fees. The third component to the perfect financial storm was the increase in expenses due to bringing examination application processing in house.

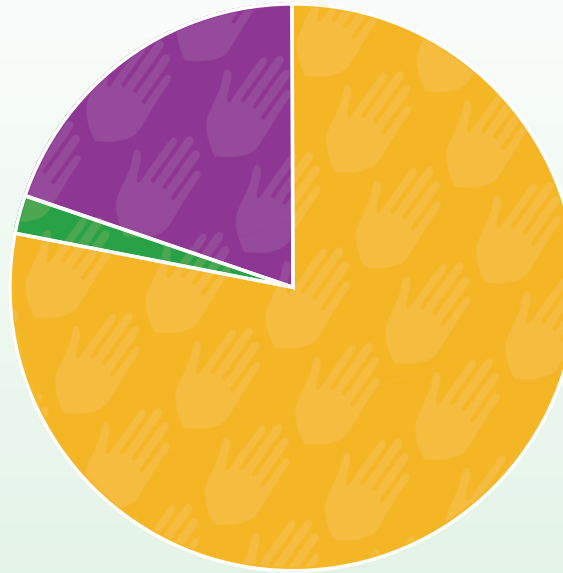
Some solid investment decisions and receipt of outstanding debts bolstered the financial picture during the latter part of the fiscal year, resulting in an overall surplus.

- » **TOTAL ASSETS:** \$16.9 million
(cash and investments)
- » **INCOME:** \$6.5 million
(fees and dues)
- » **EXPENSES:** \$3.6 million *(exam, general operating, professional fees, travel)*
- » **SURPLUS:** \$2.9 million
- » **BUDGET:** \$450,000 (loss/negative)
- » **ACTUAL:** \$3.3 million more than expected

**Approximate/Unaudited*

INCOME

Our actual examination revenue was approximately \$500,000 more than the projected revenue that was budgeted for the fiscal year. From the ratio of revenue, exam fees account for 78% of our revenue that gets invested in all FSMTB services for our members.



Revenue*

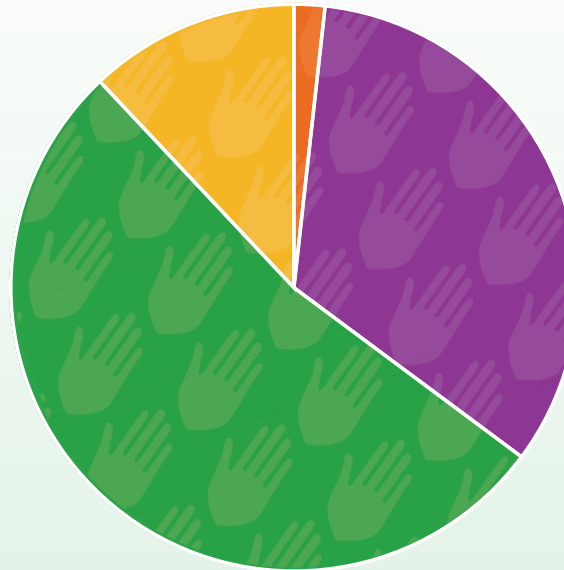
JULY 1, 2020 - JUNE 30, 2021

- Exam (\$5,077,958)
- Membership (\$104,782)
- Investment (\$1,316,287)

**Approximate/Unaudited*

EXPENSES

The total expenditures for the year were less than the projected expenses that were budgeted. This is primarily due to our exam fees accounting for only 35% of our expenses, due to the temporary closing of testing centers. Professional fees remained about the same as last year at 12%; general operating expenses increased from 39% to 52% this year primarily due to bringing exam application processing services in-house; and travel dropped to almost 0%.



Expenses*

JULY 1, 2020 - JUNE 30, 2021

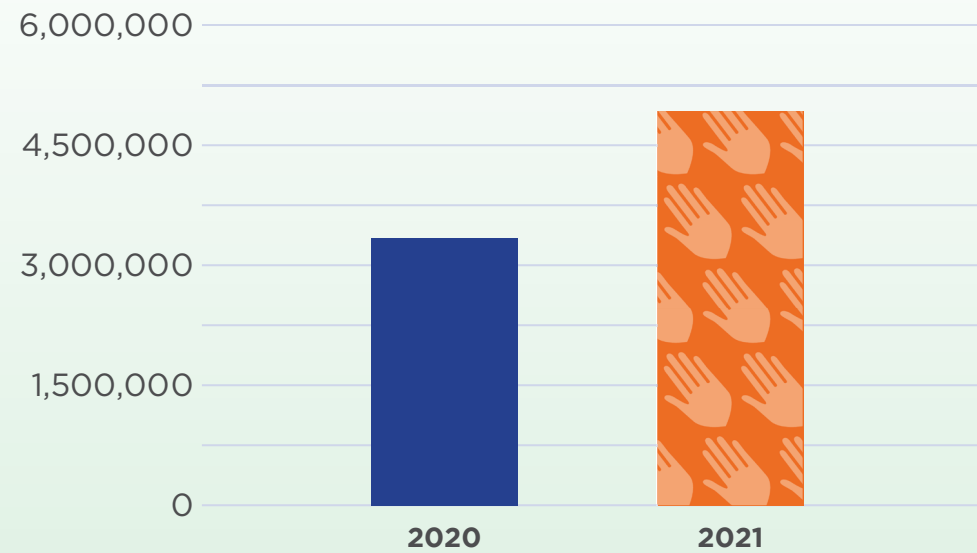
- Exam (\$1,255,675)
- General Operating (\$1,862,338)
- Professional Fees (\$428,031)
- Travel (\$15,423)

**Approximate/Unaudited*

EXAM REVENUE

The bulk of our revenue comes from exam fees. The following chart shows a comparison of 2021 revenue compared with the prior year. We saw an increase in 2021 due to national test centers slowly reopening in response to the shifting conditions of the COVID-19 pandemic.

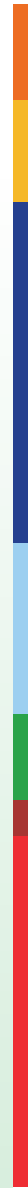
Exam Revenue 2020-2021 Comparison



**Approximate/Unaudited*

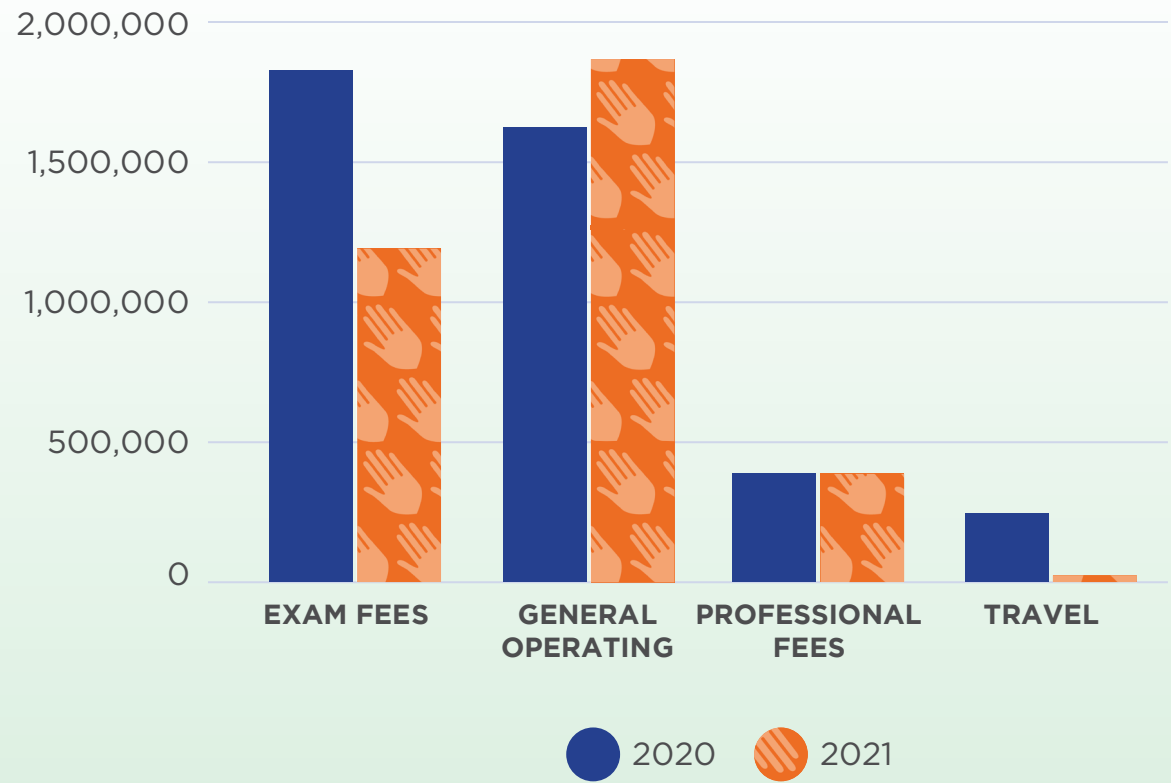
EXPENDITURES

Looking at this year's expenditures compared to last year, while the exam fees went down in parallel with lower candidate volume, we worked hard to control costs where we could. The additional reduction in expenses from last year to this year is due to the ongoing cancellation of meetings and affiliated travel expenses.



Expenses

2020-2021 Comparison



**Approximate/Unaudited*

INVESTMENTS

Financial reserves are needed, not only for organizational health but also to protect the integrity of the licensing exam and the licensure process. We allocated some reserve funds to support the transition of some administrative functions in house.

At the beginning of the fiscal year, we had \$10.7 million and as of the end of our fiscal year we were sitting at \$12.4 million in reserves.



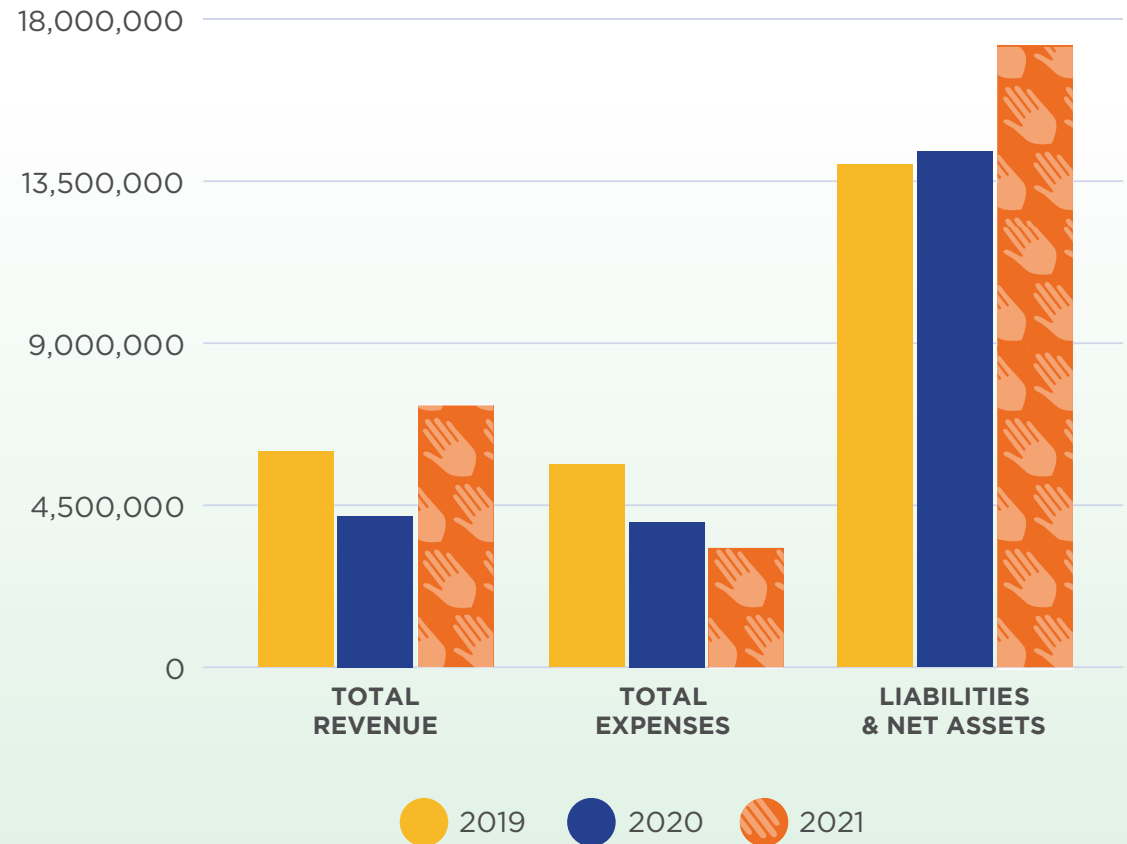
AUDIT

Auditors reviewed the financial status of the organization and assessed the following essential elements:

- » Examination of amounts and disclosures in financial statements
- » Evaluation of appropriateness of accounting policies
- » Reasonableness of significant accounting estimates made by management
- » Evaluation of overall presentation of the financial statements

An audit report was conducted for the prior fiscal year. It was presented to the Finance Committee and the Board of Directors in February 2021. It was a very good audit report with no significant findings.

Total
2019 - 2020 - 2021 Comparison



**Approximate/Unaudited*

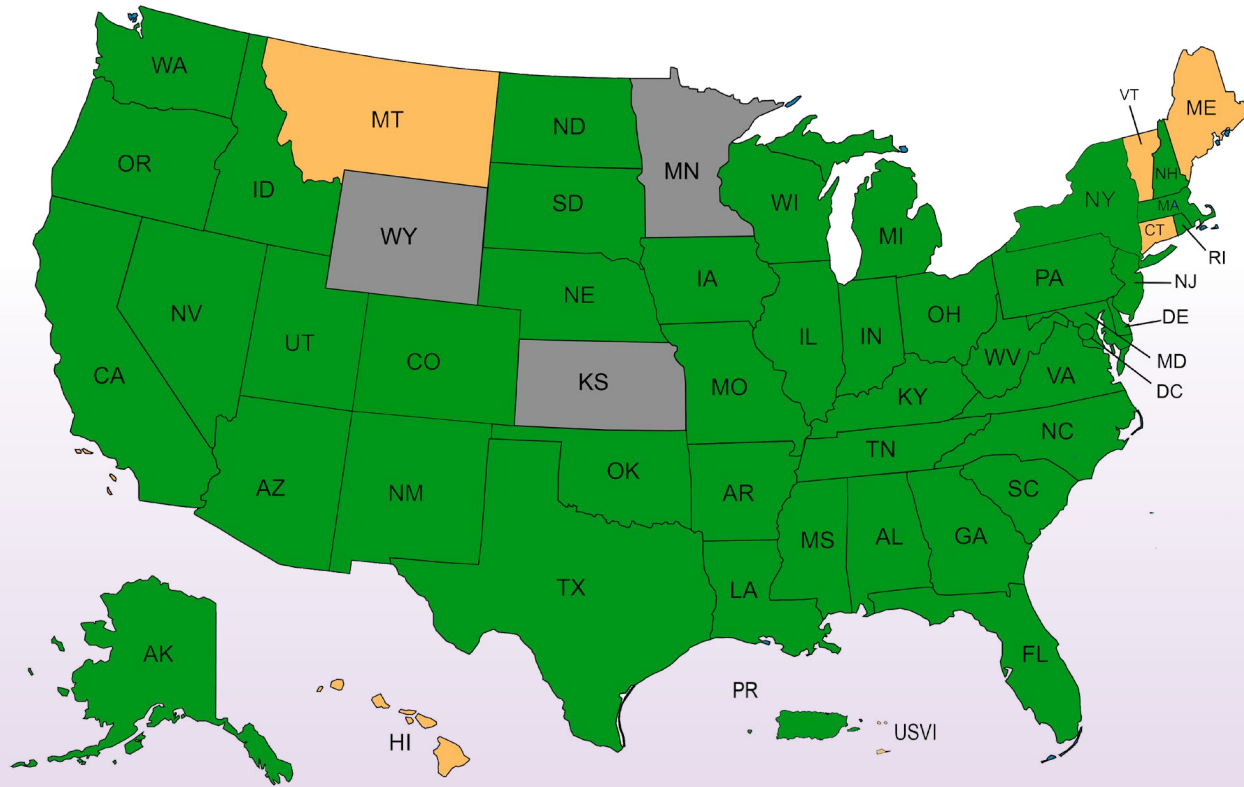
Looking at this year's expenditures compared to the prior two years, it is clear to see the impact of the pandemic on revenue and expenses. The reduction in expenses continues into the current year with the cancellation of the bulk of major travel for the Annual Meeting and the Member Board Executive Summit, again due to the impact of pandemic conditions.



Member Services

Membership • Events & Summits • Strategic Plan •
COVID-19 • MBLEx • Government Relations • National
Licensure Compact • MTLTD • Continuing Education •
Industry Relations

FSMTB MEMBERSHIP



FSMTB Membership by State

-  Not Regulated
-  Non-Members
-  FSMTB Members

EVENTS & SUMMITS

MBE VIRTUAL SUMMIT

The Massage Board Executive (MBE) Summit was again cancelled in 2021 due to the ongoing pandemic. Instead, a series of virtual meetings was offered throughout this year. These meetings have been an excellent opportunity for executive directors and senior staff of member boards to learn, interact, and communicate with each other about topics of concern. Some of these virtual meetings covered items regarding an apprenticeship model of education, deregulation efforts in multiple states and the takeaways of that experience, and school approval and verification practices. These virtual summits were well attended and sparked interesting and informative conversations.



FSMTB MEMBERSHIP EVENT

An educational presentation titled “Sexual Misconduct Allegations within Massage Therapy: An Informed Approach to Protect Both Clients and Practitioners” was well attended by Board Members, Board Attorneys, Investigators, and Board/Agency Support Staff.

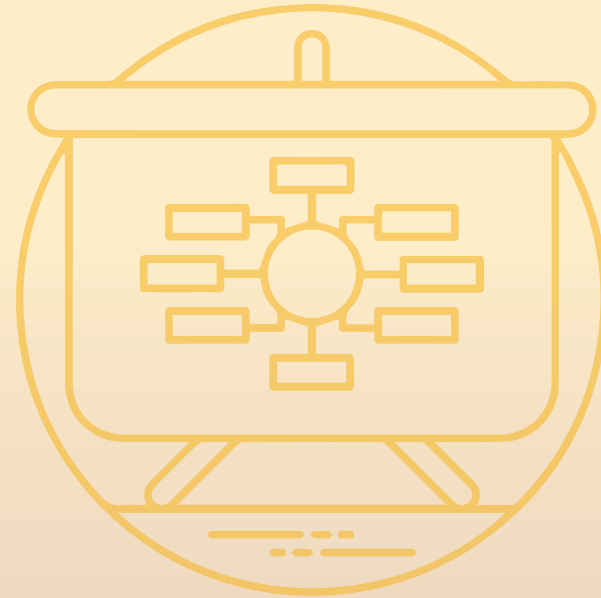
This topic is a concern for most regulators and the FSMTB appreciates the effort and experience that the speaker, Dr. Michael Fogel had to offer. The success of this event prompted more membership event considerations for the future.

STRATEGIC PLAN

A very pivotal piece that enables the organization to continue to thrive and serve you, is the organizational strategic plan.

The current plan was mostly fulfilled, except for items deferred due to the pandemic. The Board of Directors is preparing for the next strategic plan, scheduled to be implemented beginning in 2022.

We received some very insightful feedback in response to a survey distributed to the membership. The Board of Directors met with some member representatives in September 2021 to incorporate the members' wishes into the plan that will continue to propel the Federation forward.

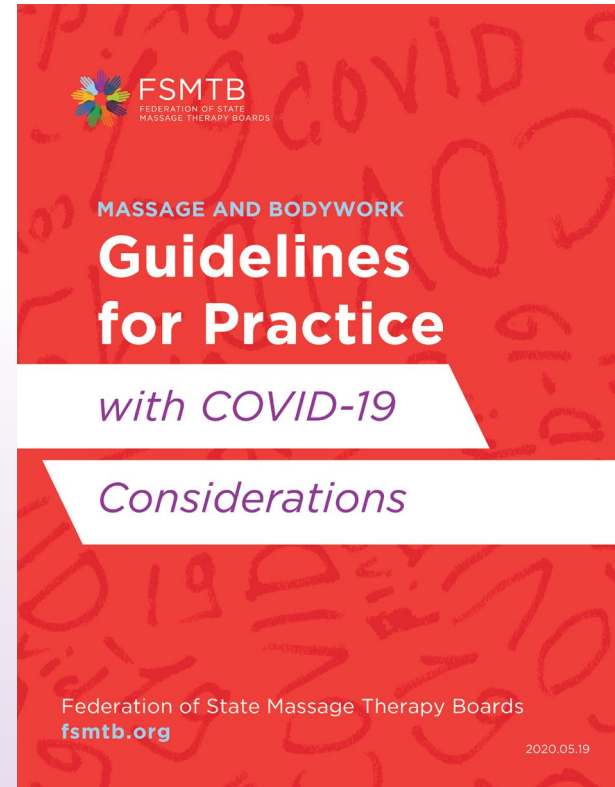


COVID-19

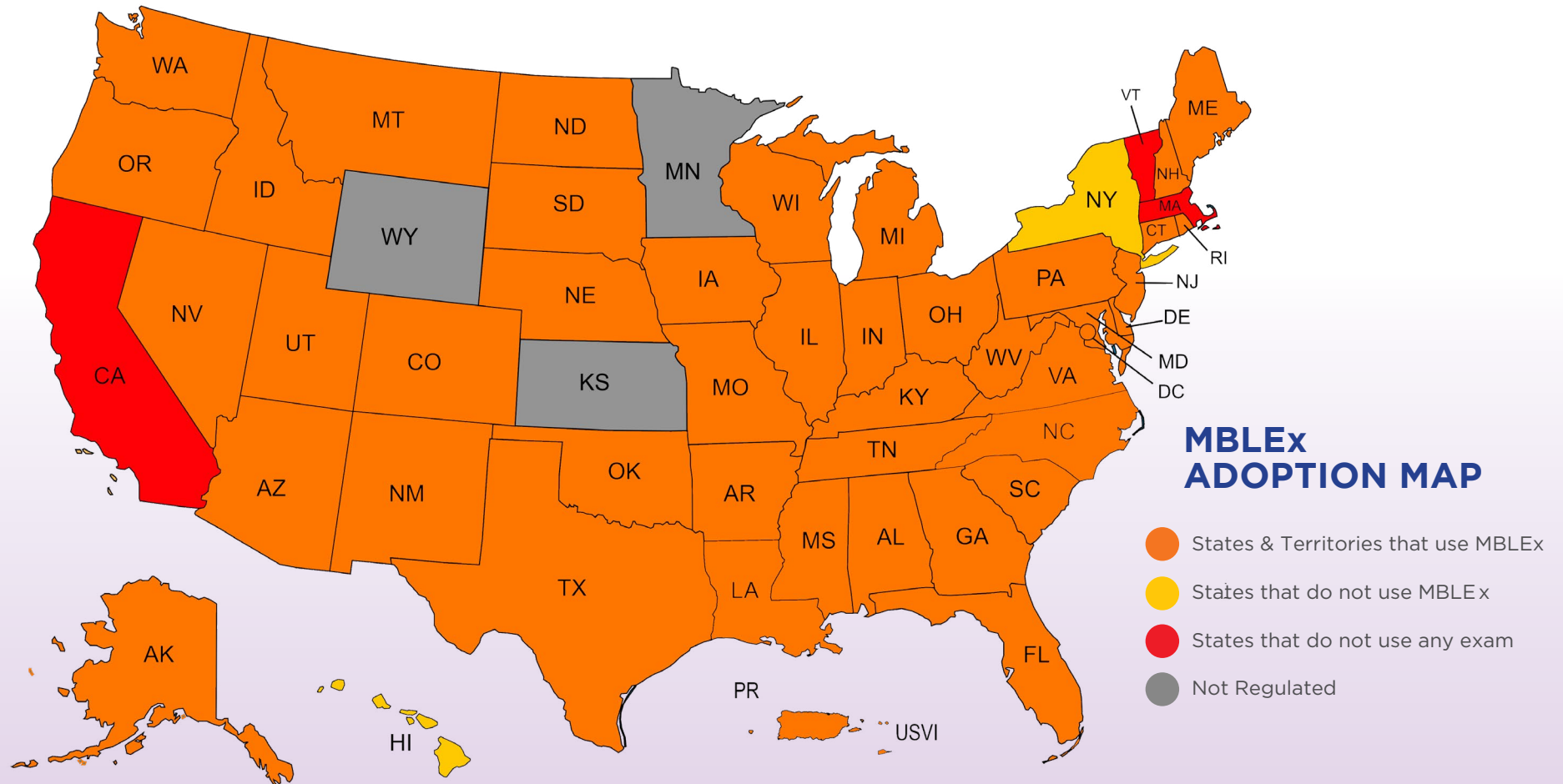
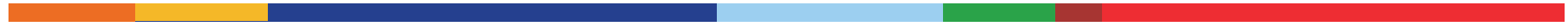
The *Massage & Bodywork Guidelines for Professional Practice with COVID-19 Considerations* is a valuable resource, produced in record time, and is widely in use.

The document contains recommendations and guidelines for massage and bodywork practitioners to mitigate the spread of COVID-19. The intent of the Guidelines is to provide a resource to FSMTB Member Boards and Agencies, massage and bodywork professionals, and massage school staff in order to support public protection.

The recommendations and guidelines do not replace any directives or guidance provided by federal or state agencies, regulatory boards, or other authorities having jurisdiction.



MBLEx



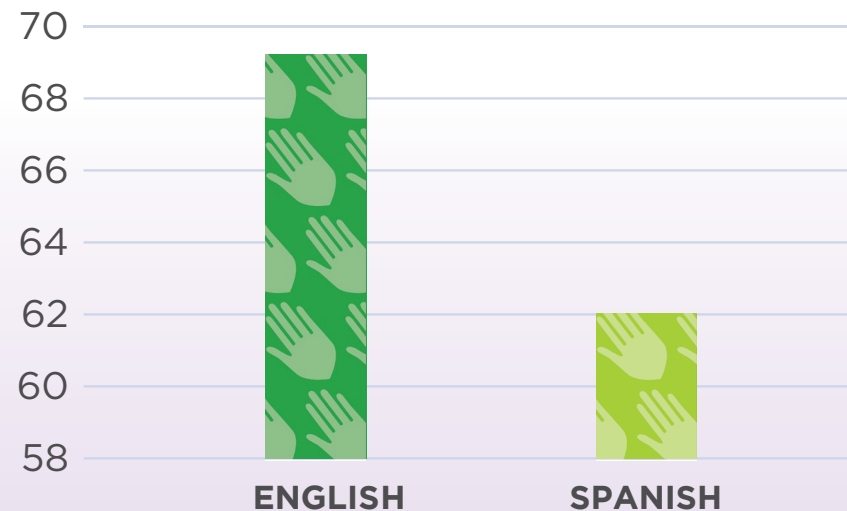
MBLEx PERFORMANCE DATA

The COVID-19 pandemic continued to impact MBLEx administrations in a significant way.

The Pearson VUE testing centers were not operating at full capacity through 2020 and early 2021. As of late summer 2021, the majority of Pearson VUE testing centers are operating at 100% capacity across the U.S., though the situation continues to be monitored by Pearson VUE for adjustment as the pandemic continues.

By November 2020 the pass rate was beginning to drop, perhaps as a result of the classroom adjustments in learning methods and reduced or modified clinic hours due to COVID-19 precautions. December 2020 proved to be an anomaly with the pass rate dropping from a high of 72% down to 60% for first time test takers. This one month drop contributed to bringing the overall pass rate down to 69%. By June 2021 the pass rate was hovering back at 72%.

MBLEx Pass Rate % First Exam Attempt JULY 1, 2020 - JUNE 30, 2021



MBLEx TESTING ACCOMMODATIONS

The FSMTB complies with federal laws regarding the Americans with Disabilities Act and considers requests from qualified candidates with a diagnosed disability for accommodations to take the MBLEx if the request is reasonable, properly documented, and does not fundamentally alter the examination or jeopardize exam security. The costs for providing the testing accommodations are covered entirely by FSMTB.

This year, FSMTB supported 546 qualifying testing accommodations, reflective of candidate need. The nature of the disabilities for which the accommodations were provided included ADHD, learning disabilities, dyslexia, visual/hearing impairments, and mental health conditions.



Testing Accommodations

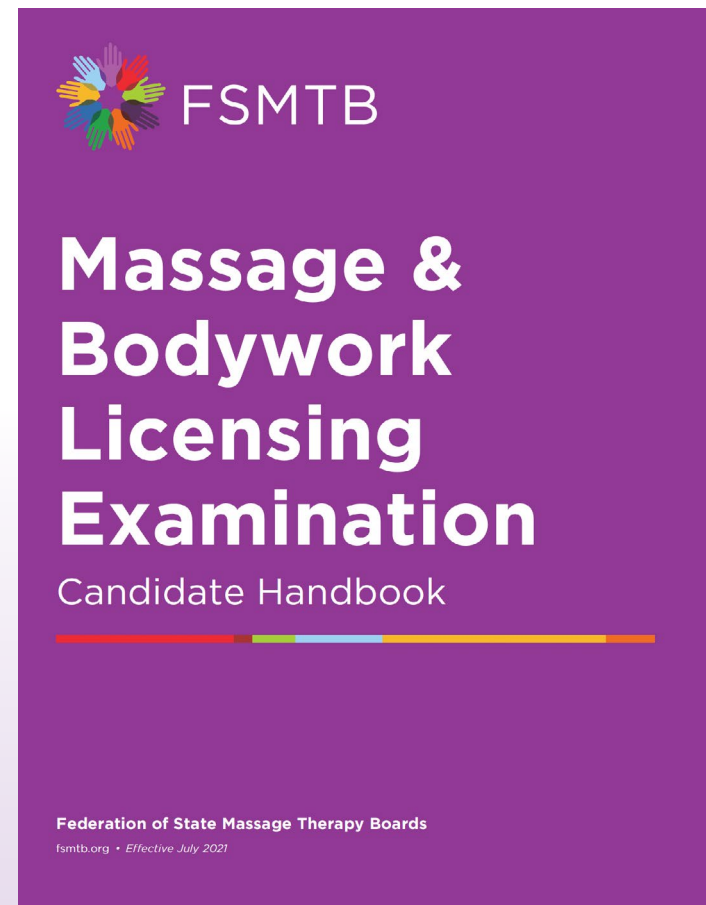
- Extra Time
- Separate Room
- Separate Room & Reader
- Separate Room & Reader/Recorder
- Magnification
- Frequent / Extended Breaks
- Other

MBLEx CANDIDATE HANDBOOK

The most recent edition of the Massage & Bodywork Licensing Examination Candidate Handbook was published in July 2021. It is available electronically at www.fsmtb.org.

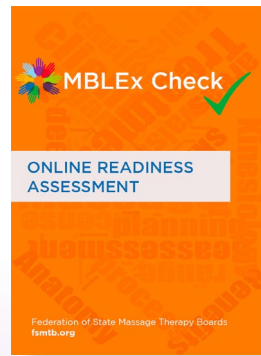
The Handbook is an important resource for applicants and schools. It includes information on how to apply to take the MBLEx, examination policies, the examination experience, and receiving examination results.

The FSMTB remains dedicated to maintaining the quality and integrity of the MBLEx and supporting FSMTB member boards in their work to ensure the practice of massage therapy is provided to the public safely and competently.

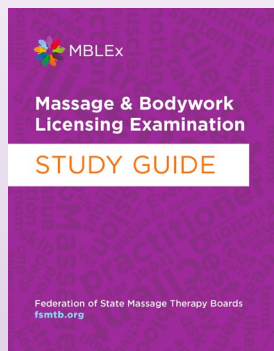


STUDY RESOURCES FOR CANDIDATES APPLYING TO TAKE THE MBLEx

FSMTB is dedicated to providing quality study resources to support candidates in exam preparation on their paths to becoming licensed massage professionals.



THE MBLEx CHECK ONLINE READINESS ASSESSMENT is a practice exam designed to simulate the MBLEx experience, which allows candidates an opportunity to prepare for the exam and determine which areas of content need their additional focus. The MBLEx Check is also available in Spanish for our colleagues in Puerto Rico and for members of the Spanish-speaking massage community in other parts of the country.



THE MBLEx STUDY GUIDE, published by FSMTB, includes a breakdown of all content areas covered on the exam, as well as tips for a successful examination experience. This guide helps candidates to organize each content area and make meaningful connections with the exam material.

FSMTB SCHOOL SUPPORT

The FSMTB School Support team assists massage therapy training programs by supporting their students as they navigate the pathway to licensure.

SCHOOL OUTREACH

In light of the continued challenges presented by the COVID-19 pandemic, staff travel was limited, resulting in FSMTB hosting school information sessions as virtual events. The School Support team continues to assist approved massage therapy training programs and massage therapy regulators by actively participating in conference calls and virtual events.

Most regional and national massage therapy school events were cancelled or moved to virtual meeting formats. FSMTB appreciated the opportunity to participate in the Alliance for Massage Therapy Education (AFMTE) 2021 Virtual Educational Congress and to present at the 2021 Texas Administrators of Continuing Education (TACE) virtual conference.

GOVERNMENT RELATIONS

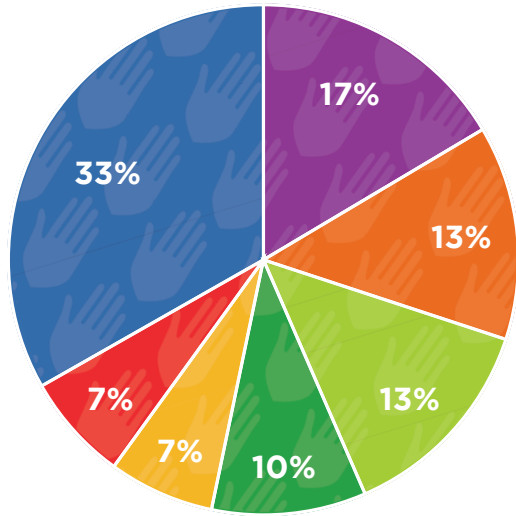
Membership in the FSMTB includes a number of valuable benefits that assist member boards with legislative affairs. This includes supporting members by tracking proposed regulations that could affect member states and territories, offering assistance on a variety of topics, and reinforcing language recommendations from the Model Massage Therapy Practice Act. At the request of member boards, the FSMTB government relations team answers questions and presents information on programs and services at meetings, writes letters to inform decision makers on proposed legislation, and presents information on rulemaking to lawmakers that pertains to our members.

The government relations team attended 57 meetings held in the last year including state board meetings, legislative committee meetings, and meetings of state legislatures. There were 70 proposed regulations that were tracked with 16 enacted in the last year. The trends for the topics of the enacted bills focused on endorsement, continuing education, establishments, apprenticeships, and exemptions.

Many emergency orders that affected massage therapists, their practice, and license renewals that were set to expire in the early part of the year were extended to the end of 2021 and beyond. In addition, some emergency orders allowing distance education for entry-level training and continuing education were, or are being, considered for permanent status. Some of these have been beneficial to member boards while others have been problematic. The result has been some confusion for schools, applicants, and therapists trying to renew their license during these unprecedented times.

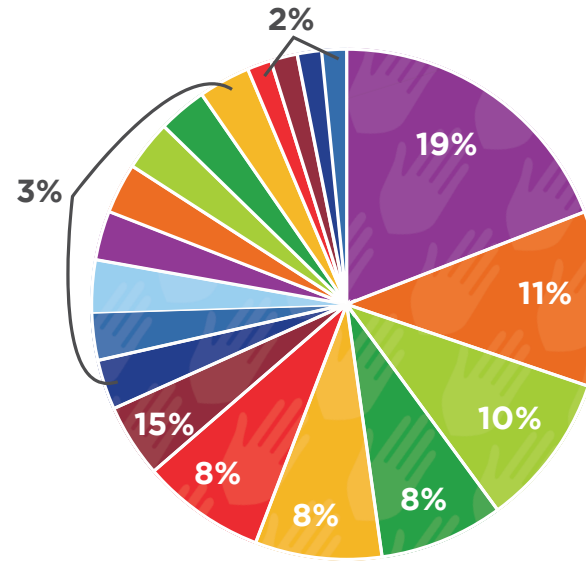
In 2021, Vermont became the 49th jurisdiction to enact the regulation of massage therapy on the state level. This new registration leaves only three states without any type of state-level regulation for the massage therapy profession.

In spite of the ongoing global pandemic, member boards held over two hundred virtual and face-to-face meetings, and were still able to conduct the business of their respective boards from a variety of workplace situations. Whether it be working from home, in the office, or a hybrid situation, the staff and board members were able to adapt and continue their job of regulating the massage therapy profession. The FSMTB appreciates its members' efforts to continue operations and their commitment to public protection as we all navigate through these exceptionally challenging times.



Enacted Bills

- Establishment Regulation (5)
- Endorsement (4)
- Sunset (4)
- Continuing Education (3)
- Exemption (2)
- Background Check (2)
- Other (10)



Proposed Bills

- Exemptions (12)
- Establishment Licensing (7)
- Sunset (6)
- Reorganization (5)
- Continuing Education (5)
- Mandatory Reporting (5)
- Curriculum Changes (3)
- Massage Practice Acts (2)
- School Program Approvals (2)
- Distance Education (2)
- Human Trafficking (2)
- Apprenticeship (2)
- Background Check (2)
- Enforcement (2)
- Photo for License (2)
- MT for Workers Comp (1)
- Language Cleanup (1)
- Notice of Disciplinary Action (1)
- Military Reciprocity (1)

NATIONAL LICENSURE COMPACT

One of our long-held goals, and the reason for our movement towards uniformity in the licensure requirements across the nation, has been to facilitate professional mobility through license portability. This goal received a welcome boost this year when the Federation received a grant to work with the Council of State Governments, funded by the Department of Defense, to establish a national licensure compact.

A Technical Advisory Group of regulatory representatives and industry professionals has convened, and a draft document of their proposed content will be circulated for public comment in the next phase.

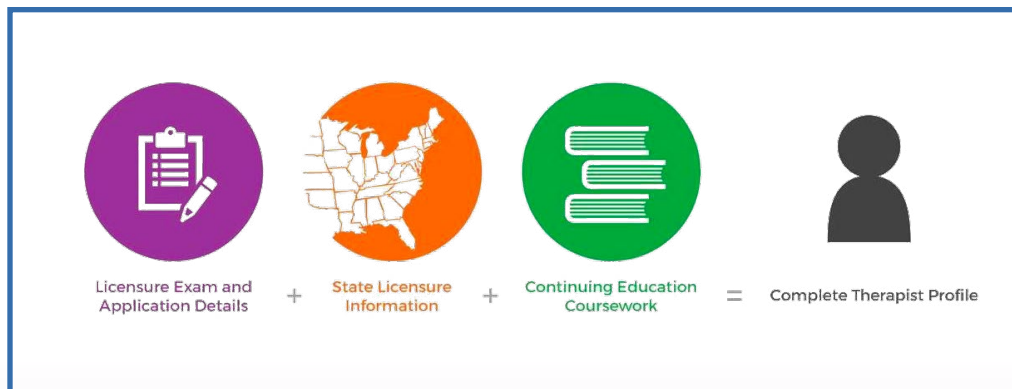


MASSAGE THERAPY LICENSING DATABASE

Since the formation of the FSMTB, massage regulatory boards have called for a national repository of licensing information. At the Annual Delegate Assembly in 2007, state regulators voted to create an informational database that could be used to validate massage therapy applicant information, in order to combat fraud in the licensure process. This vote led to the creation of the Massage Therapy Licensing Database (MTLD).

The information in MTLD is gathered from multiple data sources and provides a comprehensive view of therapists, including their licensure information from multiple states, if applicable; contact information; disciplinary and board action; school history; and continuing education records.

The Massage Therapy Licensing Database is the heart of the FSMTB's mission to "simplify and standardize" the licensure process. A state's participation in MTLD makes the task of validating application information more efficient. Participating state board/agency administrative staff can search



MTLD to quickly find therapist information anywhere in the United States using simple search methods. This eliminates the need to search multiple websites for current license status of applicants, saves time, and is a practical solution to ensure accurate vetting of licensure applicants.

With the advent of the Interstate Licensure Compact on the horizon, interest in MTLD has increased. This year the application process for participation in MTLD has been further simplified and more members than ever have reached out to begin the process of participating in this very important resource.

CONTINUING EDUCATION



CE REGISTRY

CE Registry is the facet of the national Massage Therapy Licensing Database (MTLD) that collects primary source documentation of the completion of acceptable Continuing Education courses across the country for use by state boards and agencies participating in MTLD to verify continuing education hours for license renewal. The CE Registry program is in place to meet the FSMTB mission of facilitating professional mobility and simplifying and standardizing the licensing and renewal processes.

CE Registry also provides an online national search for available courses. Massage therapists can search by topic, provider, date, or location of courses.

The CE Registry is a solution that meets the needs of the regulatory community by:

1. Verifying primary source documentation of CEs in MTLD.
2. Supporting the authority of individual member boards to determine CE for license renewal.
3. Reducing the instances of CE fraud among licensees.
4. Protecting the licensees from predatory practices by CE providers.
5. Identifying and making transparent the providers that are not compliant with the Standards established by the FSMTB membership.

The pandemic posed a huge challenge to CE Registry in terms of awareness. Despite this challenge, the program has continued to see growth overall. As CE Registry continues to grow, the most important part of the program is course quality. Of those who completed courses, survey feedback indicates over 90% course satisfaction.

FSMTB continues to see growth of the license renewal verification services as the following states currently have regulatory language to accept courses from FSMTB. State regulatory boards determine if continuing education hours recorded in MTLD meet their requirements for license renewal.

Alabama	Maryland	New Mexico	Virginia
Alaska	Michigan	North Carolina	Washington
Arkansas	Missouri	Oklahoma	West Virginia
Connecticut	Montana	Oregon	Wisconsin
District of Columbia	Nebraska	Rhode Island	
Idaho	Nevada	South Carolina (REACH only)	
Iowa	New Hampshire	South Dakota	
Kentucky	New Jersey	Tennessee	

REGULATORY EDUCATION AND COMPETENCE HUB



This year, the FSMTB continued building exposure and usage of the Regulatory Education and Competence Hub (REACH).

REACH offers online CE courses sponsored by state boards at www.REACH4CE.org. REACH courses focus on regulatory education with topics such as ethics, laws, boundaries, scope of practice, and cultural competence. All continuing education courses offered through REACH meet FSMTB Continuing Education Standards.

Courses in REACH can be taken online at any time, and course completion information is recorded in the Massage Therapy Licensing Database (MTLD) for participating state boards to access.



REACH enrollments increased by **41%** from 2020 to 2021.



Feedback indicated that **92%** of users who took a REACH course were happy with the course content.



87% would recommend REACH courses to other users.

INDUSTRY RELATIONS AND OUTREACH



As with the prior year, industry-related travel for FSMTB directors, staff, and volunteers was significantly reduced or cancelled due to the pandemic. Likewise, most massage therapy and regulatory-related conventions, conferences, and forums were cancelled or moved to an alternate format. Through the creative use of technology and media resources, FSMTB was able to actively engage with other organizations and colleagues in affiliated communities as we continued to network in support of our organizational mission.

COMMUNICATIONS



The FSMTB service support team responds to an average of **6,600** emails and phone calls each month.



Approximately **53%** of communications are via email.

ONLINE ENGAGEMENT



In the past year, the number of **WEBSITE** visitors increased by **77%**.



In the past year, the number of **FACEBOOK** followers increased by **22%**.



In the past year, the number of **TWITTER** followers increased by **20%**.

A light blue background with a repeating pattern of stylized hands in a slightly darker shade of blue, arranged in two rows. A horizontal bar with segments of red, green, orange, dark blue, yellow, and purple is positioned above the text.

People

Volunteers • Board of Directors •
Volunteer Committees, Panels & Task Forces



**FSMTB would like to thank our volunteers
for all of their support during the last year.**

While we all tried to navigate the challenges and uncertainty of the pandemic, our volunteers also managed to continue provide their time, dedication, and expertise to FSMTB and the mission of supporting our Member Boards.



THANK YOU
FSMTB VOLUNTEERS!

The work that you do makes a difference.

If you would like to volunteer for FSMTB, please complete a Volunteer Application at www.fsmtb.org.

2021 FSMTB BOARD OF DIRECTORS

PRESIDENT

David Cox

Maryland State Board of Massage Therapy Examiners

dcox@fsmtb.org

VICE PRESIDENT

Victoria Drago

Florida Board of Massage Therapy

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TREASURER

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Executive Director, Nevada Board of Massage Therapists

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DIRECTOR

Robin Alexander

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DIRECTOR

Victoria Drago

Florida Board of Massage Therapy

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DIRECTOR

Craig Knowles

Chair, Georgia Board of Massage Therapy

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DIRECTOR

Dianne Layden

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DIRECTOR

Charlene Russell

Mississippi State Board of Massage Therapy (former)

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EXECUTIVE DIRECTOR

Dr. Debra Persinger

dpersinger@fsmtb.org

VOLUNTEER COMMITTEES, PANELS & TASK FORCES

COURSE DEVELOPMENT

Kim Adams Johnson (NE)
Karen Armstrong (MI)
Lance Gilliland (AL)
Fallon Helm (SD)
Barbara Lis (IN)
Denise Logsdon (KY)
Ceena Owens (KS)
Susan Salvo (LA)
Elan Schacter (NC)
Lori Vargas (IL)
Ariana Vincent (TX)

CE REGISTRY

Kim Adams Johnson (NE)
Joe Frazer (MA)
Lance Gilliland (AL)
Barbara Lis (IN)
Elan Schacter (NC)
Jan Shaw (SC)

EXAMINATION DEVELOPMENT

Sarah Albanawi (VA)
Karen Armstrong (MI)
Su Bibik (MI)
Ed Bolden (TN)
Vickie Branch (NH)
Fran Candelaria (IN)
Laurie Craig (GA)
Alexander (Sasha) Dale (CA)
Sandy Fritz (MI)
Rosendo Galvez (IL)
Jeryd Greer (TN)
Jacqueline Hungerford (TX)
Maria Leonard (MN)
Bethany Lowrie (PA)
Jeff Mahadeen (NH)

John Marasigan (CA)
Wendy McGinley (ND)
Bethann Olsavsky (IL)
Ceena Owens (KS)
Charlotte Phillips (VT)
Drew Riffe (TX)
Brenda Ruiz (PR)
Susan Salvo (LA)
Jill Sanders (OR)
Elan Schacter (NC)
Cherie Sohnen-Moe (AZ)
Tracy Sullivan (CT)
Kay Warren (NC)
Charles Watson (KY)

EXAMINATION ELIGIBILITY

Board Liaison: Robin Alexander (TX)
Chair: Craig Knowles (GA)
Ed Bolden (TN)
Christopher Brooks (FL)
Lance Gilliland (AL)
Linda Lyter (WV)

EXAMINATION POLICY

Board Liaison: Craig Knowles (GA)
Chair: Caroline Fox Guerin (TX)
Ed Bolden (TN)
Christopher Brooks (FL)
Lance Gilliland (AL)

FINANCE

Treasurer: Sandy Anderson (NV)
Michael Black (UT)
Ed Bolden (TN)
Caroline Fox Guerin (TX)
Linda Lyter (WV)
Keith Warren (AL)

LICENSE RENEWAL

Board Liaison: Victoria Drago (FL)
Chair: Jan Shaw (SC)
Karen Armstrong (MI)
Elisabeth Barnard (NV)
Becca Cauffman (PA)
Lance Gilliland (AL)

Traci Gilmour (AK)
Barbara Lis (IN)
Wendy McGinley (ND)
Sharon Oliver (MD)
Kay Warren (NC)

NOMINATING

Carla Hedtke (WI)
Megan Maxey (WA)

POLICY

Board Liaison: Dianne Layden (NC)
Chair: Becca Cauffman (PA)
Elisabeth Barnard (NV)
John Combe (OR)
Linda Lyter (WV)
Kama Monroe (FL)



Examination item writers play an essential role within the Federation.

Their dedication and expertise allow us to provide a reliable and valid licensing examination to assess entry-level competence. This enables us to continue our mission to assist state regulatory boards in ensuring that the practice of massage therapy is provided safely and competently.

In 2021, the Federation began working with Pearson VUE for exam development services. Examination item writers rose to the occasion, remaining active and committed throughout the transition and training process. Utilizing Pearson VUE's item writing software, examination item writers exceeded the submission goal.

With deepest gratitude for their commitment to serve, we thank our examination item writers for their unwavering support and contribution to the greater good of the profession.

THANK YOU.



FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Federation of State Massage Therapy Boards

7300 College Boulevard, Suite 650
Overland Park, KS 66210
www.fsmtb.org

913.681.0380 | 866.962.3926

From: FSMTB <dpersinger@fsmtb.org> on behalf of FSMTB
Sent: Tuesday, October 12, 2021 10:43 AM
To: massagetherapy@dhp.virginia.gov
Subject: FSMTB 2021 Election Results



FSMTB
FEDERATION OF STATE
MASSAGE THERAPY BOARDS

FSMTB 2021 Election Results

The 16th annual meeting of the Federation of State Massage Therapy Boards (FSMTB) was conducted online on October 8, 2021 with 38 member boards and agencies represented. The membership entertained amendments to the Bylaws and a resolution proposed by the Oregon State Board of Massage Therapists. Elections were held for three positions on the FSMTB Board of Directors and three positions on the 2022 Nominating Committee.

The following members were elected to serve a three-year term on the board of directors:

- **Craig Knowles**, chair of the Georgia Board of Massage Therapy;
- **Victoria Drago**, of the Florida Board of Massage Therapy; and
- **Foad Araiinejad**, chair of the Alabama Board of Massage Therapy.

The following members were elected to serve a one-year term on the 2022 Nominating Committee:

- **Carla Hedtke**, Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board;
- **Kimberly Hodge**, Tennessee Massage Licensure Board; and
- **Megan Maxey**, Washington State Board of Massage.

Officers were elected at the Board of Directors meeting following the 2021 FSMTB Annual Meeting. Craig Knowles, Georgia Board of Massage Therapy, was elected to serve as president; Charlene Russell, Mississippi, was elected to serve as vice president; and Sandy Anderson, Nevada State Board of Massage Therapy was elected to serve as treasurer.

Sincere thanks are extended to Dianne Layden, former public member of the North Carolina Board of Massage & Bodywork Therapy, who completed a three-year term of service on the FSMTB Board of Directors.

FSMTB Board of Directors:

President – Craig Knowles – Georgia Board of Massage Therapy
Vice President – Charlene Russell – Mississippi
Treasurer – Sandy Anderson – Nevada State Board of Massage Therapy
Director – Robin Alexander – Texas
Director – Foad Araiinejad – Alabama Board of Massage Therapy
Director – David Cox – Maryland State Board of Massage Therapy Examiners
Director – Victoria Drago – Florida Board of Massage Therapy
Ex Officio – Dr. Debra Persinger – FSMTB Executive Director

About FSMTB

Established in 2005, the Federation of State Massage Therapy Boards (FSMTB) is an autonomous, 501(c)(3) not-for-profit organization comprised of state regulatory boards and agencies that regulate the massage therapy profession. All revenue collected by the organization is used to enhance FSMTB programs, maintain the quality of the Massage & Bodywork Licensing Examination (MBLEx), and provide support to FSMTB Member Boards in fulfilling their responsibility of protecting the public. For more information, please visit www.fsmtb.org.

FSMTB

7300 College Blvd., Suite 650
Overland Park, KS 66210

STAY CONNECTED



FSMTB | 7300 College Boulevard, Suite 650, Overland Park, KS 66210

[Unsubscribe massagetherapy@dhp.virginia.gov](mailto:unsubscribe@massagetherapy@dhp.virginia.gov)

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Sent by dpersinger@fsmtb.org powered by



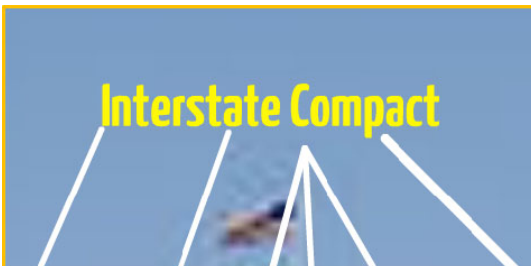
From: FSMTB <dpersinger@fsmtb.org> on behalf of FSMTB
Sent: Thursday, March 25, 2021 10:15 AM
To: massagetherapy@dhp.virginia.gov
Subject: IN THIS ISSUE: Interstate Compact, Vermont Registration, Annual Meeting and More



In Touch with FSMTB

April 2021

FSMTB SECURES ASSISTANCE FOR INTERSTATE COMPACT



The U.S. Department of Defense has selected the massage therapy profession to receive technical assistance from The Council of State Governments to develop an interstate compact for occupational licensing portability.

The Federation of State Massage Therapy Boards (FSMTB), with support from the Commission on Massage Therapy Accreditation (COMTA) and Associated Bodywork and Massage Professionals (ABMP), submitted an application for assistance with establishing an interstate licensure compact for the massage therapy profession. The American Massage Therapy Association (AMTA) is joining the effort, moving forward.

The FSMTB has a long-held goal to simplify and standardize the licensure process in order to facilitate professional mobility. “We are very excited about this initiative that will benefit both the regulatory community and the profession as well as ultimately facilitate increased consumer access to massage therapy,” said FSMTB President David Cox.

The scope of the assistance includes: the drafting of model interstate compact legislation; developing a legislative resource kit; and convening a national meeting of state policymakers to introduce the compact.

VERMONT IMPLEMENTS PROFESSIONAL REGISTRATION

On October 12, 2020, the Vermont General Assembly passed Act 178, an act relating to the licensing and regulation of Massage Therapist, Body Workers, and Touch Professionals. Beginning April 1, 2021, massage therapists, bodyworkers and touch professionals who practice massage or practice bodywork in return for consideration, must register with the Vermont Office of Professional Regulation (“OPR”) You can read the official notice from the Vermont Secretary of State by clicking [here](#).



MASSAGE THERAPY LICENSING DATABASE (MTLD)



The Massage Therapy Licensing Board Database (MTLD) is a member-requested tool for the regulatory community that provides a 360-degree view of a licensed professional and their history allowing regulatory boards to make informed licensing decisions. For more information about how your board or agency may participate in the MTLD please contact FSMTB director of government relations, Lorena Haynes at

lhaynes@fsmtb.org.

FSMTB ANNUAL MEETING



Mark your calendars for the FSMTB Annual Meeting on October 7-9, 2021. Please be sure to select your board’s delegate before registration opens on Thursday, July 1.

The Board of Directors has surveyed the membership, continues to monitor COVID-19 restrictions, vaccination levels and travel restrictions to determine if the meeting will be held in person or if it will be held virtually.

Please watch for updates from the FSMTB in the *In Touch with FSMTB* and other email notifications.

STAY CONNECTED



FSMTB | 7300 College Boulevard, Suite 650, Overland Park, KS 66210

[Unsubscribe massagetherapy@dhp.virginia.gov](mailto:massagetherapy@dhp.virginia.gov)

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Sent by dpersinger@fsmtb.org powered by



Cathy Hanchey

From: FSMTB <dpersinger@fsmtb.org> on behalf of FSMTB
Sent: Friday, June 25, 2021 2:38 PM
To: massagetherapy@dhp.virginia.gov
Subject: FSMTB Membership Notice - Cease-and-Desist Orders Issued to Massage Programs



FSMTB
FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Dear FSMTB Members:

As you are aware, massage therapy education concerns have been a topic of interest at recent online events for Members. In furtherance of FSMTB's role of information gathering and sharing, please see the information below.

The Texas Department of Licensing and Regulation (TDLR) has notified FSMTB of the issuance of Cease-and-Desist Orders to three massage programs in the State of Texas. These orders are related to advertising and operating an unlicensed school, providing unauthorized assistance with an examination, and student permit violations.

FSMTB encourages a thorough review of applicants presenting documentation from the following programs:

- [Chinese Compassion Massage School LLC d/b/a Chinese Compassion Massage School](#)
- [Footy Rooty Development, Inc. d/b/a Foot Rooty Institute Houston](#)
- [MPower Interactive LLC d/b/a MPower Education d/b/a Massage Therapy Online](#)

Please contact Kevin Snedden at ksnedden@fsmtb.org or (913) 681-0380 if FSMTB can be of further assistance.

Sincerely,

Debra Persinger, PhD
Executive Director

STAY CONNECTED



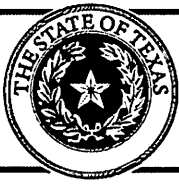
FSMTB | 7300 College Boulevard, Suite 650, Overland Park, KS 66210

[Unsubscribe massagetherapy@dhp.virginia.gov](mailto:massagetherapy@dhp.virginia.gov)

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Sent by dpersinger@fsmtb.org powered by





TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

CASE NUMBER MAS20210001718

TEXAS DEPARTMENT OF
LICENSING AND REGULATION

v.

XIN TAN, Individually, and d/b/a
CHINESE COMPASSION MASSAGE
SCHOOL LLC (RESPONDENTS) d/b/a
CHINESE COMPASSION MASSAGE
SCHOOL

§ BEFORE THE EXECUTIVE DIRECTOR

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§

OF THE TEXAS DEPARTMENT OF

LICENSING AND REGULATION

CEASE AND DESIST ORDER

Xin Tan, Individually, and d/b/a Chinese Compassion Massage School LLC (Respondents) d/b/a Chinese Compassion Massage School, are providing unauthorized assistance in connection with an examination. Specifically, the website for the massage school includes a link to YouTube videos which has been verified to contain actual MBLEx examination questions. Respondents are therefore providing unauthorized assistance with an examination which is required to obtain a license by obtaining, or attempting to provide examination questions and answers, in violation of 16 TEX. ADMIN. CODE § 60.52(a).

TEX. OCC. CODE §51.3513 authorizes the Executive Director to issue a Cease and Desist Order. Therefore, pursuant to TEX. OCC. CODE §51.3513, it is Ordered that Xin Tan, Individually, and d/b/a Chinese Compassion Massage School LLC d/b/a Chinese Compassion Massage School, immediately cease and desist from providing unauthorized assistance in connection with an examination by removing any exam question material from their website and any YouTube channels which Respondents also control. Should Xin Tan, Individually, and d/b/a Chinese Compassion Massage School LLC d/b/a Chinese Compassion Massage School, fail to immediately comply with this Cease and Desist Order, the Department, through its Attorney General Representative, will seek a District Court injunction against Xin Tan, Individually, and d/b/a Chinese Compassion Massage School LLC d/b/a Chinese Compassion Massage School, pursuant to TEX. OCC. CODE §51.352(a).

Signed this 8 day of June, 2021.

By: David G. Gonzales for Brian Francis
Brian Francis, Executive Director
For the Texas Department of Licensing and Regulation



TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

June 10, 2021

XIN TAN, INDIVIDUALLY, AND
D/B/A CHINESE COMPASSION MASSAGE SCHOOL LLC
D/B/A CHINESE COMPASSION MASSAGE SCHOOL
23818 SEVENTH HEAVEN
KATY TX 77494-0170

XIN TAN, INDIVIDUALLY, AND
D/B/A CHINESE COMPASSION MASSAGE SCHOOL LLC
D/B/A CHINESE COMPASSION MASSAGE SCHOOL
7001 CORPORATE DR STE 229
HOUSTON TX 77036-5116

XIN TAN – REGISTERED AGENT
CHINESE COMPASSION MASSAGE SCHOOL LLC
D/B/A CHINESE COMPASSION MASSAGE SCHOOL
23818 SEVENTH HEAVEN
KATY TX 77494-0170

Subject: Xin Tan, Individually, and d/b/a Chinese Compassion Massage School LLC
(Respondents) d/b/a Chinese Compassion Massage School;
Case Number: MAS20210001718

Dear Respondents:

Enclosed is a Cease and Desist Order from the Executive Director of the Texas Department of Licensing and Regulation which orders you to stop providing assistance with examinations. Failure to immediately comply with this Order could result in penalties being assessed against you.

This Cease and Desist Order in no way lessens or replaces the right of the Department to proceed against you in an administrative hearing to assess penalties for any violation of the Texas Massage Act and/or Rules.

If you have any questions about this Order please contact **Gena Pelham, Legal Assistant, Enforcement Division**, by phone at (512) 539-5607, or by e-mail at Gena.Pelham@tdlr.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Burkhalter".

Rebecca Burkhalter
Prosecutor
State Bar Number 24063004

0064

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing Cease and Desist Order have been sent by United States certified mail, return receipt requested (# 9214 8901 9403 8341 9931 86) to Xin Tan, Individually, and d/b/a Chinese Compassion Massage School LLC d/b/a Chinese Compassion Massage School, 23818 Seventh Heaven, Katy, Texas 77494-0170; and (# 9214 8901 9403 8341 9932 61) to Xin Tan, Individually, and d/b/a Chinese Compassion Massage School LLC d/b/a Chinese Compassion Massage School, 7001 Corporate Drive, Suite. 229, Houston, Texas 77036-5116; and (# 9214 8901 9403 8341 9963 09) to Xin Tan – Registered Agent, Chinese Compassion Massage School LLC d/b/a Chinese Compassion Massage School, 23818 Seventh Heaven, Katy, Texas 77494-0170, on this 10th day of June, 2021.



Texas Department of Licensing and Regulation
PO Box 12157
Austin TX 78701

USPS CERTIFIED MAIL



9214 8901 9403 8341 9931 86

XIN TAN, INDIVIDUALLY, AND
D/B/A CHINESE COMPASSION MASSAGE SCHOOL LLC
D/B/A CHINESE COMPASSION MASSAGE SCHOOL
23818 SEVENTH HEAVEN
KATY TX 77494-0170

Texas Department of Licensing and Regulation
PO Box 12157
Austin TX 78701

USPS CERTIFIED MAIL

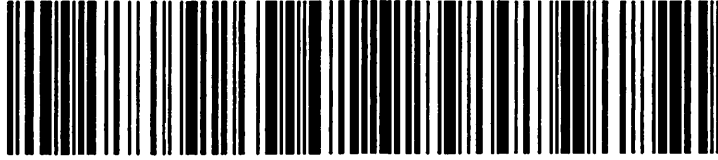


9214 8901 9403 8341 9932 61

XIN TAN, INDIVIDUALLY, AND
D/B/A CHINESE COMPASSION MASSAGE SCHOOL LLC
D/B/A CHINESE COMPASSION MASSAGE SCHOOL
7001 CORPORATE DR STE 229
HOUSTON TX 77036-5116

Texas Department of Licensing and Regulation
PO Box 12157
Austin TX 78701

USPS CERTIFIED MAIL



9214 8901 9403 8341 9963 09

XIN TAN REGISTERED AGENT
CHINESE COMPASSION MASSAGE SCHOOL LLC
D/B/A CHINESE COMPASSION MASSAGE SCHOOL
23818 SEVENTH HEAVEN
KATY TX 77494-0170



TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

May 28, 2021

YONG J. AN
ATTORNEY AT LAW
PO BOX 19903
HOUSTON TX 77224-1903

Subject: Footy Rooty Development, Inc (Respondent) d/b/a Footy Rooty Institute Houston;
Case Number: MAS20200003955

Dear Respondent:

Enclosed is a Cease and Desist Order from the Executive Director of the Texas Department of Licensing and Regulation which orders you to stop: providing unauthorized assistance in connection with an examination, 2) providing false information on student permits, 3) failing to obtain student permits for every student of the massage school and 4) conducting the internship at a different location from the school. Failure to immediately comply with this Order could result in penalties being assessed against you.

This Cease and Desist Order in no way lessens or replaces the right of the Department to proceed against you in an administrative hearing to assess penalties for any violation of the Texas Massage Act and/or Rules.

If you have any questions about this Order please contact **Gena Pelham, Legal Assistant, Enforcement Division**, by phone at (512) 539-5607, or by e-mail at Gena.Pelham@tdlr.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Burkhalter".

Rebecca Burkhalter
Prosecutor
State Bar Number 24063004



TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

CASE NUMBER MAS20200003955

**TEXAS DEPARTMENT OF
LICENSING AND REGULATION**

v.

**FOOTY ROOTY DEVELOPMENT, INC.
(RESPONDENT) d/b/a FOOTY ROOTY
INSTITUTE HOUSTON**

**§ BEFORE THE EXECUTIVE DIRECTOR
§
§
§ OF THE TEXAS DEPARTMENT OF
§
§
§ LICENSING AND REGULATION**

CEASE AND DESIST ORDER

Footy Rooty Development, Inc. d/b/a Footy Rooty Institute Houston (Respondent) is running a massage therapy educational program which is clearly in violation of applicable laws and rules. Respondent is providing unauthorized assistance in connection with an examination, providing false information on material submitted to the Department, is not obtaining student permits for all students of the massage therapy school, and is not conducting the internship onsite at the massage school as required. Respondent has a YouTube page where Respondent posts videos which have been verified to contain actual MBLEx examination questions. Respondent is therefore providing unauthorized assistance with an examination by attempting to provide examination questions and answers, in violation of 16 TEX. ADMIN. CODE § 60.52(a). Respondent is submitting false information on material submitted to the Department by providing the mailing address for the school's location instead of the mailing address for the applicable student, and by not providing the student's proper date of birth, in violation of 16 TEX. ADMIN. CODE. § 117.90(m). On April 28, 2021, Respondent submitted a master list of enrolled students and the Department observed that none of the 31 (thirty-one) students have the required student permit, in violation of TEX. OCC. CODE § 455.2035(a). Lastly, Respondent is not conducting the internship at the school location as required, as students have submitted transcripts which show they attended an internship at the school on a date when the school was investigated and found to be closed.

TEX. OCC. CODE §51.3513 authorizes the Executive Director to issue a Cease and Desist Order. Therefore, pursuant to TEX. OCC. CODE §51.3513, it is Ordered that Footy Rooty Development, Inc. d/b/a Footy Rooty Institute Houston, immediately cease and desist from the following: 1) providing unauthorized assistance in connection with an examination, 2) providing false information on student permits, 3) failing to obtain student permits for every student of the massage school, and 4) conducting the internship at a different location from the school (whether that be virtually, out of state, or in a massage establishment). Should Footy Rooty Development Inc. (Respondent) d/b/a

Footy Rooty Institute Houston fail to immediately comply with this Cease and Desist Order, the Department, through its Attorney General Representative, will seek a District Court injunction against Footy Rooty Development, Inc. d/b/a Footy Rooty Institute Houston, pursuant to TEX. OCC. CODE §51.352(a).

Signed this 27 day of May, 2021.

By: David G. Gonzales for Brian Francis
Brian Francis, Executive Director
For the Texas Department of Licensing and Regulation

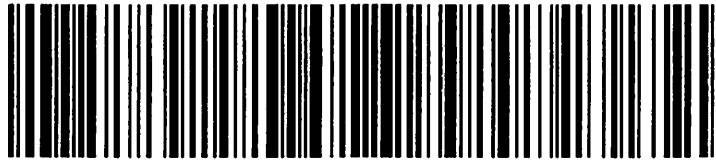
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Cease and Desist Order has been sent by United States certified mail, return receipt requested (# 921489019403 8341 1568 71) to Yong J. An, Attorney at Law, P.O. Box 19903, Houston, Texas 77224-1903, on this 28th day of May, 2021.

Rolink Mclem

Texas Department of Licensing and Regulation
PO Box 12157
Austin TX 78701

USPS CERTIFIED MAIL



9214 8901 9403 8341 1568 71

YONG J AN
ATTORNEY AT LAW
PO BOX 19903
HOUSTON TX 77224-1903



TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

June 17, 2021

REGISTERED AGENTS INC. – REGISTERED AGENT
MPOWER INTERACTIVE LLC
DBA MPOWER EDUCATION DBA MASSAGE THERAPY ONLINE
5900 BALCONES DR STE 100
AUSTIN TX 78731-4298

MPOWER INTERACTIVE LLC
DBA MPOWER EDUCATION DBA MASSAGE THERAPY ONLINE
3 E 15TH ST
FREDERICK MD 21701-4417

Subject: MPower Interactive LLC d/b/a MPower Education (Respondent) d/b/a Massage Therapy Online; Case Number: MAS20210010999

Dear Respondent:

Enclosed is a Cease and Desist Order from the Executive Director of the Texas Department of Licensing and Regulation which orders you to cease advertising and operating as an unlicensed massage therapy school, require students to hold student permits, and cease offering the internship at Massage Establishment locations. Failure to immediately comply with this Order could result in penalties being assessed against you.

This Cease and Desist Order in no way lessens or replaces the right of the Department to proceed against you in an administrative hearing to assess penalties for any violation of the Texas Massage Act and/or Rules.

If you have any questions about this Order please contact **Gena Pelham, Legal Assistant, Enforcement Division**, by phone at (512) 539-5607, or by e-mail at Gena.Pelham@tdlr.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Burkhalter".

Rebecca Burkhalter
Prosecutor
State Bar Number 24063004



TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

CASE NUMBER MAS20210010999

TEXAS DEPARTMENT OF
LICENSING AND REGULATION

§ BEFORE THE EXECUTIVE DIRECTOR

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§
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v.

OF THE TEXAS DEPARTMENT OF

MPOWER INTERACTIVE LLC d/b/a
MPOWER EDUCATION (RESPONDENT)
d/b/a MASSAGE THERAPY ONLINE

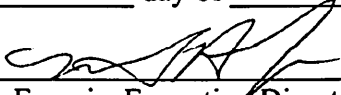
LICENSING AND REGULATION

CEASE AND DESIST ORDER

Mpower Interactive LLC d/b/a Mpower Education (Respondent) d/b/a Massage Therapy Online, is advertising and operating as an unlicensed massage therapy school. Specifically, the website for Respondent, called Massage Therapy Online, directs students to their “national partner” Texas A&M University Texarkana. Respondent provides the cost breakdown for the tuition for the program and promises prospective students that “employer scholarships are available.” Respondent is offering the minimum course of instruction required for licensure to one or more students, which requires a Massage School license. TEX. OCC. CODE § 455.151(a), 16 TEX. ADMIN. CODE § 117.50(a). Respondent is also violating advertising rules by using the word “massage” on advertising and implying that prospective employees are being sought by offering a scholarship to students for working in a partnered Massage Establishment. 16 TEX. ADMIN. CODE § 117.92(a), § 117.92(e), (f). Respondent states that the internship will be conducted at a Massage Establishment, instead of at the school location as required. 16 TEX. ADMIN. CODE § 117.59(e), (f), (h). Lastly, Respondent has currently enrolled students who do not hold the requisite Massage Student Permit. TEX. OCC. CODE § 455.151(a).

TEX. OCC. CODE §51.3513 authorizes the Executive Director to issue a Cease and Desist Order. Therefore, pursuant to TEX. OCC. CODE §51.3513, it is Ordered that Mpower Interactive LLC d/b/a Mpower Education d/b/a Massage Therapy Online, immediately cease and desist from advertising as an unlicensed school, acting and operating as an unlicensed school, cease allowing any student who does not have a requisite student permit issued by the Department to attend any part of the course of instruction, and cease offering the internship at Massage Establishment locations. Should Mpower Interactive LLC d/b/a Mpower Education d/b/a Massage Therapy Online, fail to immediately comply with this Cease and Desist Order, the Department, through its Attorney General Representative, will seek a District Court injunction against Mpower Interactive LLC d/b/a Mpower Education d/b/a Massage Therapy Online, pursuant to TEX. OCC. CODE §51.352(a).

Signed this 15 day of June, 2021.

By: 
Brian Francis, Executive Director
For the Texas Department of Licensing and Regulation

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing Cease and Desist Order have been sent by United States certified mail, return receipt requested (# 9214 8901 9403 8342 6026 98) to Registered Agents Inc. – Registered Agent, MPower Interactive LLC d/b/a MPower Education d/b/a Massage Therapy Online, 5900 Balcones Dr., Ste. 100, Austin, TX 78731-4298; and (# 9214 8901 9403 8342 6028 10) to MPower Interactive LLC d/b/a MPower Education d/b/a Massage Therapy Online, 3 E. 15th St., Frederick, MD 21701-4417, on this 17th day of June, 2021.



Texas Department of Licensing and Regulation
PO Box 12157
Austin TX 78701

USPS CERTIFIED MAIL



9214 8901 9403 8342 6026 98

REGISTERED AGENTS INC REGISTERED AGENT
MPOWER INTERACTIVE LLC
DBA MPOWER EDUCATION DBA MASSAGE THERAPY ONLINE
STE 100
5900 BALCONES DR
AUSTIN TX 78731-4298

Texas Department of Licensing and Regulation
PO Box 12157
Austin TX 78701

USPS CERTIFIED MAIL



9214 8901 9403 8342 6028 10

MPOWER INTERACTIVE LLC
DBA MPOWER EDUCATION DBA MASSAGE THERAPY ONLINE
3 E 15TH ST
FREDERICK MD 21701-4417

From: FSMTB <dpersinger@fsmtb.org> on behalf of FSMTB
Sent: Wednesday, July 7, 2021 4:20 PM
To: massagetherapy@dhp.virginia.gov
Subject: Front Page Article in USA Today Addresses Fraud in Massage Therapy Education



FSMTB
FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Today, the Seldin/Haring-Smith Foundation released a report about fraud in massage therapy education. Several media outlets have expressed interest in this issue and the USA Today published a front page story, featuring FSMTB and regulatory board representatives.

Read the USA Today article in its entirety [here](#).

Read the full SHSF report [here](#).



The screenshot shows the USA Today front page for Wednesday, July 7, 2021. The main headline is "A pipeline to America's sex trade?" with a sub-headline "Spa 'diploma mills' found across US". Other headlines include "Top 10 most affordable beaches to buy a home", "Billy Crystal on his return in 'Monsters, Inc.' series", "NBA: Is the Suns' playoff run a result of injuries?", "4M under a hurricane warning as Elsa closes", and "Premium subscription model debuts". A red "MESSAGE" banner is visible at the bottom of the article section.

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Sex Trafficking in State-Authorized Massage Schools: A Case Study



Ellie M. Bruecker and Abigail Seldin
Summer 2021

Executive Summary

This brief is the first research paper on sex trafficking at vocational schools in the United States, which a set of state authorizers and massage education experts believe to be a widespread problem in higher education. We explore a recent Minnesota case where a state authorizer ordered the closure of an institution due to an explicit suspicion of sex trafficking, and the subsequent processes that enabled that school to continue operations without losing Title IV eligibility. In this case, the regulatory triad functioned exactly as designed: an exemplary state authorizer identified areas of non-compliance, notified the accreditor and the U.S. Department of Education, and ordered the closure of the school. The majority of the 57 state agencies that responded to our outreach were unaware of the issue or claimed that it was not a problem in their state.

We contend that many state authorizers of postsecondary education may be ill-equipped to address this issue – and unprepared to notice the red flags that may indicate that a school is engaged in behaviors connected to sex trafficking. State governments must take immediate steps to investigate the scale of trafficking in their states and to strengthen their regulatory framework to ensure that they only authorize schools – not sex trafficking operations. Moreover, the ease with which a school disciplined for suspected sex trafficking can continue to operate raises serious concerns about whether the triad can protect students from more mundane fraud, poor education quality, and insufficient earnings outcomes at for-profit institutions within their jurisdictions.

Introduction

In December 2019, SHSF launched a project to explore connections between sex trafficking and state-authorized institutions of higher education. To our knowledge, no public research has been conducted to investigate this issue and the role of government regulation in these state-authorized schools. We contacted representatives of 90 state authorizers, professional licensure boards, and membership organizations across the country. 57 representatives replied, and we conducted 15 phone interviews with representatives from 12 states and two national organizations. While the SHSF scan did not provide clear national data about scope and scale of sex trafficking in higher education, it is clear that a set of state authorizers and massage education experts believe it to be a widespread problem, particularly in state-authorized vocational programs like massage therapy and cosmetology. Our respondents identified state-authorized schools that have engaged in fraudulent practices in support of trafficking operations, such as selling diplomas in bulk to traffickers and procuring duplicate licenses to certify trafficking victims. Respondents suggested that sex traffickers may set up “schools” as fronts for their activities and subsequently acquire state authorization, or they may acquire legitimately operating schools and launch fraudulent programs.

This brief explores a recent case where a state authorizer ordered the closure of an institution due to an explicit suspicion of sex trafficking, and the subsequent processes that enabled that school to continue operations without losing Title IV eligibility. In this case, the regulatory triad functioned exactly as designed: an attentive state authorizer identified areas of non-compliance, notified the accreditor and the U.S. Department of Education, and ordered the closure of the school. The consent decree between the Minnesota Office of Higher Education and the school required the school to close **or enter into new ownership** by February 19, 2021. Following the order, the school was sold and rebranded. Consequently, the institution’s probation was extended by the accreditor, Title IV loan processing continued, and the state authorizer granted the school permission to operate under new ownership. The ease with which a school disciplined for suspected sex trafficking can continue to operate raises serious concerns about whether the triad can protect students from more mundane fraud, poor education quality, and insufficient earnings outcomes at for-profit institutions within their jurisdictions.

November 2019 to February 2021

The **American Academy of Acupuncture & Oriental Medicine (AAAOM)**, was a for-profit institution serving around 100 graduate students each year.¹ Until February 2020, AAAOM offered a non-degree Tuina Massage program,² and three graduate programs: Masters of Acupuncture, Masters of Acupuncture & Oriental Medicine, and Doctorate of Acupuncture & Oriental Medicine. The school lists 40 faculty members on their website, many of whom have PhDs or MDs from Chinese, Japanese, and American universities. Faculty members have private practices and hold positions in hospitals, and many have concurrent or former appointments at other institutions as well as published research. Since 2004, AAAOM students have borrowed more than \$15.6 million in federal student loans, and the school also received \$21,532 in CARES Act funding.

The Minnesota Office of Higher Education (OHE) launched an investigation into AAAOM after the business licensing office in the Twin Cities suburb of Brooklyn Park shared its concern about the school. **Of the nine AAAOM alumni who had applied for massage licenses in Brooklyn Park, seven had previously lost licenses for “ties to prostitution/sex trafficking”**; the employer of the remaining two applicants was listed on rubmaps.ch with reviews. (Rubmaps is a national “John Board” that displays current and historical information of users who post reviews of massage parlors that offer sex or sexual services.) After discerning these details about several of the school’s alumni, OHE initiated its investigation, beginning with a site visit in November 2019 and numerous requests for information; at the conclusion of the investigation in February 2020, OHE revoked the school’s state authorization. We reviewed the redacted revocation order (dated February 22, 2020) provided by the Minnesota Office of Higher Education, which explains in detail the violations that caused AAAOM’s loss of authorization.³

The school offered a Tuina Massage program in both English and Chinese, but the Minnesota Office of Higher Education’s investigation revealed two separate programs: one for English-speaking students with appropriate accounting and student records, and one for Chinese-speaking students without these records. At the site visit, school employees emphasized that they did not have access to the student records for the Chinese program, which were kept in a locked closet in the school owner’s office. In the resulting revocation order from OHE, 33 student files (names redacted) from the Chinese program are flagged for missing various types of admissions and enrollment information. Not all files were missing the same information, but issues flagged by OHE included:

1. Author calculations using IPEDS.

2. Tuina massage (also written Tui Na massage) is a therapeutic form of massage considered one of the four main branches of traditional Chinese medicine.

3. A redacted version of the revocation order is available by request through the Minnesota Office of Higher Education.

- Unexplained variations in payment records for students, including payment records for individual students that exceed the listed tuition price of \$7000;
- Treatment logs filled out incorrectly, without necessary information about hours or patients;
- Absence of letters of recommendation, which were required by the school's admission policy, identical recommendation letters submitted for multiple students by different individuals;
- Absence of supervisor information or signatures;
- Unnumbered transcripts;
- Admissions applications left unsigned by students, undated, or submitted without key information such as date of birth.

The Minnesota Office of Higher Education notes throughout the revocation order that several of these information gaps “pose a threat of prostitution and/or human trafficking to AAAOM’s students.” Of additional, specific concern to OHE were the explicit links between four internship site supervisors and prostitution:

- An internship supervisor had been “denied a massage therapist license by Brooklyn Park due to ties with prostitution,”
- “Student’s Clinical Site and employer on the student application with Ying Liu is linked to prostitution,”
- An unlicensed internship supervisor with a previous arrest for prostitution, and
- An unlicensed internship supervisor who previously had lost a massage parlor business license after employee’s arrest for prostitution.
- OHE highlighted one internship site located at a personal address and nine other supervisors without massage licenses. OHE concluded,

OHE highlighted one internship site located at a personal address and nine other supervisors without massage licenses. OHE concluded,

“AAAOM used no formal process to evaluate and approve student internship sites for the Chinese Tuina program. **This practice poses a threat of prostitution and/or human trafficking to AAAOM’s students** as several of the internship sites and supervisors are associated with prostitution and/or losing their personal and business massage licenses.”*

OHE determined that the entire school should be subject to the revocation of authorization “[d]ue to the serious nature of the issues with the Tuina program.”

The Minnesota Office of Higher Education formally revoked the school’s authorization in February 2020, and ordered the school to close by February 2021. Although the Minnesota Office of Higher Education found that these violations represented a “theme of prostitution and/or human trafficking related to AAAOM students and/or internship sites,” OHE revoked state authorization due to violations of the Minnesota Private and Out-of-State Public Postsecondary Education Act, including non-compliance with Minnesota statutes around accurate financial accounting, standards for school record-keeping, and deceptive advertising. This action is consistent with what we heard from state authorizers in other states; these offices do not have jurisdiction over sex trafficking per se, and cannot take action against schools on that basis. Minnesota’s OHE is exceptional in its decision to call out the activities of concern and connect them with the prevailing knowledge in the field about indicators of sex trafficking. OHE explained the decision in the revocation order, stating,

“While OHE does not investigate or regulate prostitution and/or human trafficking, **any links to prostitution and/or human trafficking indicate a lack of authenticity and legitimacy of a private postsecondary education institution** and its programs.”*

*Selective bolding has been added by the authors.

In a field where expertise is shared largely through personal networks and phone conversations, this revocation order represents both an historic document and a critical tool for regulators and researchers.

While the Tuina massage program was not Title IV eligible, students in AAAOM's graduate degree programs were eligible for federal student loans. Given its status as a Title IV eligible school, both an accreditor and the U.S. Department of Education would also have responsibility to regulate AAAOM. Within the regulatory triad, accreditors are responsible for certifying the educational quality of a school, and the U.S. Department of Education is charged with certifying compliance with Title IV regulations. After revoking the school's authorization, the Minnesota Office of Higher Education notified a regional office of the U.S. Department of Education and the school's accreditor (in this case, the Accreditation Commission for Acupuncture & Oriental Medicine). The accreditor took initial action with an Order to Show Cause⁴ within one week of OHE's revocation order, and AAAOM was ultimately placed on probation in August 2020. It is not clear if the accreditor conducted any investigation as a result of the state authorizer's suspicion of sex trafficking; we contacted the Commission, and we were told that the institution's full accreditation record is confidential. Following the Order to Show Cause, the U.S. Department of Education (ED) placed AAAOM on heightened cash monitoring within 10 days of the revocation order. We reached out to the ED, but have been unable to determine whether any additional action was taken.

Regardless of the actions of ED or the accreditor, the regulatory triad operated effectively in the case of this particular school. The state authorizer identified red flags for trafficking and revoked authorization on the basis of other serious violations within its jurisdiction. Four months after the revocation order, the school and OHE agreed through a consent decree that AAAOM would immediately shutdown the Chinese Tuina massage program. Both parties agreed that the entire school would close by February 2021 — unless the school changed ownership or OHE extended the deadline. The consent decree outlined the required steps for teachout and school shutdown, as well as the actions the school would need to take to remain operational through a change of ownership.

4. An Order to Show Cause is a disciplinary action to terminate accreditation within a given time period, unless the institution can show cause as to why termination action should not be taken.

AAAOM now operates under a new name: the American Academy of Health and Wellness (AAHW). The school – both its assets and liabilities – was purchased in April 2021 by the owner of a Wisconsin massage school chain. Per Minnesota statute, the new owner completed a state authorization renewal for the school under its new name, allowing the school formerly known as AAAOM to continue operating as AAHW. The school’s previous owner also owns the building where his school rented space. As the consent decree forbids the previous owners from financially benefiting from the school, the new owner moved operations to a different location. The new owner has also established a new website, AcupunctureSchoolUSA.com, though the original website, AAAOM.edu, remains operational and has continued to show updates and content changes through June 2021. Both websites are controlled by the new owner and display the new AAHW branding; AcupunctureSchoolUSA.com features content and language that is virtually identical to the content hosted on AAAOM.edu, both before and after the school’s sale. The school continues to offer the same programs, with the exception of the Tuina massage program, and is currently advertising for the fall term and highlighting the availability of federal student loans to prospective students on both websites.

The consent decree between AAAOM and OHE required that “owners, officers, management, and related parties of aforementioned groups sell all ownership of AAAOM and cease oversight and management of the school, including membership of a Board that oversees AAAOM.” This stipulation applied to both the original owner and his wife, a member of the faculty and board of directors. However, AAAOM.edu and the AcupunctureSchoolUSA.com both contain multiple references to the original owner. As of June 22, 2021, AcupunctureSchoolUSA.com includes a picture of the former owner on the “Who We Are” section. Until mid-June, the original owner and his wife were still listed as the sole members of the board of directors and as members of the faculty on the still-operational AAAOM.edu; AcupunctureSchoolUSA.com currently does not list faculty or administration of the school. The original owner’s wife is the owner of a clinic housed in the same building as the former AAAOM location, but it is unclear whether the school will continue a relationship with the clinic, which could constitute a violation of the consent decree.

Post-acquisition, the school remains accredited by the Accreditation Commission for Acupuncture & Oriental Medicine. The entry listed in the accreditor's directory is "American Academy of Health & Wellness (AAHW), formerly known as "American Academy of Acupuncture and Oriental Medicine or AAAOM." The accreditor's website listed an extension of the original school's probation to August 2021, alongside an announcement of its change in ownership and name change.

Our request for additional information about the probation process and investigation was denied by the accreditor, whose representative told us the records are confidential. We learned that the accreditor rejected multiple change of ownership applications from the school over a period of approximately six months, but we have no further information about those rejections.

To remain compliant with Title IV, the OHE consent decree stipulates that AAAOM was required to receive approval from the U.S. Department of Education (ED) for a change of ownership. We were unable to learn anything about this process or timeline; however it is clear that ED processed the change and received the relevant documents from OHE. The federal PEPS system currently reports the name of the original owner, but the contact information has been updated to reflect the change of ownership. The school continues to offer Title IV financial aid.

A National Problem

There are heroes in the fight against sex trafficking in vocational schools. Some state authorizers and massage therapy credentialing experts have been tirelessly pursuing the issue, and trying to educate their colleagues and the field. Human trafficking is “absolutely and unequivocally a problem that is going on everywhere. People just don’t realize it,” according to Debra Persinger, Executive Director of the Federation of State Massage Therapy Boards (FSMTB). FSMTB is a non-profit membership organization of state agencies that regulate the massage therapy profession. Persinger noted that massage therapy is one of the primary vehicles for sex trafficking in the United States. Previously, illicit massage businesses would operate without licenses, then be shut down. Persinger told SHSF that traffickers in the last decade have shifted to fraudulently obtaining licenses in an attempt to protect themselves. Because proof of education is required for licensure, traffickers have used massage therapy schools as an avenue to create this layer of protection. A 2017 report from FSMTB’s Human Trafficking Task Force notes that buying falsified diplomas and fraudulently acquiring licenses is a common practice for traffickers attempting to portray businesses and employees as lawful, and this damages the credibility of legitimate schools and businesses.⁵

While this brief focuses on the Minnesota case, we learned of 17 other schools across five states that authorizers or certification boards viewed as engaging in behavior that could indicate sex trafficking. The indicators cited by OHE represent a consensus view across our respondents, and these 17 schools have been disciplined (or closed) for various accounting and record-keeping infractions. One school operated an alternate website, advertising in Mandarin for assistance in obtaining licensure test answers, offering housing for low rent, and noting high placement rates in spas under the same ownership; a spa founded by the owner of the school was closed in a 2019 operation⁶ investigation operation led by the Department of Homeland Security and multiple local and state law enforcement agencies. In another case, state authorizers discovered students living in the basement of the school, with sleeping bags found atop massage tables during a site visit; this school was ordered to close after the state authorizer determined that “the public health, safety, and welfare imperatively requires emergency action.” In another state, authorizers discovered a cosmetology school operating without proper authorizations and heard rumors about the school recruiting international students from social media, then holding their visas or legal documentation hostage; when the authorizer ordered the school to cease operations, the school closed overnight and vacated their property.

5. Federation of State Massage Therapy Boards (2017). Human Trafficking Task Force Report. https://www.fsmtb.org/media/1606/httpf-report-final-web.pdf?mc_cid=45e74d8e56&mc_eid=3e6d3fcc42

6. Johnson, D. (2019, February 26). Florida human trafficking ring, prostitution in massage parlors: The full story. TC Palm.

Betsy Talbot, the state authorizer at OHE, cited others in the field who dealt with earlier cases as critical resources for investigating the AAAOM case. Knowledge of these earlier cases and red flags for sex trafficking activity seem to be exclusively transmitted by word-of-mouth.⁷ Consequently, we contend that state authorizers of postsecondary education are likely ill-equipped to address this issue – and unprepared to notice the red flags that may indicate that a school is engaged in behaviors connected to sex trafficking. While it is possible that fraudulent schools connected to human trafficking may not exist in every state, we find it unlikely that this phenomenon would be limited to the states in which the regulators are the most zealous and engaged on the topic. The majority of the 57 state agencies that responded to our outreach were unaware of the issue or claimed that it was not a problem in their state. Ms. Talbot described the community of state authorization agencies as “woefully underprepared and underinformed about how human trafficking can impact higher education.”

7. The only documentation in the field currently available are two oral presentations offered at conferences in 2017 (National Association of State Administrators and Supervisors of Private Schools: https://nasasps.org/wp-content/uploads/2017/10/NASASPS17_Program.pdf) and 2019 (Federation of State Massage Therapy Boards <https://www.fsmtb.org/media/2118/2019-fsmtb-annual-meeting-minutes.pdf>).

Risks and Recommendations

For policymakers concerned with enforcement in higher education, the Minnesota case raises two key issues around **identification** of and **action** toward suspected trafficking:

1

Is the higher education regulatory triad of state authorizers, accreditors, and the U.S. Department of Education able to **identify** other schools like AAAOM?

2

When schools suspected of trafficking are identified, do the **actions** taken in response to the findings in the AAAOM case indicate that the regulatory triad can protect students?

Unfortunately, we believe that relatively few state authorizers are positioned to identify schools that could be working with sex traffickers. Beyond the lack of subject matter expertise (as detailed above), many state authorizers have limited authority to monitor school outcomes for educational quality, and capacity issues hinder these agencies' ability to ensure consumer protection.⁸

Expanding the resource and staffing capacity of state authorization agencies is critical to protecting students from noncompliant schools – both from the more common cases of poor educational outcomes to extreme cases like AAAOM. In a recent report⁹ co-authored by Ellie Bruecker, co-author of this brief, the State Higher Education Executive Officers Association (SHEEO) suggests that states should act to improve mechanisms for measuring quality, strengthen consumer protection, and update formal review of school finances. Among many specific recommendations, SHEEO recommends “a risk-weighted investigation process that is responsive to student complaints, outcomes measurements, financial indicators, and other warning signs.”

We believe such processes could be effective in identifying schools like AAAOM if authorizers are aware of the relevant warning signs. Numerous state and federal agencies are well-positioned to offer technical assistance to state authorizers on how to identify red flags for sex trafficking; governors should take the lead on convening these groups and ensuring state authorizers and other state agencies have the necessary support to identify and refer cases.

8. Tandberg, D.A., Bruecker, E.M., & Weeden, D.D. (2019). Improving State Authorization: The state role in ensuring quality and consumer protection in higher education. https://sheeomain.wpengine.com/wp-content/uploads/2019/07/SHEEO_StateAuth.pdf

9. Ibid

Statewide licensure standards add an important layer of oversight that can protect students from these kinds of abuses; Minnesota is one of only four states without statewide massage therapy licensure standards, leaving municipalities responsible for regulating the profession. A bipartisan bill¹⁰ proposed in the Minnesota state legislature in February 2020 would have established statewide standards, but the legislation has not been passed. California – another state without these standards – was cited repeatedly by our respondents as an underregulated jurisdiction with a proliferation of red-flag schools.

When a school is identified as non-compliant with consumer protection regulations, are the available consequences sufficient? The triad's response to a tip about AAAOM is the system working as-designed, though on an unusually quick timetable. The question is not a new one. In the last decade, we have witnessed the shutdown of the ITT schools and the sale of the Corinthian assets to a new operator. Yet, this case and the broader issue of sex trafficking at vocational schools offers an opportunity to rephrase the question undergirding conflicts around the disposition of those schools.

Is there anything a for-profit school can do that means it has to be shut down for good?

It is our hope that this exploratory research generates action and engagement among policymakers, and new urgency around strengthening the resources and authority granted to state authorizers. State authorizers are responsible for ensuring basic standards of consumer protection for higher education students. Governors and state legislatures focused on educational quality or sex trafficking should engage swiftly to support their colleagues in the state authorizer office. State attorneys general, many of whom regularly pursue cases related to for-profit education, must partner with state authorizers to ensure the referral of relevant cases and the availability of investigatory resources. SHSF's efforts represent only an initial examination of human trafficking and its hidden intersection with higher education. We expect that future research will uncover numerous additional cases and victims

State governments must take immediate steps to investigate the scale of trafficking in their states and to strengthen their regulatory framework to ensure that they only authorize schools – not sex trafficking operations.

10. HF 3575, 91st Legislature. (2020). https://www.revisor.mn.gov/bills/text.php?number=HF3575&type=bill&version=0&session=ls91&session_year=2020&session_number=0

Appendix: Timeline

November 2019

The Minnesota Office of Higher Education (OHE) begins investigation of the American Academy of Acupuncture and Oriental Medicine (AAAOM) following a notice of concern from the business licensing office in the Twin Cities suburb of Brooklyn Park. OHE conducts a site visit and requests documentation from the school.

December 2019

OHE requests documentation not submitted by AAAOM after initial request. The school fails to provide missing documentation.

February 2020

OHE issues a revocation order to AAAOM, detailing violations and risks posed by the Tuina massage program. The Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM) issues an Order to Show Cause within one week of the revocation order. This order triggers AAAOM's placement on heightened cash monitoring with the U.S. Department of Education (ED).

June 2020

OHE and AAAOM enter into a consent decree stipulating that the school will permanently close the Chinese-language Tuina massage program and that the entire school will close by February 19, 2021 unless the school changes ownership or OHE extends the terms of the consent decree.

August 2020

The accretor, ACAOM, places AAAOM on probation for its accreditation of the Masters and Doctoral acupuncture programs as a result of the February 2020 Order to Show Cause.

February 2021

The original owner and founder of AAAOM) retires, according to the original AAAOM website. The school is purchased by the new owner after pre-approval from ACAOM and ED. The school is renamed the American Academy of Health and Wellness (AAHW).

March 2021

ACAOM extends the probationary period for the school to August 2021 after the school completed the change in ownership. The school appears as "American Academy of Health and Wellness formerly known as American Academy of Acupuncture and Oriental Medicine" in the ACAOM directory of accredited schools.

April 2021

OHE approves the school's change in ownership, and AAHW completes state authorization renewal with OHE.

May 2021

AAAOM.edu remains live and announces the February 2021 retirement of the original owner, as well as the school's new owner, new name, and new location. AAAOM.edu includes a link to AcupunctureSchoolUSA.com.

June 2021

AAAOM.edu remains live and continues to be updated, with content that uses both "AAAOM" and "AAHW" and refers to both the current and former owner. AAAOM.edu no longer displays the retirement announcement. AcupunctureSchoolUSA.com includes identical content to the AAAOM.edu, contains references to AAAOM, and includes a picture of the former owner.

Acknowledgments

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We reserve special thanks to Betsy Talbot, Lorna Candler, and Debra Persinger, who are doing exemplary work in state authorization and the field of massage therapy. Their technical expertise was crucial to this brief, and we applaud their work on behalf of students. We are also grateful to the representatives of state authorizers, professional licensure boards, and membership organizations who responded to our outreach or lent their time in phone interviews.



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USA TODAY

Fake diplomas. Prostitution arrests. Forged documents. Massage schools accused of feeding illegal business in the US.



Chris Quintana, Cara Kelly, Dian Zhang, Kevin Crowe and Anne Ryman



July 29, 2021, 11:31 AM · 22 min read



Around the country, massage schools in towns large and small are suspected of ties to the illicit massage industry, a billion-dollar black market in the U.S. built to sell sex. A [More](#)

Minnesota officials didn't know what they'd find after receiving a tip that the American Academy of Acupuncture and Oriental



TRENDING

1. Trump releases statement trashing McConnell for not passing infrastructure while he was president. But it was Trump who walked away from a \$2 trillion deal in 2019.
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0096

Medicine, a local massage school, could be tied to prostitution. A locked closet full of student records, off-limits to staff, was an alarming discovery.

So, too, were the massage therapists with credentials from the school who'd lost their licenses for ties to [prostitution or human trafficking](#), and the internship sites and supervisors linked to prostitution. A host of paperwork and financial issues only seemed to arise in the school's Chinese-language Tuina massage program.

All of it added up to a "theme of prostitution and/or human trafficking," the Minnesota Office of Higher Education [wrote in a letter](#) to the school's president.

Therefore, on November 4, 2019, OHE initiated an investigation into AAAOM's massage therapy program. As OHE continued its investigation, [OHE determined there is a theme of prostitution and/or human trafficking related to AAAOM students and/or internship sites](#). While OHE does not investigate or regulate prostitution and/or human trafficking, any links to prostitution and/or human trafficking indicate a lack of authenticity and legitimacy of a private postsecondary education institution and its programs.

At the American Academy of Acupuncture and Oriental Medicine, Minnesota regulators said they found "a theme of prostitution and/or human trafficking."

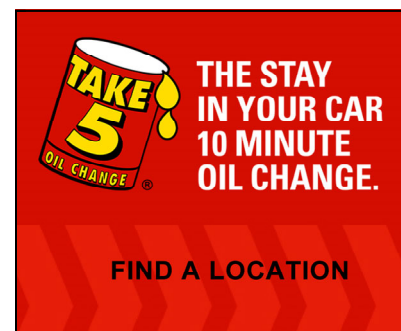
The office, though, lacked the authority to prosecute either allegation. Instead, it went after more mundane issues: Payments that didn't add up. Missing student information. A haphazard approval process for off-site training.

That was enough for the office in February 2020 to [crack down](#) on the Roseville school, ultimately ordering it to close or find a new owner by the following February. The operator of a massage school in Wisconsin purchased the institution and renamed it the American Academy of Health and Wellness.

Any level of review of the letters of recommendation as part of the admissions process should have triggered a response from AAAOM and delving deeper into the legitimacy of the student's application. [OHE is concerned that the failure to appropriately review admission applications practice poses a threat to perpetuating prostitution and/or human trafficking.](#)

The Minnesota Office of Higher Education ordered the American Academy of Acupuncture and Oriental Medicine to sell itself or close, but lacked authority to prosecute.

Around the country, massage schools in towns large and small are suspected of ties to the [illicit massage industry](#), a billion-dollar black market in the U.S. built to sell sex. A monthslong USA TODAY investigation uncovered two dozen schools with connections to either prostitution or fraud, or both.



Like the sex spas themselves, the schools suspected of feeding them workers are hard to detect. It's often something innocuous that catches an oversight group's attention: a cheat-sheet pulled from a boot during a massage therapy exam, a counterfeit massage license or a signature forged on official school documents.

As in the Minnesota case, regulators sometimes find ways to ding a school for other infractions, but many slip through a fragmented system of accountability. Bringing charges on serious crimes such as human trafficking and prostitution is [rare and difficult](#).

- **Illicit spa stings:** [Robert Kraft case highlighted massage parlor industry](#)

Sex spas inhabit strip malls and shopping centers across the U.S., operating next to grocery stores and day cares, liquor stores and restaurants. Their names tend to be generically Asian – Oriental Massage, Jade Spa, East-West Therapy – a nod to their often-Asian immigrant workers and a calling card to their predominantly white male customers.

Their existence hinges on an air of legitimacy, and law enforcement and advocates suggest that their owners, some part of vast criminal rings, will do whatever it takes to avoid detection. To receive a massage license, applicants in most states must have attended an approved school. In many cases, they also must pass an exam.

The Seldin/Haring-Smith Foundation, a family foundation focused on accountability in higher education, [identified the Minnesota school and others](#) in a report it presented Tuesday to the Department of Education.

A subcommittee from the House Oversight Committee on Tuesday gave the Education Department two weeks to outline its procedures to “identify and stop human or sex trafficking connected with postsecondary education,” citing the foundation's report.

The committee also requested a list of cosmetology and massage schools receiving taxpayer money controlled by the department.

Department of Education press secretary Kelly Leon said the agency takes seriously any allegation of unlawful activity at a

university or college receiving federal money. She added the agency has several enforcement offices that review such allegations to see if they should be investigated more closely.

The former owner of the Minnesota massage school, Changzhen Gong, denied the state's claims and said he was never given a chance to refute them. He is still paid by the school, USA TODAY found, for helping with the ownership change.

Gong also is featured prominently on the school's website and was referred to as "president" when he hosted a recent interview on WeChat, a China-based social media app. The school's old name was still being advertised in a [Chinese newspaper](#) as of last month, related to a clinic Gong runs.

While the school's new ownership satisfied the state of Minnesota, the Seldin/Haring-Smith Foundation noted it bears a striking resemblance to the past institution, including similarities in the academic programs and descriptions of the school's history.

So far, the new school shows no signs of the alleged ties to human trafficking previously identified by regulators. But Abigail Seldin, a founder of the foundation and recent contender for a Department of Education position, said it was troubling to see institutions continue to operate after concerns were raised, especially in the case of the Minnesota school.

"Everybody did everything they could here," Seldin said. "Our current regulatory structure doesn't empower them to do anything more than what happened. So we have to ask: Is it enough?"

Massage parlors: 'Substantial' fraud, connections to human trafficking

The predicament the Minnesota Office of Higher Education found itself in has confounded other authorities across America.

By design, sex spas are easy to overlook. Neon lights and opaque windows are among the only outward cues; all male clientele and late business hours can be hints, too. Even when they're identified by local governments and police, what to do about them remains a quandary.

Law enforcement has begun to move away from prostitution arrests in favor of targeting human trafficking, but this approach is notoriously difficult.

Sex trafficking cases typically hinge on whether a masseuse is willing to say she was forced to perform sex acts – a big ask for immigrant women. Prosecutors tend to press charges for crimes connected to trafficking instead, such as money laundering, wire fraud or racketeering.

Local authorities use yet another tool to weed out shady spas: regulation.

The nonprofit that administers one of the most widely used exams for massage therapy licensure, the Federation of State Massage Therapy Boards, has a bird's eye view of fraud in the industry. Anyone who wants to take the test must provide personal information such as mailing address and birth date, along with proof they've attended an approved massage school.

Analyzing this data has exposed what the federation called a "substantial amount of fraud" in a 2017 report prepared by its [Human Trafficking Task Force](#). That includes cheating on the national exam, selling fake diplomas and filing license applications on behalf of other people, said Debra Persinger, the federation's executive director.

Ahmos Netanel, chief executive officer of the California Massage Therapy Council, which runs that state's voluntary massage therapist certification, has observed it, too.

"We have seen substantial evidence that indicates that human traffickers try to use fraudulent schools to support their operations," Netanel said, "specifically in the form of either purchasing diplomas or enrolling their victims in schools that do not provide the education they claim they actually provide."

Illicit massage businesses are often connected to fraudulent schools "that will, for a high fee, provide a fraudulent diploma so that a woman can sit for her licensing exam without any formal training," according to a [2018 report](#) by Polaris, the nonprofit behind the National Human Trafficking Hotline.

Such "diploma mills" also supply certificates to every worker at a given spa, sometimes issued on the same day and under the same name, Polaris wrote.

In an independent analysis of licensing data from 15 states, USA TODAY identified a similar pattern. In one case, a massage therapist used the address for Royal Irvin College in California to obtain a license in Virginia. It was one of three Virginia massage licenses in her name. In total, the woman held a dozen licenses in various states. She was arrested for prostitution in Illinois and subsequently lost her license in Florida, according to disciplinary records.

Many of the students of American massage schools are Asian immigrants, particularly Chinese. USA TODAY found through interviews and legal cases that schools often prey on those who speak little English or are in economic need. Some schools' websites and advertisements are entirely in Mandarin.

Sandra Anderson, executive director of Nevada's State Board of Massage Therapy, said she's also seen signs of debt bondage, where a school or criminal organization charges students excessive fees and then requires them to work in spas to pay it off. That can leave workers vulnerable to pressure to perform sex acts, she said, which pay more.

"I go out on a regular basis and speak to the students, and in some cases they don't know they can't perform sex acts as a massage therapist; they're not necessarily being taught that," Anderson said. "It helps curtail it somewhat and helps educate them that perhaps what they're being told to do by their handlers is not legal."

- **Atlanta shooting:** [Spa workers are vulnerable. Many are still routinely arrested across Georgia.](#)

Hidden cameras, test answers, fake diplomas

At a test center for a national massage exam, a proctor noticed something odd in November 2015: A test-taker was referring to several pages of notes. It was a cheat-sheet filled with exact questions and answers, members of the Federation of State Massage Boards realized after a closer review. Surveillance video showed the woman had sneaked it into the test center in her boot.

Investigators learned the applicant had used the email address of a training program based in California and Texas. They went back further in surveillance video and identified one of the program's owners sitting for the exam a few months earlier. He wore a button-up shirt with one button conspicuously larger – a

camera he allegedly used to record test questions, according to records filed by the federation in U.S. District Court.

Defendants' Customer Caught Cheating on MBLEx

38. In late November 2015, a female test taker was caught attempting to use several pages of written notes during an MBLEx administration. Surveillance video of the exam appointment showed that she had entered the test site with the materials hidden in her boots.

A one-stop-shop company for massage licenses was providing exam answers to clients, according to civil court records. One woman was caught hiding a cheat sheet in her boot.

62. Defendant J. Mendez sat for the MBLEx once in 2015, once in 2016, and has reapplied in 2017. During its investigation, Federation staff retrieved an archived photograph of Mr. Mendez taken at the test site on the day of his April 2015 test administration. Mr. Mendez is wearing a button-front, collared shirt in the photograph. The third button of the shirt is larger and does not match the other buttons on the shirt. Upon information and belief, this is because the shirt contained a button camera used by Defendant J. Mendez to secretly and improperly record the MBLEx questions as they appeared on the computer screen in front of him.

A one-stop-shop company for massage licenses was providing exam answers to clients. A man recorded the answers via a button-shaped camera, civil court records say.

Those stolen questions became an integral part of a one-stop shop for massage licenses that the owner ran with his wife and co-owner, according to the civil court records.

The federation hired a private investigator to contact the training center, posing as a prospective student. She was told they offered everything she would need to get a license: A certification for massage training hours that cost \$2,800 to \$3,800. Coaching via a thumb drive full of exam answers for \$1,000. Fake high school diplomas for an extra \$80. Room and board could be purchased for an additional fee.

The owners claimed in online ads they had helped thousands of people obtain licenses within days, posting photos of dozens of licenses from clients in 20 states. The federation was able to confirm hundreds of clients.

The case ended in a \$450,000 settlement in favor of the federation, though details are sealed. The company declared bankruptcy soon after.

USA TODAY identified other cases where authorities found irregularities at massage schools.

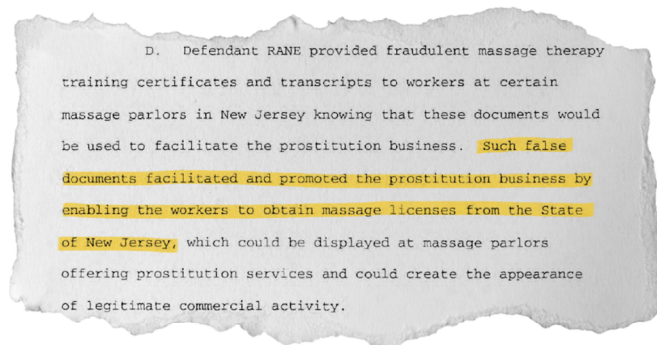
Operators of Majestic Vocational Training Center in Colorado, another one-stop shop, pleaded guilty to federal charges of wire

fraud. The Colorado Division of Private Occupational Schools found the school was operating out of the back of a barbershop, casting doubt on whether students ever saw a classroom.

The president of the Academy of Oriental Therapy, a New Jersey massage school, told a private investigator that passing the exam was easy – he'd once helped a Chinese student with a fourth-grade education pass it. The federation found the president and employees stole test questions, according to civil court records.

The school denied the allegations in court records. The case ended with the judge ordering the school to stop copying and distributing test material.

The owner of another New Jersey massage school, Axiom Healthcare Academy, pleaded guilty in a [federal case](#) to selling fake transcripts he knew would be used by sex spas to obtain massage therapy licenses. Naresh Rane's co-conspirator, a former Westwood, New Jersey, councilman, pleaded guilty as well but died by suicide before his sentencing, according to [news reports](#).



A New Jersey massage school owner was selling fake transcripts he knew would be used by sex spas to obtain massage therapy licenses, federal court documents say.

Suspicious at massage school, but limited power to act

In its past life, the American Academy of Acupuncture and Oriental Medicine could have passed for any other small, for-profit college. It operated out of a nondescript office park in Roseville, Minnesota. On Facebook it advertised graduation ceremonies and discounted acupuncture treatments by interns.

In late 2019, the town of Brooklyn Park found at least seven of the school's graduates had their massage therapy licenses revoked for "ties to prostitution/trafficking," and the town tipped off the Minnesota Office of Higher Education. The state said the

employer of two other students was listed on rubmaps, an online review site for sex spas.

Betsy Talbot, who oversees registration and licensing of private colleges, said she knew she needed to act but had to figure out what action her office could take.

Talbot said [students are the ones who suffer when institutions close](#), leaving them scrambling to find a new school and transfer credits. Still, the state gave the school two options in a June 2020 consent decree: shut down or find a new owner. That person did not have to adopt a new curriculum or hire new faculty, Talbot said, but the school was barred from offering a massage program.

Talbot also said her office had communicated with Minnesota's Bureau of Criminal Apprehension regarding the American Academy. That agency said it hadn't received any information from the Office of Higher Education and did not respond to questions about whether it was investigating the school.

XiPing Zhou, who also owns a massage school in Wisconsin, decided to acquire the troubled college after the Minnesota office issued its order. He has known the former owner, Gong, since 1998.

Zhou told USA TODAY he believed Gong and his wife, Wei Liu, had "good intentions" but "they didn't pay attention" to whom they partnered with. Zhou said people involved in the massage program who had been charged with prostitution weren't Gong's employees..

Zhou renamed the school the American Academy of Health and Wellness and dropped the massage programs and all instruction in Chinese, he said. He said most of the faculty are new hires.

"I owned a massage school since May 2000; that's over 21 years," Zhou said. "We don't have any single trouble."

Gong, the school's former president, told USA TODAY that he first heard the allegations of prostitution connections from the state of Minnesota – connections he said he doesn't believe ever existed. He expressed frustration that he "never had a chance to explain" after the state seized documents.

As for the locked closet, Gong said because his administrative staff didn't understand Chinese, he secured files for the Chinese speakers in his office.

"As the school's president, I have the right to save the files in a safe place," he said.

At OHE's onsite visit, Cate Larson stated that she has no access to the student files or transcripts for the Chinese Tuina massage program. She made it abundantly clear that she had no involvement in the program. If this statement is accurate, please provide documentation that shows Cate Larson's involvement in the program. If available, provide documentation that shows Cate Larson's involvement in the program.

Minnesota officials didn't know what they'd find after receiving a tip that the American Academy of Acupuncture and Oriental Medicine could be tied to prostitution. A locked closet in the school's office was the source of the tip. [More](#)

Following publication of this story, the school's former chief operating officer, Leila Nielsen, wrote the problems off as paperwork errors and overzealous oversight. If there were issues with prostitution, she said, that occurred only among graduates.

"The majority of graduates of that program are, to the best of my knowledge, decent people who are trying to earn a living," she said. " 'Massage' does not automatically equal 'prostitution.' If a lawyer embezzles money from his clients, does the Department of Education close the law school he attended?"

Gong will remain with the school through August, Zhou said, to help with the transition. Talbot said the state was aware of the arrangement and felt it would help minimize impact on students.

USA TODAY reporters found four other cases where schools were disciplined, dropped their problematic massage programs and remained open and accredited. They also found evidence that other schools might have changed names while under scrutiny.

Royal Irvin College in California was among them. The Nevada Board of Massage Therapy suspended Royal Irvin's approval as an acceptable out-of-state massage school in 2009 following disciplinary actions against four of its students, three for prostitution.

After the California Massage Therapy Council stripped the school of its recognition three years later, its owners tried to reopen in Las Vegas as Elbe Institute.

The Nevada massage board fought the reopening. A student from the school, the board said, received the lowest national

exam score they'd ever seen. And the owners failed to disclose the previous revocation in their application for the new school.

The owner's son offered an explanation at a 2018 massage board meeting. He said his dad stepped away from Royal Irvin for health reasons and the person the father appointed to oversee it "did a lot of things he didn't tell my father," according to the transcript.

Anderson, from the state massage board, said they succeeded in shuttering the school. But USA TODAY found a remnant may still exist: A website for Elbe Institute advertises in Mandarin training for masseuses who don't speak English.

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When contacted by USA TODAY, the current Elbe owner said he took over the school from the former owner after it lost its accreditation. The school only provides training and is not an accredited massage program, he said, adding that he knew nothing about the previous school's ties to prostitution.

Nevada has been more aggressive in policing massage schools than many other states. Its massage board must accept credentials from schools approved by the state education department, even when it questions the caliber of training students are receiving. But Anderson said a member of the board helps the education department review massage school curriculum for signs of subpar programs.

"That's where the difficulty lies: You have to have enough evidence for the postsecondary education commission to do something about the school, and gathering that kind of evidence is difficult," Anderson said.

Not all states have close partnerships between massage boards and higher education overseers. USA TODAY found several California schools that are not approved by the California Massage Therapy Council for massage therapy certificates, but have credentials from California's Bureau of Private Postsecondary Education.

Netanel, the state massage council's chief executive, says the group has a memorandum of understanding with the state education bureau, and the two engage in robust communication about programs.

Part of that discrepancy grows from California's model: The council is a nonprofit, not a government agency, and issues massage certificates, not licenses. The state doesn't require massage therapists to be licensed either, although most local jurisdictions in California require licenses.

As part of the Seldin/Haring-Smith Foundation's research, senior fellow Ellie Bruecker, contacted dozens of state authorizers and licensing boards to ask how they handled colleges suspected of being involved in human trafficking.

Of the 57 that responded, a majority told her they [hadn't heard about the issue, or they denied sex trafficking was happening](#) in their state. She and Seldin said that because multiple state regulators often oversee the massage industry, officials from one agency might not know everything they should look for. Additionally, some agencies operate on thin budgets with skeletal staffs, hampering their ability to conduct investigations.

Seldin asked: Would a state authorizer even be able to spot the issue if it was happening at one of their schools? "It's hard to look for something you've never heard of," she said.

Local laws can limit how much power a state's office of higher education has to approve or monitor colleges. The foundation is advocating for a nationwide set of standards for these offices to combat not only trafficking concerns, but also issues tied to lackluster education programs that don't lead to well-paying careers.

Seldin said governors should ensure these state offices are adequately staffed and have a big enough budget to monitor their local institutions.

Massage schools can access federal money

Communication gaps between state authorizers and college accreditors – independent groups empowered by the federal government to monitor universities – may also obscure a school's past.

Accreditation isn't required for colleges to operate, but it gives their students [access to F-1 visas and federal money through student loans and grants](#). And it's supposed to signal to students the college they hope to attend is worth their investment.

Colleges that want accreditation must go through [site visits](#), reviews of academic programs and ongoing monitoring of financial health.

- **Problems with accreditor:** [This college was accredited, but we couldn't find evidence of students or faculty.](#)

Despite this scrutiny, some accreditors still seem to miss what states find.

At Diamond Beauty College, a small for-profit college in El Monte, California, offerings include programs in cosmetology, barbering and massage therapy. The Nevada massage board revoked its approval as an out-of-state school in 2011 following three prostitution charges against former students.

The California Massage Therapy Council also took Diamond Beauty College off its list of approved schools, in 2012. But it remains accredited by the National Accrediting Commission of Career Arts and Sciences.

The California Bureau for Private Postsecondary Education has been threatening to shut down the college since 2015. From the beginning, state officials encountered violations including failure to maintain student and faculty records and other issues related to paperwork, court records show.

They also found evidence of cheating on an exam meant to test students' readiness for college. Specifically, an individual who didn't graduate from high school or have a GED sped through the test in less than 15 minutes.

"These times are inconsistent with a person completing the examination under normal conditions," the state agency stated.

"Rather, they are indicative of a person completing the examination with the answers already available."

In 2016, the postsecondary bureau put the college on probation. By 2019, it was back on the state's radar. California said the school again was helping students fraudulently pass entrance exams, this time handing out exam booklets that "contained marks indicating the correct answer," according to a court filing.

The state agency also said the college forged the signature of owner Tony Do, who had died in March 2018. It found his daughter, Selenas Do, had signed school documents in his name after his death. The state still failed to shut down the college and instead put it on probation.

Most of that information is missing from the accreditor's publicly documented actions. Following a site visit in October 2019, the National Accrediting Commission of Career Arts and Sciences placed the institution on probation tied to student paperwork. It made no mention of the allegations of cheating or forgery. The accreditor did not respond to requests for comment.

In Minnesota, the accreditor for the American Academy also put the school on probation but only said its action was tied to the state's revocation order.

Mark McKenzie, executive director of the Accreditation Commission for Acupuncture and Oriental Medicine, said initially his agency didn't know the scope of the state's investigation, so it wouldn't have been able to include that information in its explanation of its actions.

Accreditors, he said, don't have the same investigative authority as states, so they rely on what those agencies are able and willing to share.

The end result of the mishmash of regulatory bodies and their separate investigations is some schools benefit from multiple second chances and, in some cases, federal money.

Diamond Beauty College's continued accreditation allowed it to benefit from emergency relief money connected to the coronavirus. It received about \$156,000, a little more than half of which went to students, and \$84,000 more through the pandemic Paycheck Protection Program.

At the American Academy of Health and Wellness, accredited master's and doctorate programs will be reviewed again in August. The Department of Education has also given the school temporary approval to operate and to access federal money, Talbot said.

The school is currently advertising its ability to offer federal and state student loans.

The House subcommittee looking into massage schools said it is concerned some schools may have concealed illicit acts to receive federal money.

"The Subcommittee would like to work together to determine if any other federal funds are unknowingly being provided to bad actors," the subcommittee chair, Rep. Raja Krishnamoorthi, D-Ill., wrote to the Department of Education on Tuesday.

Online massage schools: The next frontier for fraud?

Industry watchdogs worry the next frontier for fraud could be online massage schools. Massage schools wading into online instruction say they're meeting a need, not doing anything illicit.

Zhou, for instance, told USA TODAY he wants to extend his program's reach by applying next year for accreditation for a hybrid acupuncture program – combining online and on-site education – from the Accreditation Commission for Acupuncture and Oriental Medicine.

Shelene Taylor, who owns nine massage spas and clinics, said a shortage of massage therapists led her to launch a hybrid program. Her Allied Health Career Institute operates in Arizona and Virginia and, she said, has partnerships with Texas A&M and Auburn universities.

"In every state we are in, we are set up according to ... the laws of the state," she said.

In a presentation to the Arizona State Board of Massage Therapy last month, members of the massage federation urged caution.

"We're just trying to educate you with respect to the gaps that might exist," Mai Lin Petrine, director of legal and regulatory affairs, told members of the Arizona board. "You don't want to necessarily ban or prohibit them. But there is probably a way and there are mechanisms to allow these programs to exist."

Asked about online programs, Anderson, the Nevada massage board director, went further.

"We don't allow it in Nevada," Anderson said. "It's a traffickers dream, online education. Absolutely. That is something they want."

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