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### Another look at human trafficking

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Human trafficking is regarded as one of the fastest growing criminal enterprises in the world, affecting some 50 million people worldwide and pulling in an estimated \$150 billion USD annually. Trafficking disproportionately affects women and children, who are often forced into modern slavery as workers or sexually exploited. Men are not immune, however, as millions of workers are forced into dangerous conditions where they work for little or no pay. One of the major challenges in addressing this global problem is identifying victims and helping them leave their oppressive situations and find resources. One industry that sits on the front line of this issue is healthcare.

Victims of human trafficking will, at some point in their lives, access healthcare. When they do, healthcare professionals are uniquely positioned identify victims and help them seek the resources they need to escape and regain control over their lives. Several studies support the idea that healthcare can play a strong role in preventing human trafficking and protecting victims, and several organizations are taking note and instituting the necessary policies to make a difference.

In December of 2018, the New York State Department of Health issued new regulations and guidance on hospital policies for human trafficking victims. The following month, the NYC Mayor's Office to End Domestic and Gender-Based Violence<sup>[1]</sup> hosted a forum attended by a group of New York healthcare providers. The forum addressed human trafficking and how healthcare providers should respond. They discussed how to implement the new regulations, which require hospitals and clinics to create policies to identify, treat, and refer victims of human trafficking, as well as other potential strategies, such as staff training and a better sharing of medical records.

“We want to help this discussion as health care providers are evolving and thinking about how to implement this,” said Cecile Noel, commissioner of the Mayor's Office to End Domestic and Gender-Based Violence. “Our response as a city, as city entities and hospitals, will be stronger because of our collaboration.”

### **Protocols and statutes that address the problem**

New York's efforts are part of a broader push to identify and protect human trafficking victims throughout the healthcare profession.

In Michigan, for example, an emergency room nurse, Danielle Jordan Bastein, helped develop a protocol to help doctors and nurses identify those who may be in danger. According to Bastein, more than 90% of victims have contact with a healthcare worker, but less than 1% are actually identified. The protocol relies on reading cues (e.g., inconsistency in a person's story, the presence of other people who answer questions and won't leave the potential victim alone, or if the potential victim isn't holding their own ID or money) to help flag a person. When the person is flagged, another primary nurse will ask more specific questions. If the person is identified as a victim of human trafficking and agrees to receive help, authorities are alerted and the potential victim is given

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safe housing, necessities, and transportation.

In Minnesota, prostitution and human trafficking are linked – unlike in most of the United States – under a statute known as the Safe Harbor Law, passed in 2011, which put into effect the No Wrong Door Plan. The plan calls for a statewide network of safe houses and regional navigators who are trained to identify and help rescue trafficked minors. The law also designates that women under 18 who are trafficked are treated as victims, not criminals, and puts in place stiff penalties for those who are caught trafficking women of any age. Minnesota’s efforts do not focus solely on healthcare workers, although it is often the first responders that are in a position to identify potential victims of human trafficking and help protect them.

## Examples of policies and protocols

The Joint Commission, an independent, not-for-profit organization that accredits and certifies nearly 21,000 healthcare organizations and programs in the United States, issued a Quick Safety advisory for health professionals.<sup>[2]</sup> The advisory gives examples of policies and procedures that can help healthcare professionals know how to identify victims, when to involve law enforcement, and what community resources are available to potential victims.

According to a June 19 press release,<sup>[3]</sup> the advisory “encourages medical providers to provide trafficking victims with information and options, while supporting them through the process of connecting with service providers, if they are ready to report their situation.” Below is a short list of some actions the advisory recommends:

- In situations of immediate, life-threatening danger, follow institutional policies for reporting to law enforcement.
- Provide the patient with the National Human Trafficking Resource Center (NHTRC) hotline number (1-888-373-7888, or text BeFree 233733). If the patient feels it is dangerous to have the number, help them memorize it.
- Provide the patient with options for services, reporting, and resources. Ensure that safety planning is included in the discharge planning process.
- If a patient is a minor, follow mandatory state reporting laws and institutional policies for child abuse or serving unaccompanied youth.
- Accurately document the patient’s injuries and treatment in the patient’s records.
- Gain permission and consent from adult patients who have been trafficked before disclosing any personal information about the patient to others, including service providers.
- Consult with social workers, because they can be instrumental in getting the support and resources that patients need.

Another useful resource is the newly enacted regulations published by the New York Department of Health in December of 2018.<sup>[4]</sup> The regulations provide a clear list of actions hospitals are required to take:

- Policies and procedures shall provide for the identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims.
- In the case of individuals who are suspected to be human trafficking victims and are under 18 years old, policies and procedures shall provide for the reporting of such persons as an abused or maltreated child, if

required under Title 6 of Article 6 of the Social Services Law.

- The hospital shall inform individuals who are suspected to be human trafficking victims of services that may be available, including those referenced in Article 10-D of the Social Services Law.<sup>[5]</sup> Referrals also may be made to other healthcare providers, appropriate state agencies, and/or other providers of services as appropriate. Such information may be provided verbally and/or in writing as appropriate.
- The hospital shall post the human trafficking hotline poster issued by the National Human Trafficking Resources Center,<sup>[6]</sup> or a variation of such poster created by the Office of Temporary and Disability Assistance (OTDA) consistent with section 483-ff of the Social Services Law, whichever OTDA makes available on its website.<sup>[7]</sup> Posters shall be placed in conspicuous locations near primary public entrances and where other posters and notices are posted.
- The hospital shall establish and implement training, which may be incorporated into current training programs, for all individuals licensed or certified pursuant to Title 8 of the Education Law who provide direct patient care, and for all security personnel, regarding the policies and procedures established pursuant to this subdivision. Such training shall include training in the recognition of indicators of a human trafficking victim and the responsibilities of such personnel in dealing with persons suspected as human trafficking victims.

## Not just nurses

Regulations and statutes addressing the need for healthcare professionals to be able to identify and protect victims of human trafficking do not point to a specific group of people within the industry. Although nurses and emergency department personnel are often the point of first contact, the entire hospital staff is responsible for knowing the signs of human trafficking, and the procedures in place to help them. As Dr. Santhosh Paulus, leader of a system-wide task force to address human trafficking in New York told *Crains New York*: “It's not just physicians, nurses, and social workers. We train everybody. It's the phlebotomy team, front desk registration, the security team, and transport. Our goal is to have all 68,000 employees trained.”<sup>[8]</sup>

<sup>1</sup> NYC Mayor's Office to End Domestic and Gender-Based Violence. <https://on.nyc.gov/2TiGi7d>

<sup>2</sup> The Joint Commission, Quick Safety 42: Identifying human trafficking victims, June 19, 2018. <https://bit.ly/2Kck7a0>

<sup>3</sup> Katie Looze Bronk, “New Joint Commission advisory on identifying human trafficking in health care” June 19, 2018. <https://bit.ly/2TnYAnK>

<sup>4</sup> New York State Register: Hospital Policies for Human Trafficking Victims. December 18, 2018. <https://bit.ly/2TtP2qm>

<sup>5</sup> Article 10-D of the Social Services Law, Services for Victims of Human Trafficking. <https://bit.ly/2TwSBvZ>

<sup>6</sup> Poster available at <https://bit.ly/1RLp7lt>

<sup>7</sup> Office of Temporary and Disability Assistance website. <https://on.ny.gov/1ijR27I>

<sup>8</sup> Health Pulse Team, “Health care providers have role in helping human trafficking victims” *Crains New York Business*, January 25, 2019. <https://bit.ly/2UseyK1>

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