



Health Education, Advocacy, Linkage

Because Human Trafficking is a Public Health Issue

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Katherine Ceraolo
NY Department of Health
Bureau of Program Counsel
Regulatory Affairs Unit, Room 2438
ESP Tower Building
Albany, NY 12237

Sent via email: regsgna@health.ny.gov

Re: Hospital Policies for Human Trafficking, I.D. No. HLT-51-18-0051-P

Dear Ms. Ceraolo:

HEAL Trafficking thanks the NY Department of Health for the opportunity to provide written comments on “Hospital Policies for Human Trafficking Victims,” the proposed regulations to implement PHL §2805-y, requiring that healthcare facilities “identify, treat, and/or refer” patients who may be experiencing human trafficking and provide training on doing so.

HEAL Trafficking is a united group of trafficking survivors and multidisciplinary professionals dedicated to ending human trafficking and supporting its survivors using public health principles. The HEAL Trafficking mission is to mobilize an expansion in the anti-trafficking paradigm such that efforts are rooted in public health principles and trauma-informed care by: expanding the evidence base; enhancing collaboration among multidisciplinary stakeholders; educating the broader anti-trafficking, public health, and healthcare communities; and advocating for policies and funding streams that promote a comprehensive, public health response to trafficking and support for survivors. HEAL Trafficking has over 2,500 network participants from all 50 states and the District of Columbia (<https://healtrafficking.org/>).

An estimated 26 - 88% of survivors of trafficking presented for healthcare while they were being trafficked; but most of them did not have the opportunity to speak with their clinical care team about their situation. New York State, via PHL 2805-y, has acknowledged that human trafficking is an issue relevant to healthcare institutions and recognized the importance of making healthcare facilities the safe spaces they should be for an especially vulnerable

population. HEAL Trafficking submitted a memorandum of support in 2016 when A.8650-B and S.6835-B were enacted as PHL §2805-y.

Nevertheless, the statutory mandate contained in PHL §2805-y is not by itself sufficient to meet the needs of New York State patients who are at risk for or have experienced human trafficking. Clinicians must receive ongoing training on this topic, in which most are not—and should not be expected to become—experts. To implement the requirements of PHL §2805-y, the New York State Department of Health published proposed regulations on December 19, 2018. The proposed regulations, which would amend Part 405 of Title 10 NYCRR, do not go far enough. The proposed regulations require health care facilities to establish and implement: “written policies and procedures to provide for identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims” and “training, which may be incorporated into current training programs ... regarding the policies and procedures [and] in the recognition of indicators of a human trafficking victim and the responsibilities ... in dealing with persons suspected as human trafficking victims.” The training would be required for all licensed or certified health care professionals and security personnel.

These proposed regulations anticipate that, using existing training infrastructure, relevant health care facilities will be able to comply with the law. This is not the case. Most facilities do not have staff who are trafficking experts, and thus are struggling with how to provide the necessary ongoing training for their clinical and security personnel. To meet this requirement, facilities are turning outside of the clinical arena for education. It is essential to the provision of excellent patient care that health care personnel receive ongoing, high-quality education, rooted in clinical experience, on the deeply nuanced issue of human trafficking. Clinicians need to receive training on trafficking directly from or informed by clinicians who serve trafficked persons, not law enforcement agents, administrative staffs, or service advocates. While such persons have valuable expertise, they are not aware (nor can they be) of the clinical needs of patients with a trafficking experience; they cannot teach to the clinical goals and settings, as clinicians require.

HEAL Trafficking recommends that the New York Department of Health amend the proposed regulations for PHL 2805-y to require that training on human trafficking to clinicians be guided by or delivered by experts with clinical experience and expertise in serving patients impacted by trafficking, until this topic is standard fare in medical professional educational settings.

Respectfully submitted,



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