

MD Board of Massage Therapy Examiners

Fact Sheet: Massage Therapy Establishment



Who is the MD State Board of Massage Therapy Examiners?

The MD State Board of Massage Therapy Examiners (“BOMTE”) the primary function of the Board is to protect the Maryland healthcare public. This is accomplished by ensuring that massage therapists and massage practitioners are properly trained and educated, properly licensed or registered, engaged in professional development for continued license or registration; and fully comply with all required laws and regulations governing their respective scopes of practice.

[Regulations (COMAR 10.65.01 et seq.)]



Why Regulate Massage Establishments?

This Bill, to require massage establishments to have a permit to operate, will provide an increase in the level of public safety. The BOMTE with the oversight and disciplinary responsibility will ensure massage establishments in Maryland are adhering to the laws that mandate public safety. Just as any MD Citizen can call the BOMTE to inquire if an individual is licensed to practice, this Bill will enable any Citizen the same protection, to call the BOMTE and inquire if a massage establishment is legitimate to provide the services advertised. At present, any business can purport to be a massage business. This bill will require all massage businesses to get a massage establishment license. According to recent data from <https://egov.maryland.gov/businessexpress/entitysearch>, approximately 200 businesses identify as massage establishments, not all of which are active. Moreover, over 1080 establishments are on public record on the Internet, Yellow Pages, and county listings.

According to the Federation of State Massage Therapy, [Human Trafficking Task Report, 2017](https://www.fsmtb.org/consumer-information/human-trafficking/)



Source: Department of Homeland Security Infographic <https://www.dhs.gov/blue-campaign/share-resources>

[\(https://www.fsmtb.org/consumer-information/human-trafficking/\)](https://www.fsmtb.org/consumer-information/human-trafficking/), “Human trafficking is prevalent within the massage profession. Research shows that as many as 6,500 illicit (massage) businesses are active in the United States. Less conservatively, it is estimated that up to 9,000 illicit (massage) businesses may be active. Research also shows that in each year from 2012 through 2016, the ‘commercial-front brothel’ was one of the top two venues for sex trafficking. **The most concerning impact of trafficking on the profession is that it endangers therapists and the public.**”

Presently, BOMTE is a complaint driven Board. Complaints are received through victim complaint, complaint filed on behalf of a victim, local law enforcement “courtesy” notification to Board of an arrest of active licensee or registrant, self-report and/or criminal background check at renewal time (every two years). Current law does not authorize BOMTE to investigate complaints received for establishments. BOMTE receives and reviews complaints for licensees (4080 active: 2606 Licensed Massage Therapists and 1471 Registered Massage Practitioners) pursuant to MD Code Ann., Health General Art. 1-602, and initiates the investigatory process when appropriate upon referral of cases by the Board through the Executive Director.

How Human Trafficking Affects Public Safety?

The Board’s primary goal is protect the public health and safety. As a result, the Board sees regulating massage therapy establishments as an important tool in its arsenal to fight human trafficking and prostitution, for which massage therapy establishments have traditionally provided a front. Additionally, the Rap Back Service Program would allow the Board to have current criminal history information about its licensees and registrants and save licensees and registrants’ money by preventing them from having to obtain a criminal history records check upon renewal of a license or registration.

- BOMTE seeks to make serious and sustained efforts to reduce the sexual related acts of licensee misconduct.

“Massage Envy has released a letter to the massage profession ... following news that more than 180 customers have claimed sexual misconduct at the hands of employees of the popular franchise’s locations....There are 1,199 Massage Envy franchise locations that employ about 20,000 massage therapists and estheticians total and serve 1.65 million members.” Source: December 7, 2017 *MASSAGE Magazine*

- BOMTE seeks to make serious and sustained efforts to eliminate prostitution in massage establishments.
- BOMTE seeks to engage local governments in effective, transparent partnerships, cooperative arrangements, or agreements that will result in concrete and measurable outcomes to reduce human trafficking in establishments: any business that purports to be a massage business.

What Will Passing Massage Therapy Establishment Bill Do?

..."We have weak law," said Lisa Carrasco, a member of the Maryland Human Trafficking Task Force. The group, started in 2007, brings together state and federal law enforcement agencies and works to stop the crime and help its victims..."
 Source: *Massage parlor arrest highlights trafficking problem*, (Mar. 23 2013)

<http://www.baltimoresun.com/news/maryland/bs-md-marbella-sex-trafficking-20130323-story.html>

Even though this bill is fiscally/funding inclusive, revenue neutral, BOMTE will be able to support efforts and initiatives intended to support its statutory mission. With information sharing, BOMTE can collectively improve protection of the public by allowing partnership with external stakeholders to leverage data sharing to detect and prevent risks early, before they can threaten public safety by:

- Deterring, detecting, and denying access to or withholding licenses from establishments that may pose a threat to public safety.
- Working in partnership with State, and Local Law, and Federal Enforcement to support collective efforts to bring human trafficking and licensee sexual misconduct crimes out of the shadows.
- Focusing on sexual misconduct issues that are increasingly affecting public safety.
- Verifying that establishments offering massage therapy employ LMTs and/or RMPs with valid, current licenses that are not revoked or suspended by the Board.
- Verifying the physical location with an active massage establishment license has a massage establishment in operation.
- Strengthening the Board's ability to work collaboratively with law enforcement to identify, investigate, and sanction unauthorized massage establishments.
- Working collectively to facilitate access to data in support of its statutory missions and to improve protection of the public by allowing partnerships with external stakeholders to leverage data sharing.
- Requiring massage establishments to report to the Board any and all complaints made against a licensee(s) or registrant(s) at their establishment.

"Two women pleaded guilty on Tuesday to charges related to a prostitution sting conducted on their massage parlors in Frederick, according to the Frederick County State's Attorney's Office." Source: *Jan. 17, 2017 FrederickNewsPost.com*.

- The worldwide industry earns \$150.2 billion per year from the use of forced labor
- More than 1/3 of the profits [\$51.2 billion] are made from labor trafficking
- 2/3 of the profits [estimated \$99 billion per year] are made from sex trafficking
- Human trafficking is now the **2nd highest** grossing criminal enterprise
- 14,500 - 17,500 people are trafficked **into** the **United States** each year
- 200,000 are estimated to be trafficking **within** the **United States** each year Source: *2014 Trafficking In Persons Report - US State Department Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.*

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

Source: *Federation of State Massage Therapy, Human Trafficking Task Report*, 2017: <https://www.fsmtb.org/consumer-information/human-trafficking/>

- Maryland Human Trafficking Task Force (MHTTF) Victim Service Subcommittee members assisted **217** victims of trafficking in 2013
- FBI Child Exploitation Task Force has identified **46** child victims of trafficking in Maryland since January 2013
- MHTTF federal law enforcement partners have identified **200** total victims of trafficking since January 2013
- MHTTF federal law enforcement partners have arrested **94** human traffickers since January 2013
- **23** federal trafficking prosecutions in Maryland since January 2013 Source: *Maryland Human Trafficking Task Force. (Jan. 2013) Disclaimer: These statistics are for informational purposes only.*

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