



## PROCEDURES FOR UN-APPROVAL OF SCHOOLS

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the un-approval of schools and the requirement to provide additional proof of adequate education (beyond merely a transcript). These procedures do not apply to decisions made to deny an application for school approval or to impose discipline on a CAMTC approved school:

1. Reasons for un-approval or action against a school.

Schools may be un-approved or otherwise acted against for any of the following reasons:

- a. Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school.
- b. Failure to require students to attend all of the classes listed on the transcript.
- c. Failure to require students to attend all of the hours listed on the transcript.
- d. Engaging in fraudulent practices, including but not limited to, the creation of fake documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices.
- e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of law or any rule or bylaw of CAMTC.
- f. Denial, suspension, revocation, or otherwise being acted against by National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code.

- g. Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts.
- h. Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts.
- i. A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in these sections 1. a. - h.
- j. Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).

## 2. Investigations.

Section 4615 of the Business and Professions Code provides:

(a) The council<sup>1</sup> shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.

(1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

(2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant and others or conduct any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter.

If CAMTC receives information that a school has violated a provision of section 1 of these procedures, it will make a determination (in its sole discretion based on the nature of the information received) whether to investigate that claim or not. If CAMTC decides to investigate the claim and, after investigation, has credible evidence that a violation of a provision of section 1 of these procedures has occurred, CAMTC will then make a determination whether or not to propose un-approval of a school, or propose to otherwise take action against the school. If CAMTC decides to propose un-approval or to take action against a school, the procedures listed in section 3 below shall be followed.

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<sup>1</sup> “Council” as used in the Law means CAMTC.

Any school about which there is a concern will be evaluated and investigated on a case-by-case basis. CAMTC will consider all of the evidence before it when making a proposed or a final decision.

With respect to investigations and/or actions against schools, including but not limited to final decisions about un-approval or action against a school, CAMTC may delegate its authority under these procedures to a committee or to staff, in CAMTC's sole discretion.

### 3. Procedure for Notifying School of Concern and Chance to Respond.

Once the initial investigation is completed and CAMTC has made a decision to propose un-approval or to take action against a school, it shall notify the school of its intent to take such action, including placing it on the un-approved list. It shall also take all of the following steps:

- a. Send the school a letter notifying it of CAMTC's proposed decision to un-approve the school or take action against the school and identifying the reasons for that decision (this letter shall be called a "Proposed Un-Approval Letter" regardless of the action proposed to be taken);
- b. Notify the school that it will be given 30 days from the date of the Proposed Un-approval Letter to respond in writing, including submission of any documents, evidence, and written statements, and/or to request the opportunity to make an oral statement before the CAMTC Board of not more than 20 minutes;
- c. Notify the school that if an oral statement is timely requested, the school will have the opportunity to make that statement to the Board before its matter is considered;
- d. Notify the school of the outcome in writing within 90 days after the Board renders its decision; and
- e. Inform the school that all applications submitted with transcripts from their school that cannot be otherwise certified will be placed on hold until a final decision as to whether to un-approve or otherwise take action against the school is made.

### 4. Action Against a School.

If CAMTC makes a final determination that a school has engaged in any of the conduct identified in paragraph 1 of these procedures, it may take any or all of the following actions, in its sole discretion:

- a. Un-approve the school or otherwise take action against the school, including but not limited to imposing probationary conditions.

b. Un-approve the school and list the school as an un-approved school. If the school is listed as un-approved, a grace period of no longer than 90-days may follow, however in no case shall CAMTC allow an applicant that has submitted an application for certification on or after July 1 of 2016, to use education from a school that has not been approved by CAMTC for CAMTC certification purposes. During the grace period, the school's students who apply for certification on or before June 30, 2016, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students who apply after the grace period has expired or on or after July 1, 2016, will be told that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged;

b. List the school as a school for which students will have to provide additional proof of education beyond just a transcript, rather than listing the school as "un-approved";

c. Place the school on probation, with the specific probationary terms and conditions identified in the final decision letter, including but not limited to further inspection of school premises and documents.

If the school submits no information in response to the Proposed Un-approval Letter, the school will become un-approved and it will be listed on CAMTC's website as an un-approved school after the time for response to the Proposed Un-approval Letter has expired.

## 5. Rehabilitation.

### A. Consideration of Rehabilitative Factors

Consideration of a school's rehabilitation will be evaluated on a case-by-case basis. CAMTC will consider all available information, including the totality, weight, and reliability of the evidence when making a determination.

Factors that will be considered when determining whether a school has been rehabilitated may include, but are not necessarily limited to, the following:

- a. The seriousness of the conduct that resulted in CAMTC action against the school;
- b. The number and nature of complaints CAMTC has received about the school, both before and after CAMTC action against the school;
- c. The length of time between complaints against the school;
- d. The number and nature of disciplinary action by CAMTC or other organizations against the school;

- e. The length of time the school has been operating and approved by one of the organizations listed in 4600(a)(1)-(5);
- f. The effect CAMTC action against the school has had on the school;
- g. Safeguards instituted by the school to prevent recurrence;
- h. Actual knowledge by current school owners of the bad acts engaged in at the time the conduct that led to CAMTC action against the school occurred;
- i. Change in status with other agencies that regulate schools, such as NCBTMB (e.g. restoration of a school's NCBTMB "school code" after suspension or revocation or change from suspension to revocation);
- j. Approval or re-approval of the school by the Bureau for Private Postsecondary Education (BPPE);
- k. Ongoing rehabilitation efforts by the school and how realistic such efforts are;
- and
- l. All other relevant information related to rehabilitation.

## B. Procedures

When a school requests that it be taken off the list of un-approved schools or the list of schools from which students have to provide additional proof of education beyond just a transcript (collectively "the list"), CAMTC will make the decision, in its sole discretion, based on its consideration of rehabilitative factors as described in Section A.

All such requests by schools must be:

- 1. in writing, and
- 2. sent to the CAMTC offices at One Capital Mall, Suite 800, Sacramento, CA 95814 OR via email to [SLaFlamme@amgroup.us](mailto:SLaFlamme@amgroup.us)

CAMTC will review the information presented by the school and has the authority to investigate the evidence, including but not limited to oral interviews with a school's management, staff, students and graduates and any other relevant witnesses, whether affiliated with the school or with other organizations.

If CAMTC determines that a school should be removed from the un-approved list (or may be eligible to be removed from the list), CAMTC may impose conditions on the school, including but not necessarily limited to the following:

- a. Requiring a school to submit periodic written progress reports identifying steps being taken to correct the unacceptable issues.
- b. Requiring a school to submit to unannounced CAMTC staff visits to the school for inspection, including but not limited to inspection of facilities, personnel, classes, and records, and to monitor the school's activities.

Once a final decision is made by CAMTC, the school will be notified in writing of that decision.

Any school that has been un-approved or has been placed on the list for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the

transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices may not request removal from the list of un-approved schools for a period of five (5) years from the date the school was un-approved or added to the list. All other schools may request removal from the list after a period of two (2) years from the date the school was un-approved, acted against, or added to the list. Schools must be removed from the un-approved list before they can apply for CAMTC approval.

The burden of proof is on the school to prove that it has been sufficiently rehabilitated to allow removal from the list or re-application to CAMTC as an approved school. Whether a school that claims rehabilitation and requests removal from the list will be removed from the list is in CAMTC's sole discretion.