

# Combatting Massage Licensing Fraud

## How Traffickers Exploit Gaps in Education Oversight

January 2023

State massage licensing regulations seek to provide assurance of common standards of safety, expertise, and professionalism among licensed therapists (LMTs). However, because of the value of LMT licenses, illicit massage industry (IMI)<sup>1</sup> actors work to fraudulently obtain them by cheating on the educational credentials and exams needed to obtain them. IMI associates then use the fraudulently obtained credentials to hide human trafficking and other crimes behind the massage therapy profession. Gaps in regulation, oversight, and communication among state massage therapy boards (MTBs) and state education authorities are exploited by the IMI to operate diploma mills, which offer fake transcripts and certificates. IMI actors then attempt –too often, successfully—to leverage the fake transcripts and test fraud to obtain LMT licenses. More permissive states that do not exercise adequate oversight and regulation over massage education and licensing regimens thus help IMI networks move and expand nationally.

### REGULATORY AND OVERSIGHT GAPS IN MASSAGE EDUCATION

In summer 2021, the Seldin/Haring-Smith Foundation (SHSF) exploded onto the front page of *USA Today* with its research into massage diploma mills, and the gaping regulatory and oversight cracks that allow them to operate. Existing regulation for massage schools runs a broad spectrum from none to school approval processes that include unannounced inspections and curricula review. Legal authority to act within states is often divided or ambiguous, sometimes allowing patently fraudulent schools to remain operational due to lack of clarity and/or coordination regarding state responsibility. There is also an overall lack of awareness about this problem and its potential role in facilitating human trafficking among many state agencies. Organizations like the Federation of State Massage Therapy Boards (FSMTB) have advocated for a massage school accreditation body that would set consistent national standards for training curricula, hours, etc.,<sup>2</sup> as well as for MTBs to have authority over these standards where other state bodies lack the expertise to evaluate massage education standards.

- In 33 states, the state MTB does not maintain a list of approved programs that have met standards for quality instruction as a prerequisite to take the licensing exam. Of those who do create approved schools lists, many approve submitted curricula but lack the ability to conduct site visits and other due diligence that would reveal red flags for fraud.
- Even in states like Nevada and Tennessee, where MTBs deny or withdraw approval of questionable schools and curricula, the schools can remain accredited and authorized to operate by the state, as state education entities often lack the authority and expertise to assess curricula and quality of massage education. This allows the questionable schools to receive federal loans and grants<sup>3</sup> and participate in federal student loan and visa programs.<sup>4</sup>
- In the SHSF report, authors noted that regulators in Minnesota had done everything within their power regarding the links between American Academy of Acupuncture and Oriental Medicine 's Chinese-language Tuina massage program and prostitution and/or trafficking, but ultimately lacked the authority to close the school based on these concerns.<sup>5 6</sup>

- Each state has a different regulation and oversight regimen for independent massage therapy schools (those at community colleges are handled differently), with various combinations of authorities shared between the MTB, state education authority, and entities such as the state health or labor agencies. Lack of understanding of lanes of responsibility and gaps not only within states, but between states, plays a large role in allowing fraudulent schools to operate unimpeded and to leverage their credentials in states other than the one in which they operate.

## LICENSING EXAM FRAUD

IMI-affiliated individuals buy fake transcripts and diplomas because they are a prerequisite to take the exam(s) needed for licensing where states exercise this oversight. Most states use a proprietary massage licensing exam called the Massage & Bodywork Licensing Examination (MBLEx), though some states use other exams in lieu of or in addition to it. FSMTB, which owns the MBLEx, has continually escalated security protocols to protect the integrity of the exam from cheating rings that engage in the illegal recording and selling of exams and answers. FSMTB also seeks to protect the integrity of the exam by invalidating exam results where there is proof of education fraud; it shares invalidated scores with all state MTBs to prevent bad actors from simply moving to another state when their license in one is revoked on these grounds.

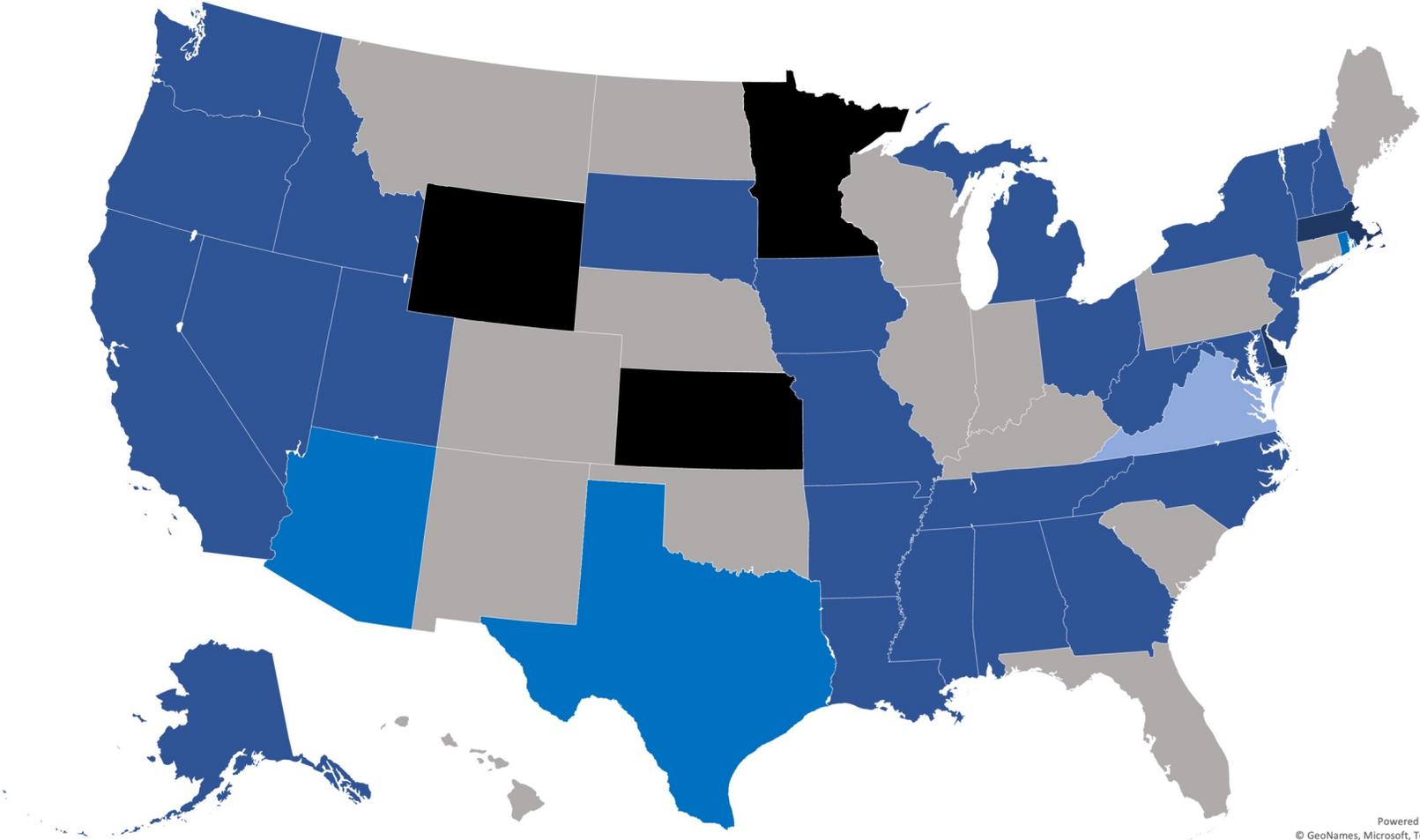
- In 2015, an investigation into a test-taker who had exam answers hidden in her boot led to video footage of the owner of a diploma mill recording answers to the exam via a camera hidden in a shirt button.<sup>7</sup>
- In 2017, the U.S. Government prosecuted Naresh “Raj” Rane, a New Jersey man who sold fake transcripts and certificates for \$2600, with the full knowledge that these would be used in illicit massage businesses.<sup>8</sup>
- A 2019 case in Colorado involved two individuals who created a false school and prepared fraudulent transcripts, as well as selling answers to the MBLEx.<sup>9</sup> At least one state legislator is now working to create the ability for regulatory bodies to revoke the licenses of those found to have obtained them via fraud.

Graphic: The Federation of State Massage Therapy Boards (FSMTB) and The Network researched types of regulatory gaps commonly exploited by IMI criminal actors. FSMTB administered a survey to its member MTBs to collect further insights into relevant authorities and practices vis a vis massage education; 30 states responded. Our goal is to apprise state bodies of areas where closer collaboration or the closing of gaps may help impede human traffickers within the IMI from being able to hide behind the profession of massage therapy.

## References:

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1. While “Illicit Massage Industry” and “Illicit Massage Business” are standard terms in the counter-trafficking arena, many LMTs and massage professional associations understandably prefer to avoid including the term massage to disassociate themselves as much as possible from the industry. Nonetheless, the traffickers, sex buyers, and other criminals involved in these ventures rely on hiding behind the massage profession as part of their business model, and therefore it is important to educate audiences about how they do so.
  2. [https://www.fsmtb.org/media/1606/httf-report-final-web.pdf?mc\\_cid=45e74d8e56&mc\\_eid=3e6d3fcc42](https://www.fsmtb.org/media/1606/httf-report-final-web.pdf?mc_cid=45e74d8e56&mc_eid=3e6d3fcc42), p. 26
  3. <https://www.yahoo.com/now/massage-schools-across-us-suspected-100107791.html>
  4. <https://cpe.nv.gov/uploadedFiles/cpenvgov/content/Meetings/2018/2018%2002%2007%20CPE%20Meeting%20Minutes.pdf>
  5. <https://cpe.nv.gov/uploadedFiles/cpenvgov/content/Meetings/2018/2018%2002%2007%20CPE%20Meeting%20Minutes.pdf>
  6. <https://www.documentcloud.org/documents/20983709-minnesota-order-aaaom>
  7. <https://www.usatoday.com/story/news/investigations/2021/07/11/fraud-prostitution-linked-to-us-massage-schools-what-to-know/7921239002/>
  8. <https://www.justice.gov/usao-nj/press-release/file/1071691/download>
  9. <https://www.justice.gov/usao-co/pr/two-sentenced-scheme-fraudulently-obtain-licenses-massage-therapy>

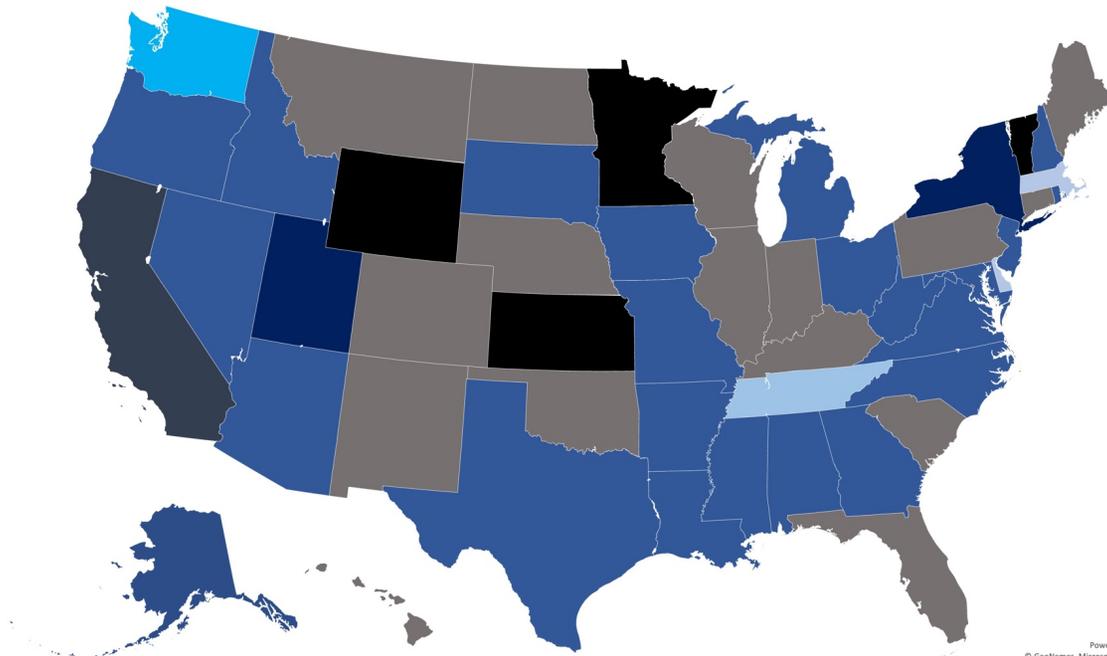
**STATE BODY WITH AUTHORITY TO SET MASSAGE CURRICULUM STANDARDS AND HOURS**



■ MTB ■ STATE LEGISLATURE ■ STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA (SCHEV) ■ UNABLE TO VERIFY ■ UNREGULATED

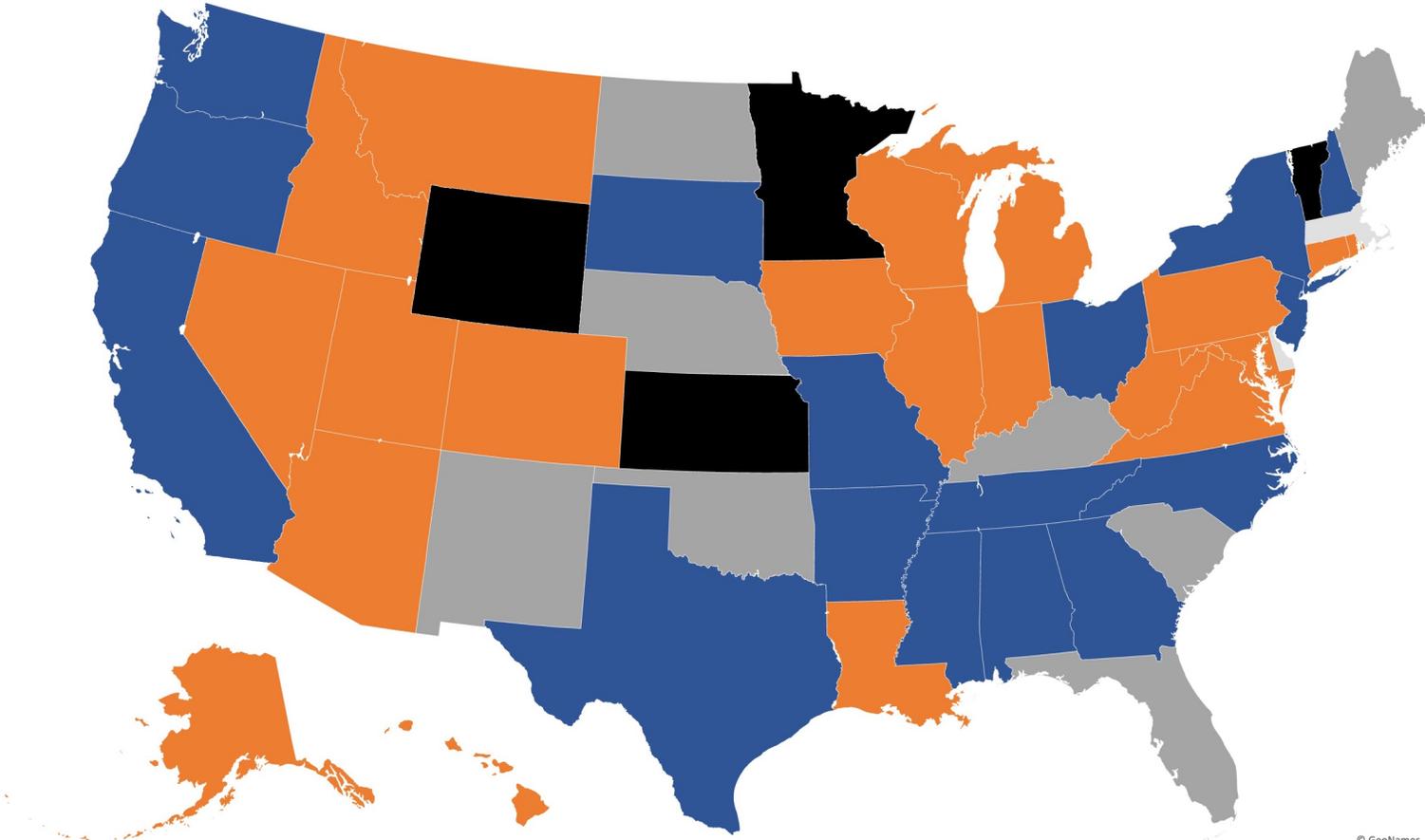
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### STATE HAS AUTHORITY TO DISCIPLINE LMT BASED ON EDUCATION FRAUD



- YES
- YES, WITH CAUSE
- YES, IF LICENSE REVOKED IN ISSUING JURISDICTION
- YES, CAMTC MAY REVOKE FOR CERTAIN VIOLATIONS EVEN THOUGH CERTIFICATION IS VOLUNTARY
- YES, WITH A PATH TO COME INTO COMPLIANCE
- THE MTB MAY MAKE A RECOMMENDATION TO REVOKE WITH EVIDENCE OF FRAUD
- SUSPENSION UNTIL BROUGHT INTO COMPLIANCE
- UNREGULATED
- UNABLE TO VERIFY

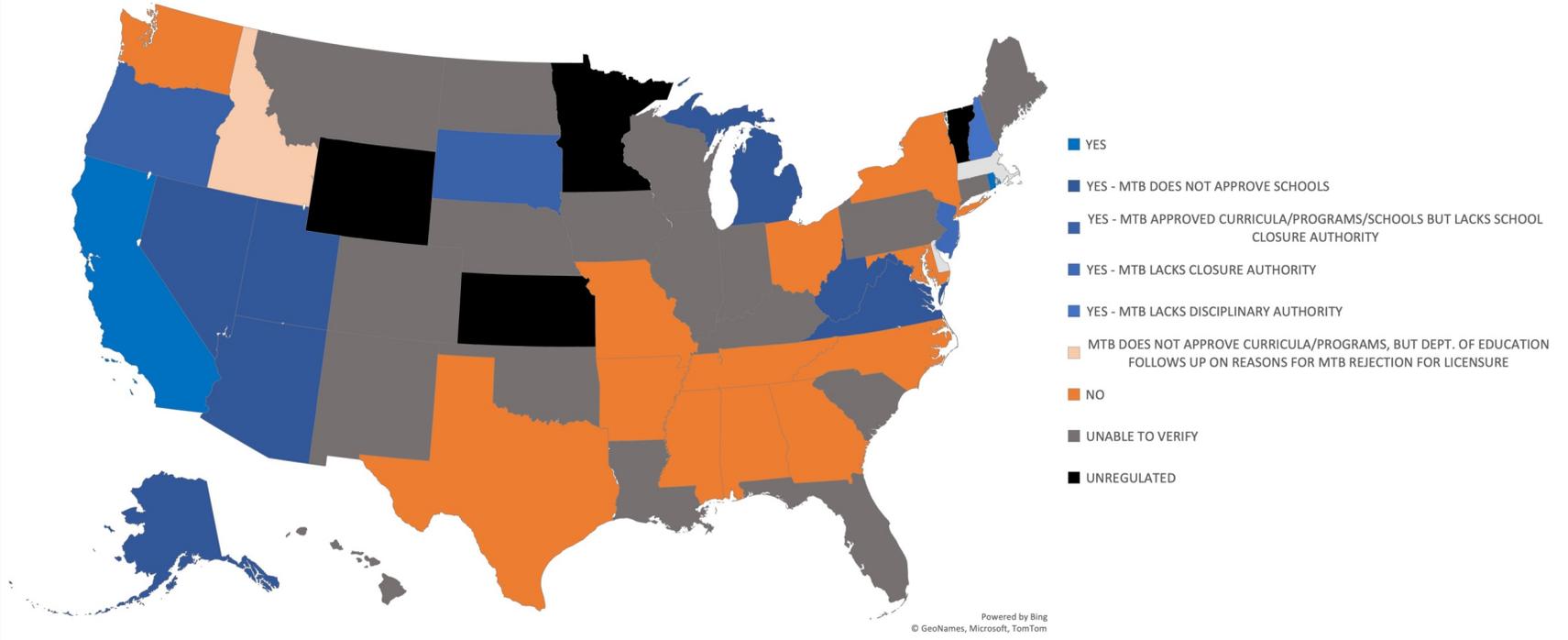
**MASSAGE THERAPY BOARD (MTB) MAINTAINS A LIST OF APPROVED SCHOOLS IN STATE**



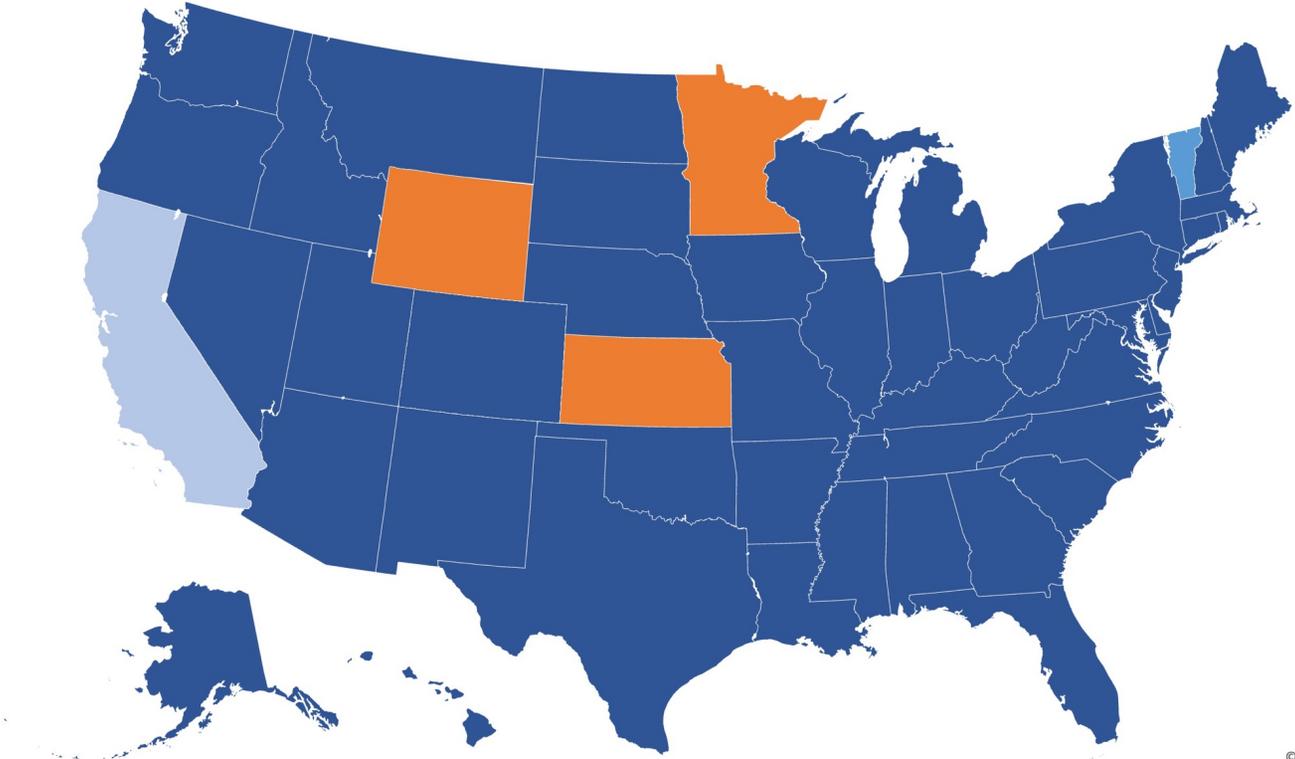
■ YES ■ NO ■ UNABLE TO VERIFY ■ UNREGULATED

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### THE STATE EDUCATION AUTHORITY CAN ALLOW SCHOOLS TO OPERATE EVEN IF NOT APPROVED BY THE MTB



# MASSAGE THERAPY STATE REGULATION



■ MANDATORY LICENSING ■ VOLUNTARY CERTIFICATION ■ UNREGULATED ■ REGISTRATION

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