

Minutes for December 2015 GR Teleconference  
Submitted by Christen Corvington

In attendance: Christen Corvington (AMTA), Garin Vorthman (CLS), Ginny Brown (DORA), Jill Berkana (Berkana Institute), Angela Hunt (AG Office/DORA), Deb Hatch (AMTA), Laura Embleton (ABMP), Dennis Simpson (CSHA), Lauren Larson (Divisions of Professions and Occupations), Chris Smith (CSHA), Roger Patrizio (CIMT)

8:03

-DORA is working on legislation for 2016 to clean up Massage Practice Act to address loopholes in the Act that they claim tie the hands of regulators and law enforcement when addressing human trafficking and prostitution.

-DORA's representatives offered background on stake holder meeting 11-3-15 and history of the massage license. A sponsor has been chosen for new proposal of bill, Rep. Foote, but language for the bill hasn't been drafted yet.

There has been over 20 cases/complaints in past couple years of suspicions or concerning behavior related to human trafficking/prostitution under guise of massage.

Misuse of exemptions are a concern.

-Important elements they want the bill to include:

-expanding penalties for people that facilitate unauthorized practice

-removing exemptions in Act from statute, some of which are being misused as loopholes for people to escape conviction

-get rid of statutory exemptions except those linked to another practice act; idea is capture the exemptions in a rule instead of a statute. Enable DORA to be more flexible as problems come up.

-rule vs statute: a rule would be a difference from regulator perspective, instead of going through assembly/legislature, the Director can change the rules as opposed to go through assembly (statute)

-Rule Making Process for DPO:

-engage stakeholders to get ideas about issues and changing/shaping rules. In order to make a rule it has to be tied to statute.

-draft changes and language put out there, public comment period

-another meeting to get formal comments on proposed draft

-changes are made

-new rule passes

-other things DORA and DPO are considering in statute: sexual misconduct definition change because it was too vague; moral conduct included in language

Angie: lots of disturbing cases that arise from MT's that you would never think it would happen; putting things in to rule as opposed to statute allows the rule to be more specific, where as you can't do that in statute.

Laura: question: do you have the criminal enforcement piece in rule vs. statute.

Angie: currently only misdemeanor—we are looking at adding criminalizing aiding and abetting unlicensed practice of massage as a guise for prostitution/trafficking (criminal and civil)

For criminal side, enforcement has to be in STATUTE, for civil side it doesn't have to be

Lauren: education efforts with Law Enforcement, met with detectives, assoc with Chief of Police, district attorneys,—we've been finding misunderstanding on Law Enforcement side (as in they don't realize EVERY therapist has to be licensed, not just the owner of the place)

Angie: Law enforcement is very receptive to this, we've been doing a lot of trainings and building more relationships in communities, the hard part is proving human trafficking as a felony, encourage the law enforcement to continue trying to go after it as felonies. Build stronger laws because people always find loopholes

Lauren: local law enforcement has brought to our attention that they think there is actually language in Act that limits them from regulating

Dennis: the exemption issue has always come in to play over the years, "Asian bodywork" exemption—haven't a lot of these cases involved that as the exemption as opposed to the other exemptions?

-Angie: getting rid exemptions are a huge part because people are always finding a way around, we are looking at overall methods to combat trafficking, the major one we are seeing recently called "foot massage."

-Ginny: DORA's open to communications

2)Rep Carver: working with human trafficking task force in El Paso County, Roger Patrizio has been part of convo

-haven't received draft legislation yet, but similar to DORA's reasoning for changes. Frustration with illegal activities that pops up under guise of massage therapy. Trying to go after illegal actors and not harm professional MT's that are doing the right thing.

-Roger: we don't have a formalized bill; currently we have a lot of Asian Bodywork parlors opening up within city limits of CO Springs. Carver's bill will give law enforcement greater access to these businesses; more flexibility to come in and check on licenses for individual workers and get a scope of the business. But need to wait and see more details on the bill. Girls that get arrested for misdemeanors just shuffle to girls around to a different location.

-Garin: do you know if language is more towards business side of it, or delving into the actual practice of massage therapy? DORA has a plan that they think can address the loopholes, but my concern is that we fought hard to get licensing to get away from patchwork of regulation city to city, which is why we went toward Statewide licensing so there is consistency across the state—and we don't want to get away from that, we want comprehensive and cohesive effort to attack this problem, not return to patchwork regulation

-Roger: they are addressing the exempted practices

Deb: what is the timing on Rep Carver's bill.

Garin: leg session starts Jan 13, don't know if this is an early bill or later bill. As soon as I know I will let group know, probably mid jan at earliest

3)Other topics

Garin: there is interest within massage for insurance reimbursement. Insurance industry is not happy with this idea/proposal; also there is less and less money available for all of the interested groups that want to be reimbursed. In case there is an insurance bill that is introduced we would want to take a look at it.

Sunset reviews other medical professions: any time there is a sunset review of a healthcare practice we want to look at it just to be sure nothing that would impact us negatively is included and no inadvertent changes to our practice act.

-reciprocity agreements with other states: we just make sure these kinds of things don't cause inadvertent changes to our Act or provide more loopholes, also want to be sure that people are as well trained etc

-general fyi: any general business issues that come through we look at those bills too, because

MTLAD- Garin will check social calendar for March/April

Conference calls—bi weekly, especially because of these proposed changes

Next conference call Thurs Jan 21 8 am