



## TABLE of CONTENTS

<u>Document</u>	<u>Page(s)</u>
Notice and Agenda	3
4 – Introduction of Preliminary 2016 Budget	6
• 4.1 – Annual Comparison 2015/2016	9
5 – Proposed 2016 Strategic Priorities	14
6 – New York State Massage Licensing Exam	15
10 – Staff Recommendation Regarding Offering Approved Exam in Foreign Languages	16
11 – Proposed Amendments to Policies and Procedures for Approval of Schools	18
13 – Chief Executive Officer’s Report	38
• 13.1 – CAMTC Bank Accounts	42
• 13.2 – Performance Metrics – 2 <sup>nd</sup> and 3 <sup>rd</sup> Qtrs 2015	43
• 13.3 – CAMTC Organizational Chart	48
• 13.4 – Letter to LA Police Chief	49
• 13.5 – Letter to Police Chiefs Association	50
• 13.6 – Letter to City Manager – Redwood City	51
• 13.7 - Letter to CSAC Executive Director	52
• 13.8 – Response from Half Moon Bay	53
• 13.9 – Response from Solano County	54

• 13.10 – <i>We are Interested in your Feedback</i> email	55
• 13.11 – 2015 Strategic Priorities	56
• 13.12 – Massage Therapy Act – Chapter 10.5	57
16 – Chairman’s Report on Federation of State Massage Therapy Board’s Meeting	59
17 – Director of Governmental Affairs and Special Projects’ Report	62
• 17.1 – Database Development Update	64
18- Treasurer’s Report	68
19 – Director of PSD’s Report	76
20- Director of ESD’s Report	77
21 – Proposed Amendments to CAMTC Articles and Bylaws	78
22- Proposed additions to CAMTC Board Operations Policies	80



# CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 www.camtc.org

Sent and Posted: Friday November 6, 2015

## NOTICE OF PUBLIC MEETING

Wednesday, November 18, 2015 – 10:00am

Marriott San Francisco Airport Waterfront  
1800 Old Bayshore Highway  
Burlingame, CA 94010  
Bayside 2 Meeting Room

## AGENDA

1. Call to order and establish quorum
2. Chair's Comments
  - Welcome/Introductions
  - Rules of Debate
3. Approval of minutes from September 14 and 15, 2015 meetings
4. Introduction of preliminary 2016 budget
5. Proposed 2016 strategic priorities
6. New York State massage licensing exam
7. Closed session with CAMTC legal counsel pursuant to California Government Code section 11126(e)
8. Massage school presentations
9. Closed Session with CAMTC legal counsel pursuant to California Government Code section 11126(e)
10. Staff recommendation regarding offering approved exam in foreign languages
11. Proposed amendments to Policies and Procedures for Approval of Schools

12. Decrease in the number of applications for 2015
13. Chief Executive Officer's report
  - Operations
  - Finance
  - Outreach
  - Board composition
14. Closed Session regarding the appointment, employment, evaluation of performance, or dismissal of an employee pursuant to California Government Code Section 11126(a)
  - CEO performance review
15. Return to open session and announce action taken in closed session, if any, under item 14
16. Chairman's report on Federation of State Massage Therapy Board's meeting
17. Director of Governmental Affairs and Special Projects' report
  - Local Government Implementation of AB1147
  - Next Sunset
  - Human Trafficking
  - Database Development Update
18. Treasurer's report
  - Applications Received
  - Financial Statements
  - Conclusions
19. Director of PSD's report
  - Interaction with law enforcement agencies
  - Training
  - Media
20. Director of ESD's report
  - School numbers
  - Process status
  - Goals for remainder of year
21. Proposed amendments to CAMTC articles and bylaws
22. Proposed additions to CAMTC Board operations policies
23. Board meetings for 2016

- 24. Items/suggestions from Board members for future meeting agendas
- 25. Public comments regarding issues not in this agenda/suggested agenda items for future meetings
- 26. Adjourn

*All agenda items are subject to discussion and possible action.* To make a request for more information, to submit comments to the Board, or to make a request regarding a disability-related modification or accommodations for the meeting, please contact Sheryl LaFlamme at (916) 669-5336 or One Capitol Mall, Suite 800 Sacramento CA 95814 or via email at [camtc@amgroup.us](mailto:camtc@amgroup.us). Requests for disability-related modification or accommodation for the meeting should be made at least 48 hours prior to the meeting time. This notice and agenda is available on the Internet at <http://www.camtc.org>

**PROPOSED PRELIMINARY BUDGET 2016****Presented by Ahmos Netanel, CEO**

Typically, CAMTC's Board approves a preliminary budget for the following year at the last Board meeting of the current year and then approves the final budget during the first meeting of the budget year. This protocol allowed the budget to be based on actual opening numbers and not projected numbers as well as allows for additional recalibration of key assumptions. The attached budget is compared to the current year budget. The budget that will be presented in the first 2016 Board meeting will be compared to the actual financial results of 2015.

We expect that the fees charged by the Educational Standards Division (ESD) will not be sufficient to cover all expenses incurred by ESD in 2016. The shortfall will be covered by CAMTC's general budget during 2016, but we expect that by 2017 ESD will be able to generate a surplus that will reimburse the general budget.

CAMTC's preliminary proposed budget for 2016 is a balanced budget based on a set of assumptions that reflect historical data and Board's objectives. Projected total revenue is \$4,088,756, with total expenses of \$4,084,756 netting an operating surplus of \$4,000 for the year.

CAMTC's goal has been to maintain a cash position of six months of operating expenses. After subtraction of cash outlay for projects/priorities not funded from 2016 operations (see explanation below) the projected year-end cash is \$2,633,609, which equals to more than seven and a half months of operating expenses.

*The following revenue recognition formulas for 2015 are unchanged:*

*New applications - 37% when received, 39% when issued and 24% over 24 months.*

*Recertification - 46% when received, 42% when approved, and 12% over 24 months.*

**REVENUE:**

**Revenue projections:** Making precise revenue projections for 2016 may prove to be a humbling exercise. It is still difficult to predict how the substantive changes in CAMTC's enabling law will impact the demand for certification. Our past assumption that the additional cost and effort associated with the new the exam requirement (which CAMTC fully supported) would result in a drop in new applications at the beginning of the year turned out to be correct. So far, the industry has not adjusted and currently the number of new applications is down by 70% of 2014 levels.

In addition to the above factors, there are two additional dynamics that may influence the number of new applications as well as the percentage of re-certifications. On one hand, the erosion of the value proposition that CAMTC's certification represents to certificate holders (such as the insulation from certain onerous local regulations) as well to those who employ them, may prove to have a chilling affect on demand and may act as disincentive for massage professionals to voluntarily pursue and maintain CAMTC's certification. On the other hand, the consistent trend of cities and counties mandating

CAMTC's certification may result in increased demand for certification. It is difficult to project the net effect of these two opposing forces and whether each will end up balancing out the other.

The above considerations were incorporated into multiple extrapolation models and recent emerging trends, in making the revenue assumptions. At the end of the day, such projections can only be described as "educated guesses".

**Fees** - At this point, we recommend maintaining all fees at current levels. It should be noted that CAMTC has never raised its certification fees.

**New Applications Received** – Based on an estimate of 350 applications per month. Revenue recognition: 37% of the \$150 per application received.

**Certificates Issued** – Based on an average of 87% of all applications received getting certified. Recognizing the revenue at 39% of the \$150 received.

**Renewals Applied** – Based on the actual database, number of persons eligible for recertification throughout the year, and the assumption that 67% of eligible certificate holders will apply for rectification. This is a conservative projection since current recertification rate stands at 74%. Recognizing this revenue at 46% of the \$150 received.

**Renewals Approved** – Based on 96% renewal approval ratio. Recognizing the revenue at 42% of the \$150 received.

**Deferred Prior Years and Current Year** - Based on the number of applications received over 24 months. Deferral of 12% for renewals over 24 months and 24% of new applications received over 24 months.

**- Denied Applications and Purged Revoked, etc.** – Based on current year history and expected trend.

**Miscellaneous Fees** – Based on current year history and expected trend.

### **OPERATING EXPENSES:**

**BOARD EXPENSES:** Expenses are based on three one day and one 2-day meetings per year.

**OUTREACH/MARKETING EXPENSES:** Includes all expenses related to the promotion of the organization and public relations. This item may need to be increased to meet the Board's sunset objectives.

**GENERAL & ADMINISTRATIVE EXPENSES:** Includes all expenses related to the general operation of the organization. The budget is based on known expenditures for equipment or supplies along with historical data from current year.

**EXECUTIVE STAFF:** Includes all expenses related to executive staff (CEO and Government Relations Director). Travel was cut but may need to be increased to meet the Board's strategic priorities. The budget does allow for a 4% increase on wages, and benefits allowances for all staff members (PSD, ESD and Executive) on the anniversary date of each employee. This increase is not automatic and must be approved by the CEO prior to implementation. The CEO's compensation is set in a contract.

**PROFESSIONAL STANDARDS DIVISION:** This includes all expenses related to the staff and operations of PSD. In order to further expedite disciplinary actions, the proposed budget allows for adding a forth in-house attorney starting in February. Staff costs are based on the 2015 YTD hours for each employee. The budget does not allow for the addition of other personnel for increased hearings and reviews because our immediate priority is reducing the notice of decisions backlog. There is a real possibility that PSD's workload will increase in 2016 because of increase cooperation with law enforcement agencies and the discontinuance of local permitting by many jurisdictions.

**GENERAL STAFFING EXPENSES:** Includes payroll services, payroll taxes and workers' compensation insurance. Expenses are based on known salaries and prior year history.

**PROFESSIONAL SERVICES EXPENSES:** Includes application processing expenses, legal-general, accounting/audit and consulting. Expenses are based on current agreed fees.

#### **OPRIORETY PROJECTS/OBJECTIVES:**

In order to reflect future expenditures for projects and objectives that have been prioritized by the board, the budget format was modified last year. Below the subtotal entitled "Operating Surplus/(Deficit)", a section for "Priority Projects/Objectives" was added." These projects will not be funded by 2016 operations; rather, the funding source will be the cash balance deemed to be in excess of short-term operating needs. Each approved project/objective, with a balance for estimated total costs of each item is listed.

When the budget is approved for these items, staff recommends segregating a portion of the December 31, 2015 equity balance as "Board Designated Assets." This balance would still be considered an unrestricted balance, but the reader of the financial statements would be made aware that future projects are planned with the excess funds.



# CAMTC 2016 BUDGET

		Board Approved Jun-15		Proposed		
		2015		2016		VARIANCE
<b>REVENUE</b>						
	Number of new applications deposited	5,788		4,200		(1,588)
1	New Application Fees Recognized (37% of \$150)	\$ 321,234		\$ 233,100		\$ (88,134.00)
	Certificates Issued	9,951		3,654		(6,297)
2	Certificates Recognized (39% of \$150)	\$ 582,134		\$ 564,672		\$ (17,462.00)
	Renewals-Applied	15,700		18,109		2,409
3	Renewals Recognized (46% of \$150)	\$ 1,083,300		\$ 1,249,521		\$ 166,221.00
	Renewals-Approved	15,846		17,385		1,539
4	Renewals Recognized (42% of \$150)	\$ 998,298		\$ 1,095,232		\$ 96,934.00
	Deferred Current / Prior Years					
5	Deferred Current Year (New Apps 24% of \$150 /24),(Renewals 12% of \$150/24)	\$ 160,787		\$ 113,987		\$ (46,800.00)
6	Deferred Prior Yrs (New Apps 24% of \$150 /24),(Renewals 12% of \$150/24)	\$ 575,498		\$ 454,860		\$ (120,638.00)
	Denied Applications	294		240		(54)
7	Denied Applications Recognized (63% of \$150)	\$ 27,783		\$ 25,704		\$ (2,079.00)
	Purged/Revoked/Sus/Cancelled/Nullified	352		240		(112)
8	Purged Applications Recognized (63% of \$150)	\$ 33,264		\$ 22,869		\$ (10,395.00)
	Number of School Applications	33		11		(22)
9	New School Application Fees recognized (37% of \$750)	\$ 9,158		\$ 3,053		\$ (6,104.50)
	Schools Approved	138		110		(28)
10	School Approvals recognized (39% of \$750)	\$ 40,365		\$ 32,175		\$ (8,190.00)
	Deferred Current/Prior Years					
11	Deferred Current Year (New Apps 24% of \$750 /24),(Renewals 12% of \$750/24)	\$ 9,506		\$ 3,484		\$ (6,022.00)
12	Deferred Prior Yrs (New Apps 24% of \$750 /24),(Renewals 12% of \$750/24)	\$ -		\$ 14,175		\$ 14,175.00
	Denied School Applications			10		10
13	Denied Applicants Recognized (63% of \$750)	\$ -		\$ 4,725		\$ 4,725.00
	School Background Checks	\$ -		\$ 2,400		\$ 2,400.00
14	Hearing Fees	\$ 24,630		\$ 28,800		\$ 4,170.00
15	Re-certification Late Fees	\$ 134,895		\$ 144,000		\$ 9,105.00
16	Returned Check/Miscellaneous Fees	\$ 93,944		\$ 84,000		\$ (9,944.00)
17	<b>Total Fee Revenue</b>	<b>\$ 4,094,796</b>		<b>\$ 4,076,756</b>		<b>\$ (18,039.50)</b>

18	Interest		\$ 12,923		\$ 12,000		\$ (923.00)
	Other Income - Employment Opportunities		\$ 14,183		\$ -		\$ (14,183.00)
19	<b>Total Other Revenue</b>		<b>\$ 27,106</b>		<b>\$ 12,000</b>		<b>\$ (15,106.00)</b>
20	<b>TOTAL REVENUE</b>		<b>\$ 4,121,902</b>		<b>\$ 4,088,756</b>		<b>\$ (33,145.50)</b>
	<b>OPERATING EXPENSES</b>						
	<b>Board &amp; Committee Expenses</b>						
21	Board Travel		\$ 17,046		\$ 23,832		\$ 6,786
22	Facility/Banquet		26,159		26,220		\$ 61
23	Printing /Supplies/Postage		431		1,704		\$ 1,273
24	Miscellaneous		144		-		\$ (144)
25	<b>Total Board &amp; Committee Expenses</b>		<b>\$ 43,780</b>		<b>\$ 51,756</b>		<b>\$ 7,976</b>
	<b>Outreach/Marketing</b>						
26	Communications & Outreach		\$ 72,428		\$ 103,032		\$ 30,604
27	Public Relations		40,225		29,556		\$ (10,669)
28	Communications Reserve		-		-		\$ -
29	<b>Total Outreach/Marketing</b>		<b>\$ 112,653</b>		<b>\$ 132,588</b>		<b>\$ 19,935</b>
	<b>General Administrative</b>						
30	Office Supplies		\$ 5,911		\$ 7,536		\$ 1,625
31	Office Rental - Sacramento		44,440		48,480		\$ 4,040
32	Office Furniture/Equipment		2,279		3,396		\$ 1,117
33	Printing/Copying		21,679		22,404		\$ 725
34	Records Shredding		807		1,200		\$ 393
35	Postage/Mailing		18,969		17,868		\$ (1,101)
36	Telephone/Fax		1,463		720		\$ (743)
37	Dues/Subscriptions-Software/Licenses		2,800		13,872		\$ 11,072
38	Insurance-D&O/E&O/GL		29,665		39,732		\$ 10,067
39	Banking/credit card fees		81,127		73,236		\$ (7,891)
40	Staff Travel		7,192		4,728		\$ (2,464)
41	On-Site Storage		243		2,136		\$ 1,893
42	Off-Site Storage		765		1,416		\$ 651
43	Certification/Materials/Printing/Mailing		123,124		120,096		\$ (3,028)

44	Database Maintenance		14,308		23,544		\$ 9,236
45	Database Development				-		\$ -
46	Miscellaneous		2,102		2,539		\$ 437
47	<b>Total General Administrative</b>		<b>\$ 356,874</b>		<b>\$ 382,903</b>		<b>\$ 26,029</b>
	<b>Executive Staff</b>						
48	Senior Management Team		\$ 320,880		\$ 324,841		\$ 3,961
49	Senior Staff-Contingency-Requires BOD Approval		-		-		\$ -
50	Benefit Allowance		74,375		77,353		\$ 2,978
51	Off Site - Office Rental		23,853		24,588		\$ 735
52	Vacation Expense		11,104		13,668		\$ 2,564
53	Travel & Meetings		42,720		26,676		\$ (16,044)
54	Cell Phone		2,203		1,704		\$ (499)
55	Supplies		760		120		\$ (640)
56	Equipment/Furniture		1,711		828		\$ (883)
57	Phone - land Line-DSL		2,546		4,332		\$ 1,786
58	Miscellaneous		881		1,272		\$ 391
59	<b>Total Executive Staff</b>		<b>\$ 481,033</b>		<b>\$ 475,382</b>		<b>\$ (5,651)</b>
	<b>Professional Standards Division</b>						
60	Management		\$93,596		\$ 98,124		\$ 4,528
61	Clerical		358,969		394,452		\$ 35,483
62	Field Investigators		209,920		222,852		\$ 12,932
63	Employee Benefits Allowance		55,404		52,380		\$ (3,024)
64	PTO Expense		26,583		19,668		\$ (6,915)
65	Supplies		1,920		3,444		\$ 1,524
66	Cell Phones		19,196		21,924		\$ 2,728
67	Travel		22,013		20,160		\$ (1,853)
68	Conference Calls		7,770		7,248		\$ (522)
69	Dept Meetings		422		120		\$ (302)
70	Equipment		80		-		\$ (80)
71	Legal Attorneys - Denials/Litigation		416,270		415,440		\$ (830)
72	Legal - In - House (salary & benefit allowance)		282,315		339,297		\$ 56,982
73	Investigations (SSA)		2,936		-		\$ (2,936)
74	Court Record Fees		1,148		720		\$ (428)
75	Appeals+ Denials Printing/Supplies/Mailing		2,286		6,900		\$ 4,614

76	Miscellaneous		2,883		6,336		\$ 3,453
77	<b>Total Professional Standards Division</b>		<b>\$ 1,503,712</b>		<b>\$ 1,609,065</b>		<b>\$ 105,353</b>
	<b>Educational Standards Division</b>						
78	Management		-		\$ -		\$ -
79	Clerical		23,332		-		\$ (23,332)
80	Field Investigators		48,375		66,132		\$ 17,757
81	Employee Benefits Allowance		12,416		12,468		\$ 52
82	Supplies		837		348		\$ (489)
83	Cell Phones/Landlines		2,000		1,692		\$ (308)
84	Travel		22,006		10,500		\$ (11,506)
85	School Background Checks		-		1,800		\$ 1,800
86	Conference Calls		2,400		-		\$ (2,400)
87	Mailings		2,498		-		\$ (2,498)
88	Miscellaneous		800		120		\$ (680)
89	<b>Total Educational Standards Division</b>		<b>\$ 114,664</b>		<b>\$ 93,060</b>		<b>\$ (21,604)</b>
	<b>Staff General Expenses</b>						
90	Insurance (Workers' Comp)		\$ 19,713		\$ 23,714		\$ 4,001
91	Payroll Taxes (Exec Staff and PSD)		108,805		115,760		\$ 6,955
92	Payroll Services (all staff)		3,319		8,100		\$ 4,781
93	<b>Total Staff General Expenses</b>		<b>\$ 131,837</b>		<b>\$ 147,574</b>		<b>\$ 15,737</b>
	<b>Professional Services</b>						
94	Accounting/Audit		8,700		\$ 14,124		\$ 5,424
95	Application Processing		1,035,996		1,035,996		\$ -
96	Consulting		-		-		\$ -
97	Legal general counsel & routine		70,032		76,308		\$ 6,276
95	<b>Total Professional Services</b>		<b>\$ 1,114,728</b>		<b>\$ 1,126,428</b>		<b>\$ 11,700</b>
98	<b>Sub-total Operating Expenses</b>		<b>\$ 3,859,280</b>		<b>\$ 4,018,756</b>		<b>\$ 159,476</b>
99	Miscellaneous Contingency		72,000		\$ 66,000		\$ (6,000)
100	<b>TOTAL OPERATING EXPENSES</b>		<b>\$ 3,931,280</b>		<b>\$ 4,084,756</b>		<b>\$ 153,476</b>

101	<b>OPERATING SURPLUS / (DEFICIT)</b>		\$	<b>190,621</b>		\$	<b>4,000</b>		\$	<b>(186,621)</b>
102	<i>OPERATING SURPLUS / (DEFICIT) YTD</i>		\$	<b>190,621</b>		\$	<b>4,000</b>		\$	<b>(186,621)</b>
<b>PRIORITY PROJECTS/OBJECTIVES (Not funded by 2016 Operations)</b>										
	Database Development			174,734			329,031		\$	154,297
	ESD Management			89,000			90,132		\$	1,132
	Sunset Review			-			78,996		\$	78,996
	Law Enforcement/Local Government Support			-			68,004		\$	68,004
	<b>Total Priority Projects</b>		\$	<b>263,734</b>		\$	<b>566,163</b>		\$	<b>302,429</b>
<b>CASH FLOW PROJECTIONS - 2015</b>										
<b>Cash Flow from Operations</b>										
	Cash Received		\$	4,121,902		\$	4,088,756		\$	(33,146)
	Cash Expenses		\$	(3,931,280)		\$	(4,084,756)		\$	(153,476)
	<b>Total Cash Flow from Operations</b>		\$	<b>190,621</b>		\$	<b>4,000</b>		\$	<b>(186,621)</b>
<b>Cash Flow from Financing</b>										
	(Increase) Decrease in Other Receivables									
	(Increase) Decrease in Fixed Assets									
	(Increase) Decrease in Prepaid Expenses									
	(Increase) Decrease in Accounts Payable									
	(Increase) Decrease in Long Term Liabilities (Vacation/PTO accrual)									
	(Increase) Decrease in Other Liabilities (Deferred Fees)									
	Priority Projects - not funded by 2015 Operations		\$	215,165		\$	566,163		\$	350,998
	Other changes in cash flows									
	<b>Total Cash Flow from Financing</b>		\$	<b>215,165</b>		\$	<b>566,163</b>			
	<b>Starting Cash</b>		\$	<b>3,195,772</b>		\$	<b>3,195,772</b>			
	<b>Ending Cash</b>		\$	<b>3,171,228</b>		\$	<b>2,633,609</b>			



# CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 www.camtc.org

Recommended by staff, November 18, 2015 Board Meeting

## **2016 Strategic Priorities**

1. Continue CAMTC as a private, nonprofit organization administering voluntary massage certification and school approval programs.
2. In preparation for Sunset review, continue to meet the goals and priorities outlined by the Legislature in the AB 1147 process, in particular assisting local governments and law enforcement in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and improving communications with local government and law enforcement.



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814

tel 916.669.5336 fax 916.444.7462 www.camtc.org

November 10, 2015

TO: BOARD OF DIRECTORS, CALIFORNIA MASSAGE THERAPY COUNCIL

FROM: JOE BOB SMITH, DIRECTOR, EDUCATIONAL STANDARDS DIVISION

RE: REASONS FOR PROPOSED ACCEPTANCE OF THE NEW YORK STATE MASSAGE THERAPY EXAMINATION

Per the Board motion on changes to policies, the following information is provided:

- The language of the current policy and when the policy was adopted. As of January 1, 2015, the CAMTC approved exams are the MBLEx and the BCETMB if taken at any time, and the NCETM or NCETMB if taken prior to February 1, 2015.
- A short description of why the policy should be changed. Because New York State requires its own exam for licensing, massage professionals who were initially licensed in New York and are now applying for certification with CAMTC generally have not taken any other test. Rather than force them to spend an additional \$200 to take another test (possibly many years after being out of school), it makes sense to accept the 40-year-old New York State Massage Therapy Examination. The exam is based on a job analysis followed by a blueprint that describes the content and percent of questions. A Professional Examination Unit ensures that all psychometric properties are met. The exam is offered twice per year using a mix of old and new questions with the same exam not appearing more than once every 5 years. Additionally, New York requires, for admission to the exam, a 1000 clock hour education in specific coursework. This meets the requirements of our law stated below.
- The language of related statutes that may have an impact on the decision. 4604(a)(3) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates.
- The fiscal impact the proposed change may have on CAMTC and certificate holders and applicants. None for CAMTC; applicants who have passed the NYSMTE will save money by not having to pay the additional \$200 for the MBLEx.
- Potential pro's and con's of the new policy is adopted. Pro – an additional accepted examination. Con - None
- The impact on current certificate holders and applicants. None
- A suggested date for the change to be implemented. Effective immediately.

[END OF MEMO]



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.444.7462 www.camtc.org

TO: Board of Directors

FROM: Staff

DATE: November 18, 2015

RE: **Feasibility of offering an exam in other languages**

**Background:** In March, 2015 the Board approved the 2015 Strategic Priorities. One of those priorities is: *“To conduct a study that examines the feasibility and possible protocols of providing an approved exam in at least one foreign language.”*

As of January of 2015 all applicants for CAMTC certification must pass an approved exam. California Business and Professions Code Section 4604(a)(3) requires that “The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates.”

The examinations that the Board has approved under these statutory guidelines are the Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards (FSMTB) and the Board Certification Exam in Therapeutic Massage and Bodywork, administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). Two other exams formerly offered by the NCBTMB, the National Certification Exam for Therapeutic Massage and Bodywork (NCETMB) and the National Certification Exam for Therapeutic Massage (NCETM), are accepted if the applicant passed one of them prior to February 1, 2015.

The NCBTMB does not offer the BCETMB in multiple languages. This exam is not designed for entry level candidates, requiring a minimum of six months of experience and higher education than is required for CAMTC certification.



The FSMTB offers the MBLEx in English and Spanish – the reason for the latter is that Puerto Rico is a member state of the FSMTB.

FSMTB does not offer the MBLEx in any other languages. Since they own the exam, CAMTC cannot mandate them to offer their exam in other languages.

PearsonVue, which delivers both the MBLEx and the BCETMB, does not allow certified translators unless the client organization that provides the exam permits it. Neither the FSMTB nor the NCBTMB allow translators. According to the *MBLEx Candidate Handbook*, “translators are not allowed (in any form - human or otherwise). Additionally, ESL is not a functional disability so there are no ADA testing accommodations available for translation.”

Like other regulatory exams, there is the potential for fraud, and allowing translators, even certified, interjects an opportunity for compromise of the exam.

The primary reason that the FSMTB does not accommodate non-English speaking applicants has to do with public safety. They reason that if a massage therapist cannot speak English well enough to pass the entry level exam, they cannot assure public protection.

For CAMTC to offer an exam in foreign languages it would need to invest in the development of an independent exam. Costs would be significant to create a new exam that meets the legal requirements and is offered in multiple languages.

CAMTC staff agrees with FSMTB that offering an exam in other languages is not congruent with public safety. It compromises the massage therapists’ ability to assess health history and contraindications. Therefore, it is the recommendation of staff that CAMTC not pursue creation of an exam in other languages.



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.444.7462 www.camtc.org

November 6, 2015

TO: BOARD OF DIRECTORS CALIFORNIA MASSAGE THERAPY COUNCIL

FROM: JOE BOB SMITH, DIRECTOR, EDUCATIONAL STANDARDS DIVISION

RE: REASONS FOR PROPOSED AMENDMENTS TO CAMTC'S POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

Per the Board motion on changes to policies, the following information is provided:

- The language of the current policy and when the policy was adopted. **See attached Policies and Procedures for Approval of School (approved 6/11/15) with proposed amendments**
- A short description of why the policy should be changed. **The proposed language affects three issues:**
  - 1) Clarifies that language added at the 6/11/15 meeting refers to Community Colleges and other colleges and universities qualifying as part of the state's higher education system. Because it was initially added to a paragraph directed to all schools, the language was confusing regarding schools that are not a part of the state's higher education system.
  - 2) Extends provisions for public colleges and universities to all public schools (most notably, programs operating under authority of school districts).
  - 3) Limits acceptable number of education hours per day and week. Staff has seen schools with as many as 16.5 hours of education per day. This defies acceptable education standards and questions the quality and retention of education being received.
- The language of related statutes that may have an impact on the decision. **None**
- The fiscal impact the proposed change may have on CAMTC and certificate holders and applicants. **Unknown.**
- Potential pro's and con's of the new policy is adopted. **Pro – less confusing language; equal treatment for all public schools; reasonable number of education hours. Con - None**
- The impact on current certificate holders and applicants. **Schools with exceptionally long class days or weeks will have to make scheduling changes to be approved.**
- A suggested date for the change to be implemented. **Effective immediately so that schools can make adjustments in advance of the July 1, 2016, school approval deadline.**

[END OF MEMO]

## POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

The California Massage Therapy Council ("CAMTC") hereby adopts the following policies and procedures for the approval of schools, pursuant to California Business and Professions Code sections 4600 et. seq. (hereinafter the "Law"). In accordance with the Law, CAMTC approved schools shall meet minimum standards for training and curriculum.

### 1. Eligibility for approval.

In order to receive and maintain CAMTC approval, a massage school, and any CAMTC approved satellite locations, shall meet ALL of the following requirements:

- A. The school offers a program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.
- B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours, including but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.

~~C.a.~~ For programs qualifying as a college or university of the state higher education system, as defined in Section 100850 of the Education Code, units must be for academic credit and appear on an official college transcript. Certificates from non-credit adult education classes and programs are inapplicable. Community College degrees and certificates must be approved by the California Community Colleges Chancellor's Office.  
~~community colleges chancellor's office.~~

~~D.B.~~ The school and/or massage program is not currently un-approved by CAMTC.

~~E.C.~~ The school and corresponding massage program(s) shall also meet at least one of the following requirements:

- a. Approved by the California Bureau for Private Postsecondary Education (BPPE).

- b. Approved by the California Department of Consumer Affairs.
- c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:
  - (1) A public school.
  - (2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.
  - (3) A for-profit school.
  - (4) A school that does not meet all of the criteria in subparagraph (2) that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit.
- d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.
- e. A school requiring equal or greater training than what is required pursuant to this chapter and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

## 2. Approval Process.

- A. Complete the application packet entirely and submit all requested documents.
- B. Pay the application fee of \$750. If approved, this non-refundable fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of CAMTC's Procedures for Un-Approval of Schools.
- C. Host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein.
- D. Within 90 days of the site visit, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, propose to un-approve the school, propose to otherwise act against the school in accordance with CAMTC's Procedures for Un-Approval of Schools, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

- a. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Within 90 days of the school's deadline to provide proof that it has taken the specific corrective action requested pursuant to this section, CAMTC will send a letter to the school notifying it of CAMTC's proposed decision to approve the school, un-approve the school, or otherwise act against the school in accordance with CAMTC's Procedures for Un-Approval of Schools.

### 3. Important Dates.

- A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours from schools approved by CAMTC pursuant to these procedures.
- B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for un-approval, or proposed to be otherwise acted against may not be approved by July 1, 2016.
- C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date of 2 years starting on July 1, 2016. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.
- D. Schools approved after July 1, 2016, will have an effective date of 2 years starting on the date of approval.

### 4. Application Packet.

A School Approval Code issued by CAMTC is for a single campus, including CAMTC approved satellite locations, and specific owner(s) and may not be used for any other locations, schools, or owners. Therefore, for each campus or school, a separate application, fee, and requested materials shall be submitted in a three-ring binder in which the following shall be labeled, with its own divider, in this order and accompanied by electronic pdf format on a flash drive:

#### A. Application

- a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by a non-refundable application fee of \$750.00 (application fee waived for public colleges or universities of the California state higher education

system, as defined in Section 100850 of the Education Code, [and public schools accredited by an agency recognized by the United States Department of Education](#)).

## B. Approvals

- a. Documented proof of current approval or accreditation by an agency listed in Business and Professions Code section 4601(a). Schools with more than one approval or accreditation shall submit proof of all.
- b. Schools shall submit the most recent site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.
- c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

## C. Management

- a. For private post-secondary schools:
  - (1) Organizational chart showing owners and all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage program operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel.
  - (2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.
  - (3) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.
  - (4) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.
- b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, [and public schools accredited by an agency recognized by the United States Department of Education](#):
  - (1) Organizational chart showing all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage department operations, including but not limited to department management, staff, faculty members, advisory boards, and administrative personnel.

## D. Transcripts

- a. Sample transcript and massage program addendum, if any, with no additional markings.
- b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.
- c. Signatures, printed names, and titles for all approved signers.
- d. Transcript checklist (included with application).
- e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).
- f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

#### E. Enrollment Agreement

- a. Blank enrollment agreement and massage program addendum, if any.
- b. Enrollment agreement checklist (included with application).

#### F. Course Catalog

- a. Current course catalog and massage program addendum, if any.
- b. Course catalog checklist (included with application).

#### G. Curriculum

- a. Program hour requirement worksheet (included with application).
- b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.
- c. Syllabi detailing all massage courses.
- d. List of textbooks, educational materials, and classroom equipment used for massage program.
- e. Policies for creating, reviewing, and updating curriculum.

#### H. Faculty

- a. Massage program faculty list worksheet (included with application).
- b. Submit instructor qualification forms (included with application) for all massage program faculty, including but not limited to visiting teachers, volunteers, and all those who will be teaching on a full or part-time or temporary basis.

- c. Policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.
- d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.
- e. Student-teacher ratio policy and ratios for all current classes.

#### I. Facility

- a. Simple floor plan with approximate measurements and square footage.
- b. Clear, color pictures of the following:
  - (1) Exterior signage.
  - (2) Building exterior.
  - (3) All classrooms utilized for massage classes.
  - (4) All areas utilized for student massage clinic.

#### J. Advertising

- a. Copies of online and print advertisements and marketing materials related to the massage program within the last 6 months.

### 5. Requirements for Approval.

Failure to meet and maintain minimum standards for training and curriculum, as determined by CAMTC in its sole discretion, is a basis for denial of an application for school approval or discipline of a school.

To achieve and maintain approval, schools shall fulfill the requirements of all other agencies through which they are approved or accredited pursuant to Business and Professions Code section 4601 and comply with all of the following provisions:

#### A. Administration

- a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.
- b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is "CAMTC approved" or "approved by CAMTC," but may not



state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

- c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.
- d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.
- e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.
- f. Teach all classes and conduct business only at campus and CAMTC approved satellite location addresses matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.
  - (1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.
- g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)
- h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff,

faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

- i. The school must report to CAMTC, within 15 days of receiving notice, all legal actions, arrests, police reports, and complaints against professional conduct, involving the school; school personnel including owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel; and/or students or graduates engaged in school or massage related activities.

## B. Transcripts

- a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:
  - (1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.
  - (2) Heading entitled "Official Transcript."
  - (3) Student's full legal name and date of birth.
  - (4) Date student started program and date student graduated or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.
  - (5) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).
  - (6) Total number of supervised clock hours attended for massage program.
  - (7) At least one authorized signature with printed name, title, and date.
  - (8) Official school seal affixed, embossed, or otherwise attached to transcript.
  - (9) Sufficient security measures that uniquely identify the school's transcripts.
- b. Transcripts from public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, [and public schools accredited by an agency recognized by the United States Department of Education](#) shall meet or exceed standards as determined by governing laws and

regulations.

- c. Only sealed transcripts sent directly from the school in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.
- d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.
- e. Clearly identify or DO NOT include unsupervised clock hours.
- f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.
- g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification. CAMTC reserves the right, in its sole discretion, to not accept transfer hours.
- h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.
- i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.
- j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters, coursework, and grades.
- k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

#### C. Student/Graduate Eligibility List

- a. Transmit the names of all CAMTC eligible students or graduates to CAMTC within 30 days of their eligibility, if applicable, using the Massage School Eligibility List template.

- b. Eligibility is defined as successfully completing a minimum of 500 hours of supervised massage instruction (with a minimum of 100 hours of instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics or as further specified by CAMTC) that satisfies the school's coursework and appropriate school assessment of student knowledge and skills.
- c. Applications and accompanying transcripts submitted for certification will be reviewed against these lists. Discrepancies or omissions may result in applicant delays, school investigation, and/or disciplinary actions against the school.
- d. Students who do not achieve eligibility at a single CAMTC approved school may not be included on any school's list and may have to independently prove their own eligibility to CAMTC.

#### D. Enrollment Agreement

- a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:
  - (1) School name, address, additional addresses where classes will be held, telephone number, and website.
  - (2) Student's full legal name, date of birth, address, email, telephone number, and signature.
  - (3) Copy of a current valid government issued photographic identification.
  - (4) Title of massage program and total scheduled number of supervised hours received upon completion.
  - (5) Program schedule with start date and scheduled completion date.
  - (6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.
  - (7) Scheduled payment terms.
  - (8) Clearly visible disclosure statement: "Attendance and/or graduation from a California Massage Therapy Council approved school does not guarantee certification by CAMTC. Applicants for certification shall meet all requirements as listed in California Business and Professions Code sections 4600 et. seq."
  - (9) Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy

Council at: One Capitol Mall, Suite 320, Sacramento, CA 95814,  
www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337.”

- b. Enrollment agreements from public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education shall meet or exceed standards as determined by governing laws and regulations.

#### E. Course Catalog

Course Catalogs and massage program addendums, if any, shall, at minimum, contain the following information:

- a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).
- b. Date printed/revised.
- c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.
- d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.
- e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.
- f. Transfer credit policy.
- g. Attendance and leave of absence policies, including but not limited to:
  - (1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.
  - (2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.
  - (3) Length, terms, and allowances for leaves of absence.
- h. Hygiene, dress code, and draping policies.
- i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the

service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

- j. Publication of CAMTC's Law related to unfair business practices as related to massage:

- (1) Pursuant to California Business and Professions Code section 4611, It is an unfair business practice for a person to do any of the following:

- (a) To hold himself or herself out or to use the title of "certified massage therapist" or "certified massage practitioner," or any other term, such as "licensed," "certified," "CMT," or "CMP," in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid certificate issued by the California Massage Therapy Council.

- (b) To falsely state or advertise or put out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.

- k. Clearly visible disclosure statement: "Attendance and/or graduation from a California Massage Therapy Council approved school does not guarantee certification by CAMTC. Applicants for certification shall meet all requirements as listed in California Business and Professions Code section 4600 et. seq."

- l. Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 320, Sacramento, CA 95814, [www.camtc.org](http://www.camtc.org), phone (916) 669-5336, or fax (916) 669-5337."

## F. Curriculum

All 500 hours of education must be provided under direct supervision of qualified instructors.

- a. Provide a minimum of at least 100 supervised clock hours (or credit unit equivalent) addressing the following subjects:

- (1) A minimum of 64 hours of Anatomy & Physiology, including but not limited to orientation to the human body; integumentary, skeletal, fascial, muscular, nervous, cardiovascular, and other body systems; and kinesiology.

- (2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.
  - (3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.
  - (4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.
- b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.
  - c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:
    - (1) Operate at all times under direct supervision of qualified instructors and on school premises.
    - (2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.
    - (3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.
    - (4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.
    - (5) Provide for written client feedback.
    - (6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.
    - (7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.
    - (8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients,

providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

- (9) Schools should carefully weigh and be prepared to support the purpose, duration, and effectiveness of student clinic hours in terms of educational value to the student. CAMTC reserves the right, in its sole discretion, to not accept clinic hours.

- d. Students may not be credited more than 8 hours of total education per day. Additionally, students may not receive more than 5 days credit in any 7-day period.
- e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:
- (1) Name of course or subject.
  - (2) Detailed description.
  - (3) Learning objectives.
  - (4) Prerequisites.
  - (5) Total number of hours.
  - (6) Instructional material(s) to be used.
  - (7) Required assessments and assignments for successful completion.
- f. Maintain policies for creating, reviewing, and updating curriculum.

#### G. Faculty

- a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:
- (1) Complete and submit the instructor qualification form, including supporting documents.
  - (2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education



applicable to the specific subject(s) taught.

- (3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.
- (4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.
- (5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:
  - (a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.
  - (b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.
  - (c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.
  - (d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.
  - (e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.
- b. Maintain policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.
- c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.
- d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, [and public schools accredited by an agency recognized by the United States Department of Education](#) student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

#### H. Facility

- a. Appropriate in size and design for the number of students.
- b. Sufficient reference materials and other resources to support educational objectives.
- c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

#### I. Student/Graduate Passage Rates on CAMTC Approved Exams

Beginning with graduate passage rates on CAMTC approved exams for calendar year 2015, an approved school's graduate passage rates on CAMTC approved exams shall equal or exceed the required passage rates for the previous calendar year or CAMTC may place the program on probationary status and/or may require the school to appear before CAMTC to present a plan for remediation.

- a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.
- b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

#### J. Site Visits

- a. CAMTC reserves the right to visit any approved school or school applying for approval during stated business hours with or without notice at any time whatsoever and for any reason.

#### 6. Reasons for Imposing Discipline, Denying, or Revoking Approval.

Schools may be denied approval or may have their school approval revoked, suspended, or otherwise acted against, including the imposition of probationary conditions, for any of the following reasons:

- a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools;
- b. Engaging in or has engaged in unprofessional business practices or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has engaged in or is engaging in unprofessional business practices;

- c. Procuring or attempting to procure school approval by fraud, misrepresentation, or mistake or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has procured or attempted to procure school approval by fraud, misrepresentation, or mistake;
- d. Violating or attempting to violate or has violated, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, or has assisted in or abetted the violation of, or conspired to violate, any provision of the Massage Therapy Act or any rule, regulation, policy, or procedure adopted by CAMTC by the actions of the school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer);
- e. Conviction of an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability;
- f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school;
- g. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any act punishable as a sexually related crime or is or has been required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is or has been required to register as a sex offender in another state, or commits or has committed an act that is a violation of human trafficking laws or a violation of the education code or a violation of the Bureau of Private Postsecondary Education's rules, regulations, policies, or procedures;
- h. Failure to fully disclose all information requested on the application or provide information upon request to an individual working on behalf of CAMTC;
- i. Denial of licensure, permit or certificate, or revocation, suspension, restriction, citation, or any other disciplinary action against an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.
- j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

## 7. Procedures for Imposing Discipline, Suspending, Denying, or Revoking CAMTC School Approval.

Any decision to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be decided upon and imposed in accordance with the procedures set forth herein. Denial, revocation, and disciplinary decisions against a school applying for CAMTC school approval or against a CAMTC approved school shall be based on a preponderance of the evidence. In determining the basis for action against a school applying for CAMTC school approval or a CAMTC approved school, the Council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.

### a. Actions Against Applicants for CAMTC School Approval and CAMTC Approved Schools.

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee), along with any staff/employees under his/her supervision, shall be collectively known as the Educational Standards Division (the "ESD").
2. If Council staff determines that grounds appear to exist to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:
  - (a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.
  - (b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or

mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

- (c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the proposed action against the school. The telephonic hearing shall be held, or the written statement considered, by a minimum of two Hearing Officers, who shall be employees of CAMTC, who together are authorized to determine whether the proposed action against the school should occur. The decision of the Hearing Officers shall be final.
- (d) Notice of the ESD's final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.
- (e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within one year after the effective date of the imposition of the denial, suspension, revocation, or other discipline.
- (f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures shall not be allowed to re-apply for CAMTC school approval until two years after the effective date of the denial or revocation.

b. Actions Against Schools That Have Not Applied for CAMTC School Approval or Are Not CAMTC Approved Schools.

- 1. Actions against schools that have not applied for CAMTC school approval or are not CAMTC approved schools shall proceed in accordance with CAMTC's Procedures for Un-Approval of Schools.



# CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 www.camtc.org

Date: November 18, 2015  
To: Board of Directors  
From: Ahmos Netanel, CEO  
Subject: CEO Report

## Operation

CAMTC's Disciplinary Performance Measures report for the third quarter of 2015 is attached. For the second time, CAMTC's measures are significantly better than those of DCA's boards. For general reference, staff researched 36 DCA's boards and bureaus and calculated an aggregate average for each measure of these boards and bureaus:

1. **Volume-** 243 complaints per month.
2. **Intake** – Target average 11 days, actual average 11 days.
3. **Intake and Investigation** – Target average 204 days, actual average 153 days.
4. **Formal Discipline** – Target average 540 days, actual average 728 days

Staff is planning on re-assessing CAMTC's "target averages" for all categories after analyzing the results of the fourth quarter of 2015, and will report any changes to the Board at the February 2016 meeting.

All aspects of applications processing and customer service have been functioning smoothly. Senior staff has been fully engaged with the preparation of the Sunset review report, which is due on December 1, 2015. The development and implementation of CAMTC's new Certification Management Systems is progressing ahead of schedule.

CAMTC's current organizational chart is attached.

## **Finance**

As of September 30, 2015 CAMTC exceeded expectations on the balance sheet and the statement of functional activity.

Cash in the bank:

Budgeted - \$3,248,386.00

Actual - \$3,310,642.00

Excess revenue over expenses:

Budgeted - \$141,176.00

Actual - \$449,083.00

**Banking** – The attached document reflects the allocation of CAMTC funds. It is recommended that the Board authorize maintaining the bank accounts specified in the attached document.

## Outreach

Over the past six years, CAMTC worked closely with a consistently growing number of law enforcement agencies as well as city and county officials. During the month of October we embarked on a new statewide outreach initiative to law enforcement and local government. In order to strengthen the collaboration with local law enforcement agencies we mailed correspondence to 356 police chiefs, 58 sheriffs, as well as letters to the Presidents of the California Police Chiefs Association and the California State Sheriffs' Association. To help improve relationships with cities and counties, especially with those that grapple with illicit massage establishments, we mailed letters to 470 city managers and 53 county managers and emailed the Executive Director of the California State Association of Counties. We also reached out to the Executive Director of the League of California Cities back in January when CAMTC attended the League's annual city managers meeting as a Gold Sponsor.

As of November 9<sup>th</sup>, we received 54 responses (see attached two sample) and we are pursuing active dialogs, scheduling meetings and setting up additional training sessions. The Executive Director of the California Police Chiefs Association invited me to present to their 31 Board members on December 4. We also had a preliminary conversation with the California State Sheriffs' Association that offered to highlight CAMTC's outreach through a weekly email that all sheriffs receive. On November 20, the League of California Cities' and CAMTC's teams will meet in Sacramento to discuss improvements to the working relationship between the organizations.

We also reached out to certificate holders in order to gather feedback regarding their experience with the implementation of the Massage Therapy Act (see attached email). As of November 9<sup>th</sup>, we received 700 responses. Staff will compile the responses and share them with the Board. While this open-ended request for input focused on the Massage Therapy Act, a general brief survey will also be sent to certificate holders in December.



The Director of Governmental Affairs gave presentations to students and graduates of Kaplan school in Palm Springs on September 9 and at the annual meeting of the California Municipal Revenue and Tax Association on October 14 in Burbank. On October 28, and November 5, the Director of Professional Standards Division presented CAMTC's law enforcement training sessions in Ventura and Palm Springs to 50 officials from 17 local law enforcement agencies.

**2015 Strategic Priorities-** While we cannot guarantee it at this point, staff is expecting to be able to meet all of the eight strategic priorities (attached) adopted by the Board for 2015.

# **CAMTC Bank Accounts      as of 9/30/15**

Bank Name	Type	Open Date	Term	Maturity Date	Amount	Interest Rate
Umpqua	Checking	N/A	N/A	N/A	\$ 320,072.68	0
Preferred Bank	Money Market	9/18/2015	N/A	N/A	\$ 250,000.00	0.40%
CA Bank & Trust	Money Market	in process	N/A	N/A	\$ 250,000.00	0.10%
Synchrony Bank	CD	11/10/2014	12 mo	11/10/2015	\$ 252,447.16	1.10%
Cal First National Bank	CD	10/2/2014	12 mo	10/2/2016	\$ 250,000.00	0.99%
EH National Bank	CD	12/4/2014	24 mo	12/4/2016	\$ 250,000.00	1.05%
First Internet Bank	CD	12/9/2014	24 mo	12/8/2016	\$ 250,000.00	1.25%
State Farm Bank	CD	11/26/2014	36 mo	11/26/2017	\$ 253,121.73	1.50%
Giant Bank	CD	11/26/2014	36 mo	11/26/2017	\$ 250,000.00	1.26%
Presidential Bank	CD	9/10/2015	12 mo	9/10/2016	\$ 250,000.00	0.95%
Silvergate Bank	CD	9/8/2015	12 mo	9/8/2016	\$ 235,000.00	1.08%
KS State Bank	CD	9/8/2015	12 mo	9/8/2016	\$ 250,000.00	1.01%
TAB Bank	CD	in process	12 mo		\$ 250,000.00	0.95%
					\$ 3,310,641.57	

PERFORMANCE METRICS –2<sup>nd</sup> and 3<sup>rd</sup> Qtrs, 2015

PM1 – COMPLAINT VOLUME

Total Number of Complaints Received – ALL (actionable and non-actionable)  
average per month

SECOND QUARTER 2015: 41 total complaints received on average per  
month

THIRD QUARTER 2015: 39 total complaints received on average per month.

PM1.1 – COMPLAINT VOLUME- CERTIFICATE HOLDERS

Total Number of Complaints Received Against Certificate Holders

SECOND QUARTER 2015: 26 complaints received against Certificate Holders  
on average per month.

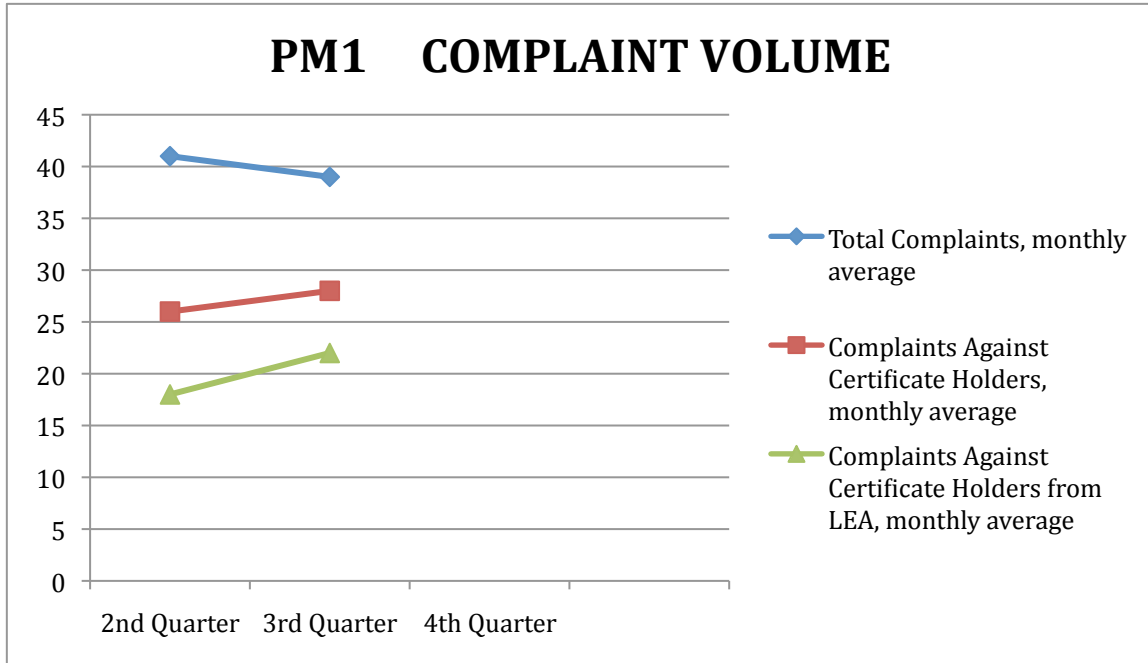
THIRD QUARTER 2015: 28 complaints received against Certificate Holders  
on average per month.

PM 1.2 – COMPLAINT VOLUME – CERTIFICATE HOLDERS – COMPLAINTS FROM  
LAW ENFORCEMENT

Total number of complaints received against Certificate Holders from law  
enforcement agencies or government agencies with the responsibility to regulate  
massage. Does not include complaints against those who are not certified.

SECOND QUARTER 2015: 18 complaints received from LEA on average per  
month.

THIRD QUARTER 2015: 22 complaints received from LEA on average per  
month.

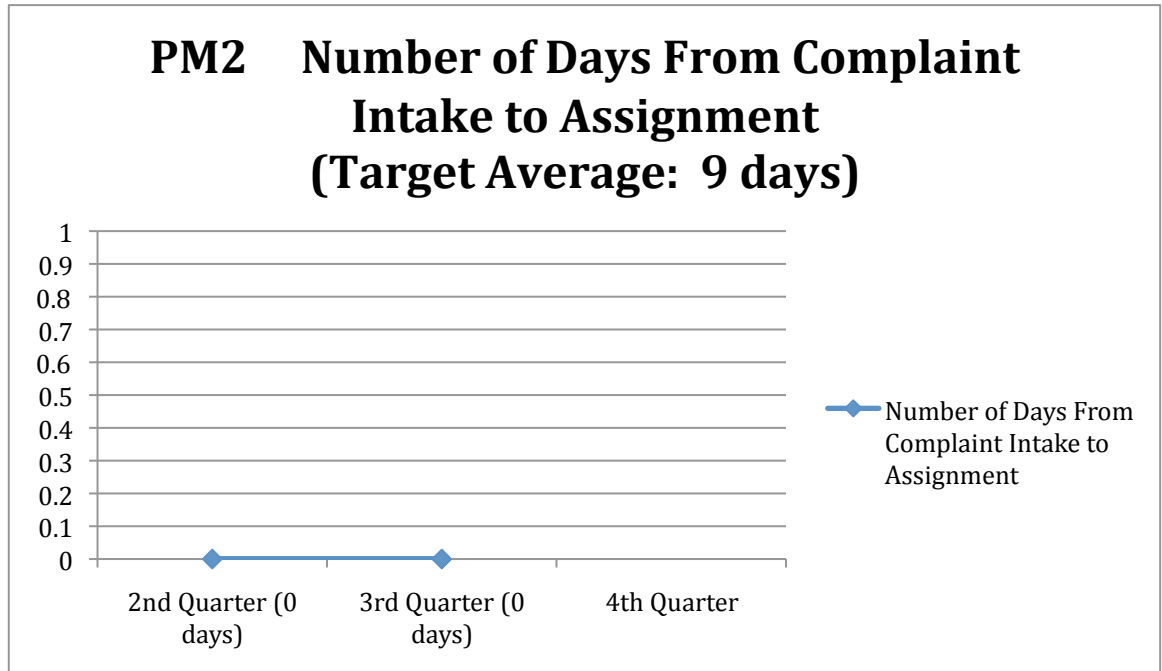


PM2 – INTAKE – ALL COMPLAINTS

Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

SECOND QUARTER 2015: 0 days to assignment

THIRD QUARTER 2015: 0 days to assignment

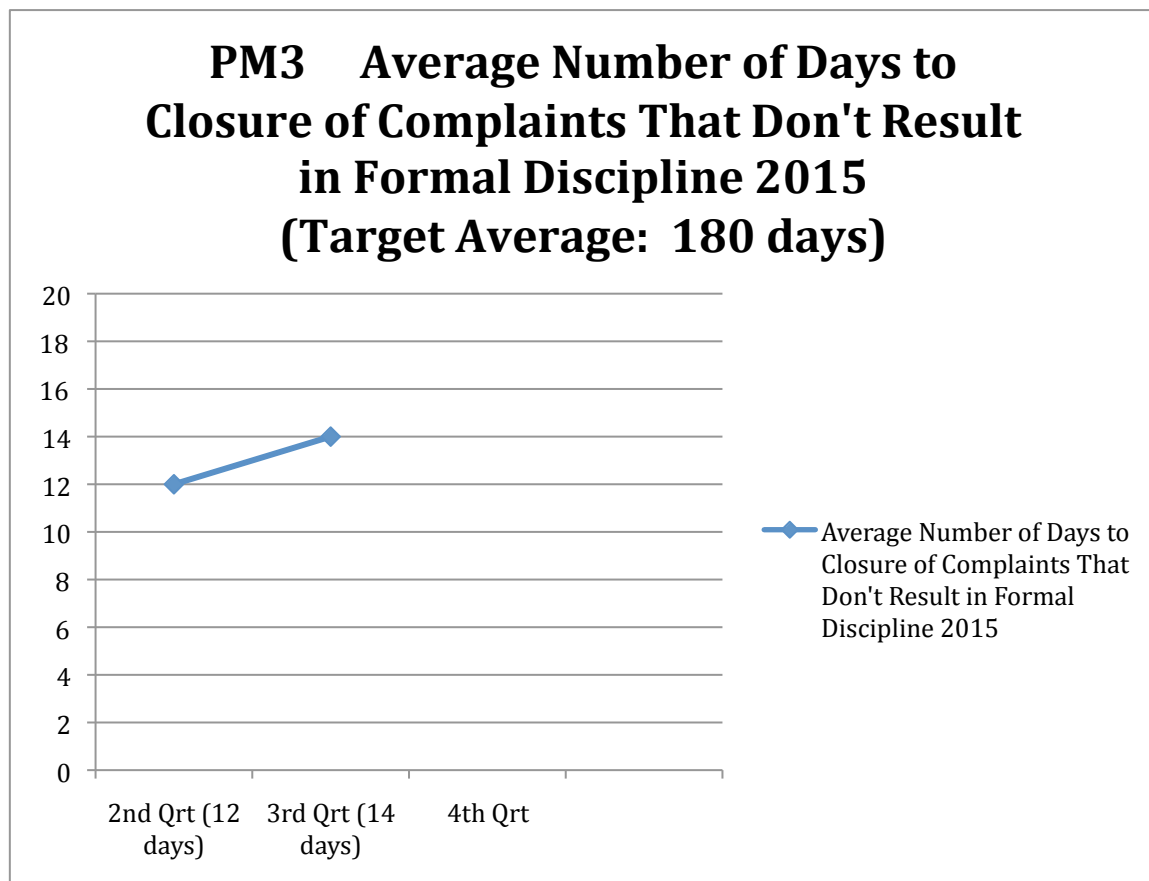


**PM3 – COMPLAINT INTAKE AND INVESTIGATION – INFORMAL RESOLUTION**

Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process not resulting in formal discipline. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases against certificate holders sent to Legal for formal discipline (revocation, suspension, or imposition of probationary conditions).

SECOND QUARTER 2015: 12 days is the average number of days to closure.

THIRD QUARTER 2015: 14 days is the average number of days to closure.

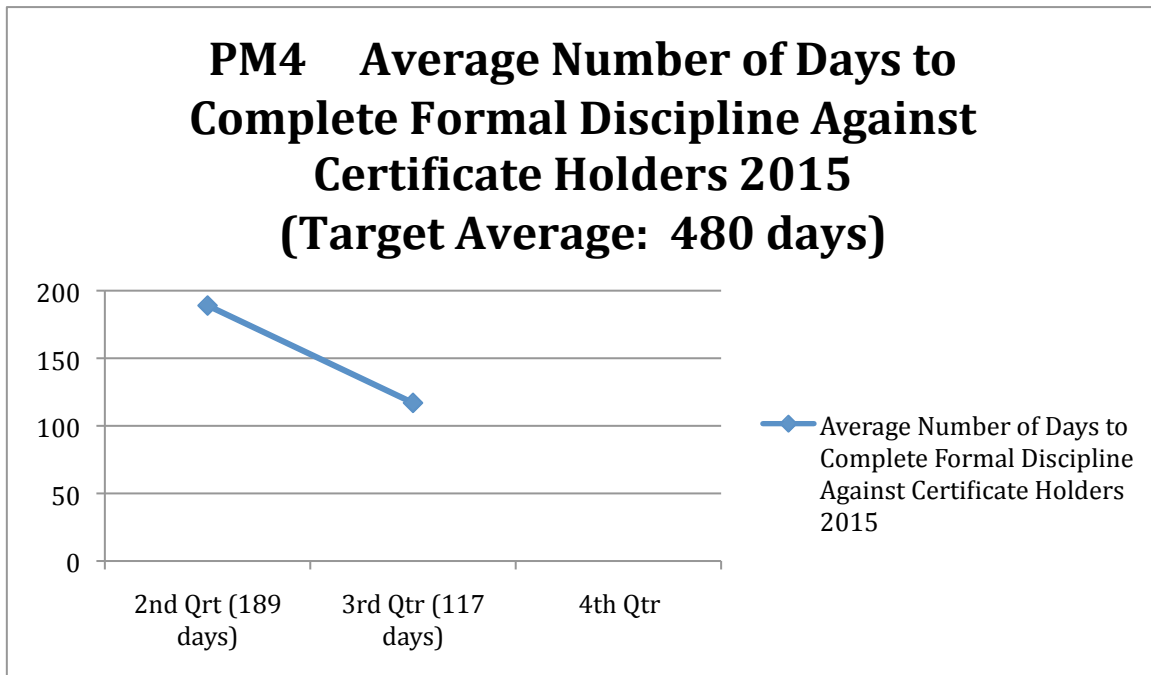


**PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS**

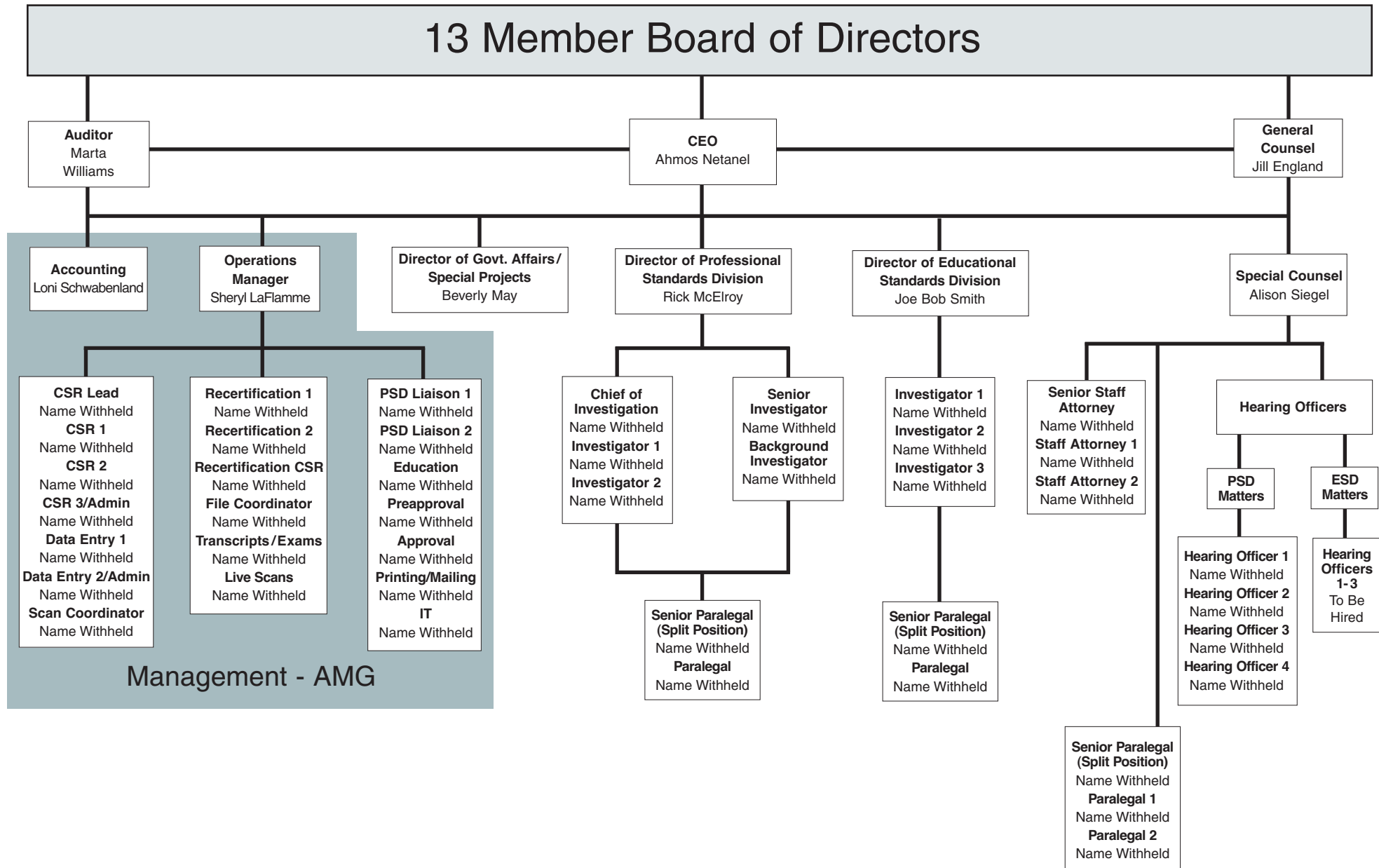
Average number of days to complete the entire disciplinary process against Certificate Holders for cases resulting in formal discipline. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from date of intake to the final date of disciplinary action.

SECOND QUARTER 2015: 189 days is the average number of days from intake to final date of formal discipline.

THIRD QUARTER 2015: 117 days is the average number of days from intake to effective date of imposition of formal discipline.



## CAMTC Organizational Chart as of November 2015







One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 www.camtc.org

October 12, 2015

Chief Charlie Beck  
Police Department  
City of Los Angeles  
200 N. Spring St  
Los Angeles, CA 90012

**Re: Strengthening the collaboration with your agency**

Dear Chief Charlie Beck:

I am writing to you in my capacity as CEO of the California Massage Therapy Council (CAMTC). Protection of the public is our highest priority.

I'm reaching out to you to offer assistance to your department regarding our shared goal of ensuring the highest standards of conduct in massage establishments in your jurisdiction. If you are interested in increasing the cooperation with CAMTC, I'd like to explore with you the development of a three-prong approach:

1. Coordination of enforcement and disciplinary protocols;
2. Escalation of information sharing; and
3. Participation in CAMTC's new law enforcement training.

I'm also eager to hear about any issues and/or ideas you and your team may have. Your goal is our goal – public protection.

I'll be happy to set up time to discuss this further. I'm inviting you to visit with me at your convenience at our offices in Sacramento. If you prefer, I'll be happy to meet at your office. Feel free to contact me directly at [anetanel@camtc.org](mailto:anetanel@camtc.org) or by calling my direct line 310-821-7776.

Respectfully,

Ahmos Netanel  
Chief Executive Officer



One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 www.camtc.org

October 21, 2015

Chief David Bejarano  
President  
California Police Chiefs Association  
PO Box 255745  
Sacramento, CA 95865

**Re: Organizational cooperation**

Dear Chief Bejarano:

On October 12, 2015, I sent you a letter in your capacity as Chief of the Chula Vista Police Department regarding collaboration between your agency and the California Massage Therapy Council ("CAMTC").

Today, I am writing you in your role as President of the California Police Chiefs Association ("CPCA") concerning a potential alliance between our respective organizations. While I'm cognizant of the fact that the CPCA Board did not identify massage therapy as a priority area for the 2015-2016 legislative year, your recent appointment of Chief Sandra Spagnoli to CAMTC's Board opened new opportunities for increased dialogue. I would like to explore with you the possibility of CAMTC and CPCA working together to support your members - especially those who grapple with illegal conduct under the guise of therapeutic massage in their jurisdictions.

Please contact me directly at [anetanel@camtc.org](mailto:anetanel@camtc.org) or by calling my direct line 310-821-7776 if you are interested in meeting to begin the discussion.

Looking forward to working with you on our mutual goal of public protection.

Respectfully,

Ahmos Netanel  
Chief Executive Officer

cc: Senator Jerry Hill, Senate Business, Professions and Economic Development Committee  
Assemblymember Susan Bonilla, Chair, Business and Professions Committee



One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 www.camtc.org

October 26, 2015

Melissa Stevenson Diaz, City Manager  
City of Redwood City  
1017 Middlefield Rd.  
Redwood City, CA 94063

RE: Massage Establishment Challenges

Dear Ms. Stevenson Diaz:

On October 12, 2015, I sent a letter to your Police Chief regarding collaboration between your police department and the California Massage Therapy Council ("CAMTC").

I'm reaching out to you as well to offer CAMTC's assistance to your city with any challenges you might be facing with massage establishments and the accurate implementation of the Massage Therapy Act. Working collaboratively with CAMTC to coordinate your regulatory programs can better position your city to ensure public protection and uphold professional standards in massage therapy clinics.

Please contact me directly at [anetanel@camtc.org](mailto:anetanel@camtc.org) or by calling my direct line 310-821-7776 if you are interested in meeting to discuss this further.

Looking forward to working with you on our mutual goal of public protection.

Respectfully,

Ahmos Netanel  
Chief Executive Officer

---

**From:** Ahmos Netanel <[anetanel@camtc.org](mailto:anetanel@camtc.org)>

**Subject:** CSAC/CAMTC collaboration

**Date:** October 30, 2015 3:40:16 PM PDT

**To:** [mcate@counties.org](mailto:mcate@counties.org)

Dear Mr. Cate:

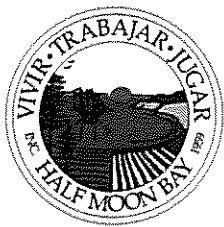
I am writing you in my capacity as CEO of the California Massage Therapy Council (“CAMTC”). As you know, CSAC has had an active representative on CAMTC’s Board from our inception. In addition to CSAC's official appointee, Mr. Guy Fuson from Sacramento County, three other CAMTC Board members are from county government: Mr. Mike Callagy, Deputy County Manager of San Mateo; Ms. Heather Foshey from San Mateo County's Department of Public Health; and Mr. Richard Lee, from San Francisco's Department of Health. On Monday October 26, I sent letters to all the county managers in the state (see attached sample) regarding assistance CAMTC can provide your members, especially those grappling with challenges related to illicit massage establishments.

I’m reaching out to you to initiate a conversation on ways CSAC and CAMTC can streamline the support we offer to counties.

Please contact me directly if you are interested in meeting to begin the discussion. I look forward to working with you on our mutual goal of public protection.

Respectfully,

Ahmos Netanel  
Chief Executive Officer  
California Massage Therapy Council  
One Capitol Mall, Suite 800  
Sacramento, CA 95814  
(310)821.7776 Voice  
(310)388.1514 Fax  
[anetanel@camtc.org](mailto:anetanel@camtc.org)  
[www.camtc.org](http://www.camtc.org)



# CITY OF HALF MOON BAY

DOCUMENT 13.8

City Hall • 501 Main Street • Half Moon Bay • CA • 94019

November 2, 2015

Ahmos Netanel, Chief Executive Officer  
California Massage Therapy Council  
One Capitol Mall, Suite 800  
Sacramento, CA 95814

RE: Massage Establishment Challenges

Dear Mr. Netanel:

Thank you for your letter dated October 26, 2015, I appreciate you reaching out the both the City of Half Moon Bay and our local law enforcement regarding the implementation of the Massage Therapy Act. We welcome the opportunity to work with your organization and will reach out to you should we encounter any challenges.

Sincerely,

Magda Gonzalez  
City Manager

cc: Lt. Munsey, San Mateo County Sheriff's Office

DENNIS BUNTING  
County Counsel  
(707) 784-6145  
  
AZNIV DARBINIAN  
Assistant County Counsel  
(707) 784-6140

675 Texas Street, Suite 6600  
Fairfield, CA 94533-6342  
(707) 784-6140  
Fax (707) 784-6862  
[www.solanocounty.com](http://www.solanocounty.com)

OFFICE OF COUNTY COUNSEL



SOLANO  
COUNTY

DOCUMENT 13.9  
LEE AXELRAD  
BERNADETTE S. CURRY  
KIMBERLEY GLOVER  
JAMES W. LAUGHLIN  
RAMONA M. MARGHERIO  
LORI A. MAZZELLA  
PETER MILJANICH  
JOANN IWASAKI PARKER  
DAVINA SMITH  
CLARISA SUDARMA  
DANA VAUGHN  
DANIEL WOLK  
KIMBERLY ALEXANDER YARBOR  
Deputy County Counsels

November 2, 2015

Ahmos Netanel  
Chief Executive Officer  
California Massage Therapy Council  
One Capital Mall, Suite 800  
Sacramento, California 95814

Re: Your Letters of October 12<sup>th</sup> and 26<sup>th</sup>

Dear Mr. Netanel:

The County of Solano is in receipt of two letters from your organization: one to the Solano County Sheriff's Office on October 12<sup>th</sup> and one to the County Administrative Officer on October 26<sup>th</sup>.

The County of Solano appreciates the California Massage Therapy Council's offer to assist with any challenges the county may encounter regarding the Massage Therapy Act. Currently, we have none. Very few massage therapy businesses exist in the unincorporated portion of the county, in contrast with the cities in Solano County such as Vacaville, Vallejo, and Fairfield that contain a number of massage businesses. If our experience should change in the future, we would certainly welcome a dialogue with the Council on the ways to best serve the needs of this business community.

Sincerely,

A handwritten signature in black ink, appearing to read "Davina Smith", is written over a horizontal line.

Davina Smith  
Deputy County Counsel

cc: Thomas A. Ferrara, Solano County Sheriff  
Birgitta E. Corsello, Solano County Administrative Officer



10/12/2015

Dear Certificate Holder,

The California Legislature and CAMTC are interested in your feedback as a certificate holder regarding your experience with the implementation of the Massage Therapy Act, which went into effect on January 1, 2015.

[https://www.camtc.org/FormDownloads/massage\\_therapy\\_act.pdf](https://www.camtc.org/FormDownloads/massage_therapy_act.pdf)

All you need to do is reply to this email with your comments by **October 29, 2015**. We plan to compile the responses and publically share them with the Legislature and CAMTC's Board. If you prefer to remain anonymous, please indicate that in your response.

Respectfully,

Sheryl LaFlamme  
Operations Manager  
California Massage Therapy Council



## CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.444.7462 www.camtc.org

Approved March 26, 2015 Board Meeting

### 2015 Strategic Priorities

1. **Establish Disciplinary Performance Measures** - To ensure that CAMTC's enforcement activities are directly aligned with CAMTC's mission of protecting the public, it is essential that CAMTC develop verifiable disciplinary goals. Such performance measures should be an easy-to-understand, transparent system of accountability. It must demonstrate that CAMTC is making and will continue to make the most efficient and effective use of its resources. Once established, these measures will be posted publicly on a quarterly basis.
2. **Law Enforcement** – Strengthen the collaboration with local law enforcement agencies
3. **Local Government** - Improve relationships with cities and counties, especially those that grapple with proliferation of illicit massage parlors. Offer help with the accurate implementation of the Massage Therapy Act.
4. **Certificate Holders** - Gather feedback from certificate holders regarding their experience with the implementation of the Massage Therapy Act. Conduct general surveys of certificate holders.
5. **Swift Discipline** – Maximize the speed by which CAMTC revokes and/or disciplines certificate holders.
6. **School Approvals** – Fully implement CAMTC's school approval program and inspect all schools wishing to be approved by CAMTC.
7. **BPPE MOU** – Initiate the development of a Memorandum of Understanding with the Bureau of Private Postsecondary Education.
8. **Foreign Language** – Conduct a study that examines the feasibility and possible protocols of providing an approved exam in at least one foreign language



**SEC. 2.** Chapter 10.5 (commencing with Section 4600) is added to Division 2 of the Business and Professions Code, to read:

**CHAPTER 10.5. Massage Therapy Act**

**4602.** (g) At 12 p.m. Pacific standard time on September 15, 2015, the term of each member of the board of directors established pursuant to subdivision (f) shall terminate, and the terms of 13 new members of the board of directors who shall be chosen in the following manner, shall begin:

- (1) One member shall be a representative of the League of California Cities, unless that entity chooses not to exercise this right to appoint.
- (2) One member shall be a representative of the California Police Chiefs Association, unless that entity chooses not to exercise this right to appoint.
- (3) One member shall be a representative of the California State Association of Counties, unless that entity chooses not to exercise this right to appoint.
- (4) One member shall be a representative of an "anti-human trafficking" organization to be determined by the council. This organization shall appoint one member, unless the organization chooses not to exercise this right to appoint.
- (5) One member shall be appointed by the Office of the Chancellor of the California Community Colleges, unless that office chooses not to exercise this right to appoint.
- (6) One member shall be a member of the public appointed by the Director of the Department of Consumer Affairs, unless the director chooses not to exercise this right to appoint.
- (7) One member shall be appointed by the California Association of Private Postsecondary Schools, unless that entity chooses not to exercise this right to appoint.
- (8) One member shall be appointed by the American Massage Therapy Association, California Chapter, who shall be a California-certified massage therapist or massage practitioner who is a California resident and who has been practicing massage for at least three years, unless that entity chooses not to exercise this right to appoint.
- (9) One member shall be a public health official representing a city, county, city and county, or state health department, to be determined by the council. The city, county, city and county, or state health department chosen, shall appoint one member unless that entity chooses not to exercise this right to appoint.
- (10) (A) One member shall be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least three years prior to the appointment, selected by a professional society, association, or other entity which membership is comprised of massage therapist professionals, and that chooses to participate in the council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals, have been established since 2000, and shall have bylaws that require its members to comply with a code of ethics.
- (B) If there is more than one professional society, association, or other entity that meets the requirements of subparagraph (A), the appointment shall rotate based on a four-year term between each of the qualifying entities. The qualifying entity shall maintain its appointment authority during the entirety of the four-year term during

which it holds the appointment authority. The order in which a qualifying professional society, association, or other entity has the authority to appoint shall be determined by alphabetical order based on the full legal name of the entity as of January 1, 2014.

(11) The members appointed to the board in accordance with paragraphs (1) to (10), inclusive, shall appoint three additional members, at a duly held board meeting in accordance with the board's bylaws. One of those appointees shall be an attorney licensed by the State Bar of California, who has been practicing law for at least three years and who at the time of appointment represents a city in the state. One of those appointees shall represent a massage business entity that has been operating in the state for at least three years. The council shall establish in its bylaws a process for appointing an additional member, provided that the member has knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603.

DATE: November 18, 2015

TO: Board of Directors

SUBJECT: Chairman's Report and Recommendations on Annual Meeting of the Federation of State Massage Therapy Boards, October 8-10, 2015 - Albuquerque

The primary business at the FSMTB annual meeting is:

- a) election of four Directors
- b) consideration of four Resolutions presented by Delegates, and
- c) hearing of staff reports .

Business was handled during a day and a half of meetings.

**RECOMMENDATIONS (from CAMTC BoD to FSMTB BoD)**

1. Amend bylaws to provide for a fair process for the annual election of officers;  
 Problem – This year, eight candidates were grouped in four pairs of candidates (only one candidate from each pair could receive a vote). While the explanation was that this would provide greater geographic diversity, there was concern that it prevented choosing the best candidates if they had been in the same slate grouping.  
 Having the bylaws provide for a consistent process for conducting elections will assure that all parties trust the process by which officers are elected. A bylaws change would need to be submitted to the membership with adequate time prior to the annual meeting for review.
2. Allow friendly amendments during debate of resolutions;  
 Problem – with a delegate meeting held only once a year, some resolutions may be timely, but need minor editing. Allowing amendments from the floor will facilitate resolutions being approved without needing to wait a year to be brought back in amended format.
3. Formation of a Resolution Review Committee to review, edit and confer with the authoring board;  
 Problem : This year the Georgia Delegate submitted three separate Resolutions, and it appeared that they had been merged into a single Resolution of three parts by FSMTB Staff or Board prior to the Annual Meeting. The modification of the Georgia Resolution was made without consulting the Georgia Board prior to the Annual Meeting. Moreover, the Delegate Body was not allowed to offer amendments to split or otherwise modify the resolution during debate, and was told to vote on the item as presented.  
  
 Problem: This year the New Jersey Delegate submitted a Resolution that was altered without consultation prior to the meeting; questions from the floor were rejected by the President and Delegates were told to vote on the item as presented.
4. Provide Delegates with complete Meeting Binders, including final drafts of resolutions, no fewer than 30 days prior to the annual meeting;

Problem - The Delegates were given fewer than four days to review the Resolutions prior to the meeting, which allowed little or no time for Delegates to give them adequate consideration, or to confer with the Member Boards. Given the 12-month interval between meetings and the lack of rapidly developing or urgent matters, a longer period for review would facilitate the efficient conduct of business by the large Delegate Body.

### **Results of the ELECTION OF DIRECTORS**

Three year position  
Ed Bolden\* (TN)

Three year position  
Craig Knowles\* (GA)

Three year position  
Linda Lyter\* (WV)

One year position  
Charlene Russell\* (MS)

### **RESOLUTIONS CONSIDERED**

#### **NEW JERSEY RESOLUTION**

Title of Resolution: MBLEx Eligibility

Summary of the Resolution: That candidates for the MBLEx be required to submit evidence of completion of a massage training program before being permitted to sit for the MBLEx.

Rationale: Candidates who apply for the exam are required to declare the massage school of attendance, including the dates of attendance and the graduation date of that program. In signing the application, the candidate is required to verify that they have read the Examination Content Outline and that they have education and training in the content subject areas. Currently there is no mechanism attached to the application process that requires evidence of completion of a massage training program.

ACTION: Tabled for revision

#### **GEORGIA RESOLUTION**

**Title of Resolution:** Implementing additional Limitations/Restrictions on Candidates for the MBLEx

Summary of the Resolution: Amend the retesting policy to require a candidate to wait a period of three months (90 days) before they may retest, limit the number of attempts to pass the examination to a maximum (lifetime) number of six (6) attempts, and require the candidate to

submit proof of the school that he or she attended or was attending before the exam registration process is deemed complete.

Rationale: To reduce opportunities for unqualified candidates to pass the exam

The Georgia Board had not reviewed the amended motion.

**ACTION:** Withdrawn by Delegate without motion



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.444.7462 www.camtc.org

## **Report for Board Meeting November 18.2015**

### **From: Beverly May, Director of Governmental Affairs and Special Projects**

Since the last Board meeting I have continued to review proposed ordinances, usually by request of city or county attorneys or police, as well as to provide sample ordinances and other information regarding local government implementation of AB 1147. I field communication from legislative staff in response to constituent inquiries as well as handle questions from consultants for both Business and Professions Committees. I also receive many inquiries from certificate holders regarding how changing local regulations are affecting them.

In response to CAMTC's outreach to local government and law enforcement, there have been many requests for meetings to discuss how best to utilize the combined resources and authorities of CAMTC and local government to address illicit activity under the guise of massage. I will be accompanying Rick McElroy to those meetings where ordinances may be reviewed.

There are approximately 140 municipal or county codes that require everyone practicing massage to be certified. At least another nine jurisdictions require certification in policy. Land use issues such as conditional use permits, inability to open massage establishments within 1,000 feet of schools, residences, churches or other massage businesses, moratoria, and limitations to ancillary use continue to be of concern to the profession. Just as troubling to certificate holders are reports of redundant background checks and high fees.

Sunset Review continues to be a major staff priority to have the completed document submitted by the December 1<sup>st</sup> deadline.

See the separate report on the Certification Data Management system. (CAMS). We are on schedule at this point to go live and complete testing by June 2016, although we know that snags can occur with any project as large as this one. Usually data cleansing (finding and correcting errors) and conversion is one of the more challenging components, and our Solutions Provider has been working on it from the start. They are quite confident in their ability to provide a smooth transition.

I spoke in September to the Annual Conference of the California Municipal Revenue and Tax Association (CMRTA) on the subject of understanding the law as amended by AB 1147, and preparing for Sunset review. The presentation was well attended, mostly by business or massage license staff from the various cities.

I continue to participate in Trafficking Taskforces in Stanislaus County, hosted by the District Attorney, and the San Francisco Mayors' Taskforce on Human Trafficking, as well as the SF Illicit Massage Parlor Committee. I monitor anti-trafficking efforts in other counties as they pertain to massage, and will be attending the Santa Clara meetings, as well as hoping to participate in my own San Mateo County Taskforce.

In September and again this month, Polaris Project invited me to meet with them in Washington DC. Polaris is formulating a new initiative to identify and address possible human trafficking, both labor and sexual, in massage. Labor trafficking, especially of recent immigrants in massage establishments is emerging to be much more prevalent than previously realized. In fact, worldwide, 80% of Human Trafficking is labor. In the U.S. it seems to be the opposite, but according to John Cotton Richmond, Special Litigation Counsel, Human Trafficking Prosecution Unit, US Department of Justice, it is more likely to be the same here as worldwide, with more media focus on sex trafficking.



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.444.7462 www.camtc.org

TO: Board of Directors

FROM: Chris Maneely, Project Manager and Beverly May, Director of Governmental Affairs and Special Projects

DATE: November 18, 2015

**RE: Development of new Certification and Application Management System (CAMS)**

### **Project Status**

Phase I of the CAMTC Modernization Project began May 27, 2015 and ended August 31, 2015. CAMTC engaged a certified Project Manager experienced in application development and implementation to collect, analyze and track business and technical requirements for a new Certification and Application Management System (CAMS). Subject Matter Experts (SMEs) from CAMTC met with the consultant nine times during this period to develop a complete list of 584 business and technical requirements for the new system, addressing all areas of CAMTC business. Several requirements have been added later.

Phase II of the CAMTC Modernization Project began September 1, 2015. Since that time, the team has met with the solution provider on eight occasions, with daily emails and calls. The in-person meetings allowed us to identify and agree upon the detailed business and technical requirements, and view and provide guidance on the interfaces for staff, applicant and certificate holders.

Because of the work performed by CAMTC in Phase I of the project, to develop this detailed list of business and technical requirements, the project was able to rapidly move into the prototyping stage of the new system development after spending only two days in face-to-face meetings to review the requirements.

The CAMTC team is excited about what new features CAMS will employ to provide more reliable data from applicants and certificate holders, a secure environment to protect data, a secure communications portal for Local Government Authorities and Law Enforcement, better visibility, monitoring, control and reporting of the application and certification process.



## **Anticipated Features**

Here are some of the anticipated features that will be included in CAMS.

<ul style="list-style-type: none"><li>• Validation of data from applicants and certificate holders</li></ul>	<p><i>CAMS will include a number of validation routines to validate information provided by applicants and certificate holders during the application or re-certification process, such as:</i></p> <ul style="list-style-type: none"><li>• Name</li><li>• Date of Birth</li><li>• Drivers' License Number (or Government ID)</li><li>• SSN</li><li>• Home Address</li><li>• Work Address</li><li>• Email Address</li><li>• Completeness of application or re-certification</li></ul> <p><i>These routines will greatly improve the quality and accuracy of data provided by applicants and certificate holders.</i></p>
<ul style="list-style-type: none"><li>• Secure environment to protect data</li></ul>	<p><i>CAMS will encrypt all sensitive data elements in the database. Should unauthorized access to data occur, all personal information (such as name, address, phone numbers, email addresses, SSN's, Driver's License information, etc.) are encrypted and cannot be read (or decrypted) without the appropriate key.</i></p>
<ul style="list-style-type: none"><li>• Secure communications portal for Local Government Authorities and Law Enforcement</li></ul>	<p><i>CAMS is designed to provide additional information to Local Government Officials, such as access to results from background checks and the robust search features built into CAMS. Local Government Officials will see information about all applicants and certificate holders, including:</i></p> <ul style="list-style-type: none"><li>• Name (including AKA's)</li><li>• Date of Birth</li><li>• Drivers' License Number (or Government ID)</li><li>• SSN (last 4 digits only)</li><li>• Home Address</li><li>• Work Address</li><li>• Email Address</li><li>• Phone Number(s)</li><li>• Photo</li><li>• Certification Status (if applicable)</li><li>• Notice about proposed denial and revocation letters and final Notices of Decision</li></ul> <p><i>Additionally, CAMS will incorporate a secure portal through which CAMTC and Local Government Officials can securely and immediately exchange information without relying on email. CAMS is planned to inform Local Government Officials when certificate holders change work addresses within their jurisdictions.</i></p>

<ul style="list-style-type: none"> <li>• Better visibility, monitoring, control and reporting of the application and certification process</li> </ul>	<p><i>More than anything else, CAMS will improve access to more accurate and timely information. This improved access to information means that Local Government Officials can see the same, up-to-date, real-time information, although in less detail, as internal CAMTC users, with the ability to provide varying levels of access for different external users, such as city or county finance staff and law enforcement.</i></p> <p><i>Furthermore, passwords for all users will need to be changed regularly, assuring that as city staff turns-over, their replacements will need to create their own account.</i></p> <p><i>CAMS will have a number of common queries built into the system. This means that information that is frequently asked about the system will be designed into the system for use. For example, at any time, an authorized internal CAMTC user can find out the number of certificate holders with an 'active' status in CAMS. In addition, date parameters can be specified (such as 'last year') in the query which filters the information based on those dates. Another feature of this query functionality is that the results of any query can be printed. This then addresses the need for reporting functionality.</i></p> <p><i>CAMS is designed to track each application as it flows through each step of the application and certification management system. This provides a foundation for performance metrics, such as 'How long does it take to get a CMT certification?' This functionality is built into CAMS.</i></p>
<ul style="list-style-type: none"> <li>• Improved communications with applicants and certificate holders</li> </ul>	<p><i>CAMS is designed to automatically inform applicants and certificate holders via email as their application is being processed. In addition, at any time during the application process, an applicant or certificate holder can use the system to see the real-time status of their application. These features help communicate status of an application to applicants or stake holders, which lessens direct calls to CAMTC. Lastly, CAMS will automatically notify certificate holders at specified times prior to their certification expiring to remind certificate holders to begin the re-certification process well in advance.</i></p>
<ul style="list-style-type: none"> <li>• Improved Queue Management</li> </ul>	<p><i>Because CAMS will be tracking applications and re-certifications as they flow through the various steps in the process, it provides the ability to monitor the complete process. This means that in cases where applications or re-certifications remain longer than 'normal' in specific steps, authorized internal CAMTC users will be notified. In this manner, chances for applications to 'fall through the cracks' is significantly reduced, if not eliminated entirely.</i></p>
<ul style="list-style-type: none"> <li>• Improved User Access Verification</li> </ul>	<p><i>CAMS will employ user access verification techniques common in the banking industry today. That is, the system will keep track of the last device the user used to access</i></p>

	<i>CAMS. If future access to a user's account is attempted from a different device, the system will send a validation code to a predefined email or cell number (TXT) to be entered before the user is allowed to sign into CAMS. CAMS will log all user access and activity within the system, which can be used for audit purposes.</i>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## **Treasurer's Report Through September 30, 2015**

### **Board Meeting: November 18, 2015**

#### **Applications Received and Re-Certifications Billed**

##### New Applications and Re-Certifications

Through the week ending October 24, 2015 CAMTC has received 78,248 Applications since the start of operations on July 27, 2009. However, just 3,355 (or 4.3%) have been obtained through October 24 of this year. (Of those 3,355 Applications, 905 were received in the first week, probably because of those therapists trying to beat the start of the new law beginning in 2015 which requires 500 hours of approved education and an exam.)

As previously noted, this low number of Applications is of concern, especially when considering the following:

- The weekly average for this year through October 24 is just 80 Applications.
- In contrast, for the full year 2014, 14,665 Applications were received, an average of 282 per week. While 2014 was the highest yearly average, the decline in the weekly average to 80 is substantial.
- One of the unknowns is what the new legal requirement of 500 hours for certification will have on delaying Applications. However, these current figures do not suggest that those who delayed entry at the beginning of the year because of insufficient hours are now starting to apply for Applications.
- As of October 24, there are 51,640 active certifications, up moderately from the approximately 49,400 at the end of October, 2014. Thus, the increase in certifications is in the right direction, as one would hope for in a growing industry. However, whether the increase in certifications is increasing at the same rate as the industry is not known. This is one of several important measures to monitor over time.

The decline in New Applications was partially offset by an increase in Re-Certifications. However, the total of the two measures was well below last year. Whether that was the result of an unusually high number of Re-Certifications in 2014 or an emerging issue in 2015 is not clear.

The re-certification process began in July, 2011. Re-certifications Billed in 2015 averaged 504 per week through October 24, up 4% from the average of 451 for the comparable period last year, and well ahead of 2013 and 2012<sup>1</sup>.

<b>Year</b>	<b>New Applications Received Per Week</b>	<b>Re-Certifications Billed Per Week</b>	<b>Total</b>
2015*	80*	504*	584
2014	244	451	696
2013	219	248	467
2012	207	296	503
2011	264	54	318
2010	259	0	259
*Through Oct. 24			

Actual figures relative to **budget** are available through September 30, 2015 (in contrast to the data above, which goes through October 24). As of September 30, the budget indicates:

- Despite the decline in new Applications, revenues from this source exceeded budget by 11%.
- Renewals Applied was 16% over budget although actual Certifications Billed was up only 4%.

The numbers of Applications and Renewals raise some important issues. While, over the long term, it is anticipated that Renewals would exceed first time Applications, the low level of new Applications and the combined number of New Applications+Recertifications billed are below last year. Re-Certifications in 2015 seem to be in line with 2013 and 2012, although New Applications are low.

CAMTC now has a substantial history on the percent of the Renewals billed that are paid. Through 2014 there has been a fairly consistent pattern; a little over three-

<sup>1</sup> Incorrect data on Recertification's per Week were provided on the previous Treasurer's report. They have been corrected on this current report.

quarters of those who are billed renew their certification. It was hypothesized that this figure may be a reasonable approximation of the churn in the industry; roughly 20%-25% of therapists who have been certified are no longer active or no longer practice in California every 24 months. A lower share, 68%, of Renewals has been paid through the first ten months of 2015. Probably at least some of this is because of the lag time between when the Renewals are billed and paid.

<b>Year</b>	<b>Renewals Billed</b>	<b>Renewals Paid</b>	<b>% Billed That Are Paid</b>
2012	15368	11687	76%
2013	12913	9871	76%
2014	23484	18618	79%
2015*	21188	14496	68%
*Through October 24. Lower % probably reflects, at least in part, lag time between billing and payment.			

*As previously discussed, if one assumes that the number of massage therapists in California is growing, then the number of new Applications which might be expected can be estimated as 1) the number of therapists lost in the normal industry churn plus 2) the incremental number of therapists entering the market to account for the growth in its size. For example:*

- *As noted above, there are currently about 51,000 certified therapists.*
- *The data suggest that about 25%, or 12,570, will not renew after two years, or 6,285 per year will leave the category.*
- *If we assume that the market is growing at 5% annually, 6,285 therapists will be required to replace those who leave the market and an additional 2,250 will be required to accommodate the market growth.*

*The above figures are presented only as a hypothetical model; however, to the extent that it reflects reality, a goal of 8,535 New Applications Issued would be set for the next 12 months.*

*Through September 30, 5,455 certificates were issued. On a straight line basis, this projects to 7,255 for the year, a figure below goal of 8,535. Of further concern is that many of the certifications issued were from the large number of applications received in 2014.*

## Financial Statements

### Statement of Functional Activities (Income Statement)

#### Overview

The revenue allocation procedure recognizes 37% of the \$150 initial application when the application is received, 39% when the certificate is issued and the balance, 24%, over 24 months. Renewals recognize 46% when received, 42% when approved and the balance over 24 months.

Revenues for 2015 through September 30 exceeded the budgeted amount by 6%, while expenses were 4% below budget. The net effect is that revenues exceed expenses by \$447,324. There continues to be a pattern of surplus revenues and lower expenses relative to budget.

While most of the revenue and expense measures look positive *relative to the budget*, a couple points might be noted:

- Through September 30, 2015 *actual* revenues are down and expenses are up from the comparable 2014 period. The fall-off in revenues is because of the drop in Applications without a meaningful offset in Renewals.
- Revenues are almost entirely from Applications and Renewals. Since revenue from those sources is recognized over time, they not only affect the current financial position, but will impact the financials into the next years.

#### **SUMMARY OF FUNCTIONAL ACTIVITIES Nine Months Through September 30**

	2015	2014	% Change in 2015
Total Revenue	\$3,229,685	\$3,638,313	-11%
Total Expenses	\$2,782,361	\$2,596,815	7%
Net Revenue	\$447,324	\$1,084,174	-59%

The following sections discuss the figures relative to budget, since the budget figures are the standards set by CAMTC. However, it might be kept in mind that those figures are judgments and it is the *actual* dollars and their trends over time that also reflects performance.

#### Revenue Overview Relative to Budget

Most of the major revenue sources exceeded the budgeted amounts except:

- Deferred Prior Years was at the budget figure.
- Certificates Issued was below budget.

Through September 30, Revenue exceeded Budget by 24%.

Renewals, Applied and Approved, accounted for over half, 52% of revenues. Applications Received and Certificates Issued accounted for 20%, and Current and Prior Year Deferrals accounted for 17%. These figures reinforce the obvious: Renewals will continue to be of growing importance; however, the weak performance in obtaining new applications suggests that the potential for initial applications may not be fully achieved.

#### Revenue Through Sept. 30, 2015

Source	Revenue	% of Total Revenue	Actual as a % of Budget
Applications Received	\$317,072	10%	111%
Certificates Issued	\$319,118	10%	73%
Renewals - Applied	\$857,808	27%	116%
Renewals - Approved	\$825,489	26%	116%
Current Year Deferrals	\$78,449	2%	90%
Prior Year Deferrals	\$460,407	14%	100%
Denied Applications	\$16,160	1%	78%
Purged/Revoked Applications	\$51,786	2%	188%
New School Applications	\$25,253	1%	83%
Hearing Fees	\$24,120	1%	129%
Misc. Fees	\$109,797	3%	94%
School Background Check	\$16,728	1%	NA
Recertification Late Fees	\$127,500	4%	116%
<b>Total</b>	<b>\$3,229,685</b>	<b>100%</b>	<b>124%</b>

Performance Relative to Budget by Major Expense Categories.



Expenses were 4%% below budget. (However, it might be recalled, that actual expenses through September 30 exceeded those in the comparable period of 2014 by 7%).

Listed below are the major expense categories, in the order shown on the Statement of Functional Activities and the variance from the budget for 2015 year-to-date. In no category did actual exceed budget. One area which has been consistently substantially below budget is Outreach Marketing. Outreach Marketing is only one of two expense categories where year-to-date expenses are below those of the comparable period in 2014. Given the low level of new Applications, additional programs to get CAMT's message to new therapists might be considered.

Comparison of Expenses Through September 30, 2015					
Actual and Budget					
Item	Actual	Budgeted	Variance (negative numbers mean actual exceeded budget)	Actual as a % of Budget	Increase/Decrease from Sept. 30, 2014
Board & Committee	\$35,292	\$35,292	\$0	100%	\$10,696
Outreach marketing	\$30,385	\$77,838	\$47,453	39%	(\$12,292)
General Administrative	\$259,833	\$269,586	\$9,753	96%	(\$18,741)
Executive Staff	\$347,060	\$359,312	\$12,252	97%	\$15,081
Professional Standards	\$1,084,083	\$1,103,287	\$19,204	98%	\$55,414
Educational Standards	\$72,991	\$74,699	\$1,708	98%	\$72,991
General Staffing	\$106,558	\$106,558	\$0	100%	\$22,013
Professional Services	\$846,160	846,160	\$0	100%	\$40,385
Other	\$0	\$24,256	\$24,256	0%	\$0
<b>TOTAL</b>	<b>\$2,782,362</b>	<b>\$2,896,988</b>	<b>\$63,180</b>	<b>96%</b>	<b>\$185,547</b>

## Statement of Financial Position (Balance Sheet)

### Overview

As of September 30, 2015, CAMTC is in a very healthy financial position. Total equity was substantially higher from the year-ago period. At \$2,331,195 it was up 22% over September 30, 2014.

The increase in Equity is explained primarily by moderately large increase in Assets, with a slight decline in liabilities.

Assets, at \$3,736,756 are up by \$418,126 from \$3,109,271 a year ago. Almost all the assets are in cash or cash equivalents. Although assets are up from the comparable date last year, it was previously noted that revenues are down for this year to date vs. a year ago. This means that it was the strong gains achieved later in 2014, not improved performance so far this year, which account for the stronger asset position.

- Liabilities, at \$1,105,561 are down from the \$1,196,202 on September 30, 2014. CAMTC liabilities are, for the most part, deferred income, so the decline in liabilities is a “yellow flag,” because there are less liabilities to be recognized as assets in the future..

Thus, while the financial position is clearly stronger than it was last year, it does not appear to be the result of performance this year to date. Rather, it is the carryover from the strong position achieved during the second half of 2014.

### **Conclusions**

The conclusions arrived at here differ little from those in the report submitted on September 8:

- The decline in New Applications this year may indicate a problem that could have long term effects since New Applications result in both current and deferred revenue.
- While the Statement of Financial Position is healthy by any standard, it appears that this position is the result of particularly strong activity in 2014 rather than during 2015.

- More important than ever might be the CAMTC goals of building awareness and a favorable image among both potential New Applicants and Renewals, the dollars spent on Outreach Marketing should be viewed as important to the long term success in staying in touch with the market. As of September 30, only 1.1% of the \$2,140,611 in expenses has been devoted to that activity.
- In addition to examining the performance of CAMTC relative to budget, it is meaningful to review the figures in the context of *actual* achievement relative to past periods.

Respectfully submitted by Michael Marylander,  
Treasurer  
November 10, 2015



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.444.7462 www.camtc.org

To: CAMTC Board of Directors  
From: Rick McElroy, Director of Professional Standards Division  
For: Board Meeting – November 18, 2015

### **PSD Overview**

In 2015, we have seen a marked increase in cooperation from local cities, counties, and law enforcement agencies (“LEA”), which has resulted in more reporting of incidents and an increase in the complexity of our case load. PSD has reviewed over 2,300 cases year to date. Contacts from police departments have grown 50% since this time last year. This voluntary reporting by local LEA is a direct result of the in-person training PSD provides to departments as well as the personal liaison efforts provided by PSD staffers.

### **PSD Outreach**

PSD’s outreach program, which offers no cost training to local LEA, continues to grow. We have trained 104 agencies and over 323 police officers YTD. We have sent out more than 20 new training session invitations in the remainder of the year and we are on track to easily outpace last year’s numbers. We are on target to provide training to 125 agencies/375 officers this year.

### **Trending**

Although the number of CAMTC applicants is much lower than in previous years (due to a more restrictive admission standards set in January of this year) some categories of PSD investigations continue to increase. We are seeing a significant increase in the number of complaints received each year. We believe that this is a positive trend, as the increase in complaints to CAMTC means that both the public and LEA are becoming aware of CAMTC and willing to report matters to us. Complaints related to sexual assaults also continue to increase at a steady pace. We believe that this increase is not due to an increase in incidents, but is instead related to more reporting by victims and LEA to CAMTC as CAMTC becomes more well known.

PSD is also experiencing a huge increase in educational hearings that have been scheduled through May of 2016. This is due to the recent un-approval of two massage schools.



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 320 | Sacramento, CA 95814

tel 916.669.5336 fax 916.444.7462 [www.camtc.org](http://www.camtc.org)

To: CAMTC Board of Directors  
From: Joe Bob Smith, Director of Educational Standards Division  
For: Board Meeting – November 18, 2015

### **Applications and Site Inspections Update**

Since the school application was released on April 1<sup>st</sup>, 116 applications have been received. 5 of those are ineligible at this point and 25 currently are not running massage classes or have failed to complete the application. Of the remaining 86, we have visited 56, have 12 more scheduled, and are working on reviewing and scheduling the remaining 18.

While the application flow has trickled to about 1 per month, staff will contact any school it sees still submitting transcripts that has not applied. CAMTC staff wants to ensure that any such school fully understands that, as of July 1, 2016, CAMTC will only accept education from schools that have applied for and received CAMTC school approval.

### **Approval Process Next Steps**

ESD has begun having regular decision calls for schools whose applications and site visits are deemed complete. ESD will begin notifying schools of our decision to approve, propose for denial, or complete corrective action starting in December.

### **Looking Beyond**

ESD will work to make sure we get all schools that have applied in a reasonable timeframe through the approval process by the June 30, 2016, deadline. In addition to this priority, ESD continues to work towards an MoU with BPPE; processes for ensuring that approved schools will keep up approval requirements; the ESD portion of the future database; and is attending a Polaris meeting on massage and massage education as a subterfuge for human trafficking.

**November 6, 2015**

**TO: BOARD OF DIRECTORS**

**CALIFORNIA MASSAGE THERAPY COUNCIL (CAMTC)**

**FROM: RON BATES, CAMTC BOARD MEMBER**

**RE: PROPOSED AMENDMENTS TO CAMTC ARTICLES AND BYLAWS**

This memo is to provide the CAMTC board of directors with information about suggested changes to the CAMTC articles of incorporation and bylaws, as well as proposed new language for the articles and bylaws, for the board's consideration and adoption on November 18, 2015.

**Information:** AB 1147 requires an effective and cooperative relationship between CAMTC and cities/counties (see Business & Professions Code section 4600.5). The recommended changes below to the Articles and the Bylaws fully acknowledge and strengthen that relationship. Working together ensures more effectiveness in the regulation of the professional practice of massage and approval of massage schools (CAMTC) and the local regulation of massage businesses and establishments (cities and counties), thereby benefitting all stakeholders.

**Proposed Action:** Amend both the CAMTC Articles of Incorporation at Article II (B), and the Bylaws at Article III, Section 2, Specific Purposes, to read as shown below (with proposed changes shown in redlines):

The specific purposes of this corporation ~~is~~are: to enable consumers and local governments to more easily identify certified massage professionals; to provide for consistent statewide certification and oversight of certified massage professionals; to ensure that schools approved by the Council that are teaching massage provide a high level of training; and to assist and cooperate with local governments, ~~and including~~ law enforcement and health departments, in ~~meeting their duty to~~ maintaining the highest standards of conduct in massage establishments by vetting and disciplining certificate holders.

Per the Board motion on changes to policies, the following information is provided:

- The language of the current policy and when the policy was adopted. **Some revisions were made at the last Board meeting.**
- A short description of why the policy should be changed. **See above.**
- The language of related statutes that may have an impact on the decision. **None.**

- The fiscal impact the proposed change may have on CAMTC and certificate holders and applicants. **None.**
- Potential pro's and con's if the new policy is adopted. **Pro – above. Con - none.**
- The impact on current certificate holders and applicants. **None.**
- A suggested date for the changes to be implemented. **Documents update by the end of 2015.**

[END OF MEMO]

**November 6, 2015**

**TO: BOARD OF DIRECTORS**

**CALIFORNIA MASSAGE THERAPY COUNCIL (CAMTC)**

**FROM: RON BATES, CAMTC BOARD MEMBER**

**RE: PROPOSED ADDITIONS TO CAMTC BOARD OPERATIONS POLICIES**

This memo is to provide the CAMTC board of directors with information about suggested changes to the CAMTC board operations policies, as well as the proposed changes or additions to the policies, for the board's consideration and adoption on November 18, 2015.

**Information:** More transparency and better communications between CAMTC and its stakeholders will assist in continuing to improve operations. These changes will allow and encourage more participation by and input from certificate holders, legislators, administrators and the public on the board's decision-making process. The changes will provide the stakeholders with adequate time to fully understand, consider and weigh in on the important strategic goals and activities considered by CAMTC. More transparency will not impinge on the board's authority to hold confidential closed sessions under the Bagley-Keene Act for the purpose of reviewing or disciplining massage certificate holders or providing massage school approvals/disapprovals.

**Proposed Action:** Change the CAMTC Board operations policies, or add new policies, to require the following:

- Post the date and location of each Board meeting on the CAMTC website at least 30 days in advance of the Board meeting.
- Post the agenda for each Board meeting on the CAMTC website at least 14 days in advance of each Board meeting.
- Provide all staff reports and back up material for each Board meeting agenda item (i.e., the "Board packet") on the CAMTC website at least 10 days in advance of each Board meeting.

Per the Board motion on changes to policies, the following information is provided:

- The language of the current policy and when the policy was adopted. **Current policy is 10 days for the agenda.**
- A short description of why the policy should be changed. **See above.**



- The language of related statutes that may have an impact on the decision. **None.**
- The fiscal impact the proposed change may have on CAMTC and certificate holders and applicants. **None.**
- Potential pro's and con's if the new policy is adopted. **Pro – see above. Con – more advanced planning by staff.**
- The impact on current certificate holders and applicants. **None.**
- A suggested date for the changes to be implemented. **For the next Board meeting.**

[END OF MEMO]