



# CALIFORNIA MASSAGE THERAPY COUNCIL

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Sent and posted Monday November 23, 2015

## Notice/Agenda of Public Meeting

**Board of Directors Meeting  
Thursday December 3, 2015  
9:30 a.m.**

**Via Teleconference Call  
Number: 1-877-366-0711 Passcode: 77085177#**

1. Call to order/ Roll call/ Establish Quorum
2. Sunset Review Report 2015
3. Closed session with CAMTC legal counsel pursuant to California Government Code Section 11126(e)
4. Public comments regarding issues not on this agenda/suggested agenda items for future meetings
5. Adjourn

### Teleconference locations:

4341 Birch Street, #106, Newport Beach, CA 92660 (*typo in street name corrected 11/24/15*)  
2511 14<sup>th</sup> Street, Unit C, Santa Monica, CA 90405  
4101B1 Soquel Drive, Soquel, CA 95073  
1347 Redwood Way, Petaluma, CA 94954  
16548 Soledad Canyon, Santa Clarita, CA 91387  
400 County Center, Redwood City, CA  
17400 Irvine Blvd., Tustin, CA 92780  
650 Merchant Street, Vacaville, CA 95688  
14410 Big Basin Way, Saratoga, CA  
190 Sunset Alley, Eugene, OR  
901 E. 14th Street, San Leandro, CA 94577  
700 H Street, Suite 1710, Sacramento, CA 95814

*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>



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

# Sunset Review Report 2015

A Report to the Senate Business,  
Professions and Economic  
Development Committee and  
the Assembly Committee on  
Business and Professions

December 1, 2015

# California Massage Therapy Council

## **Board Members**

Mark Dixon, CMT, Chair, Appointed by American Massage Therapy Association, California Chapter  
Ronald Bates, Ph.D., Vice-Chair, Appointed by League of California Cities  
Allison Budlong, Secretary, Appointed by California Association of Private Postsecondary Schools  
Michael Marylander, Treasurer, Massage Business Owner, Appointed by Board  
Guy Fuson, Appointed by California State Association of Counties  
Richard Lee, Appointed by the Director of the Department of Consumer Affairs  
Dixie Wall, L.Ac., CMT, Appointed by American Massage Council  
Stephanie Powell, Ph.D., Appointed by Journey Out, Anti-Human Trafficking Organization  
Jeff Forman, Ph.D., Appointed by the Office of the Chancellor of the California Community Colleges  
Heather Forshey, Public Health Official, Appointed by San Mateo County Department of Health  
Chief Sandra Spagnoli, Appointed by California Police Chiefs Association  
Michael Callagy, Esq., Appointed by Board  
Shana Faber, Esq., Assistant City Attorney, Appointed by Board

## **Executive Staff**

Ahmos Netanel, Chief Executive Officer  
Beverly May, Director of Governmental Affairs

Additional copies of this report can be obtained from [www.camtc.org](http://www.camtc.org)

Sunset Review Report Prepared by:  
California Massage Therapy Council  
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Sacramento, CA 95814  
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Fax: (916) 669-5337



**CALIFORNIA**  
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## Executive Summary 2015 Highlights



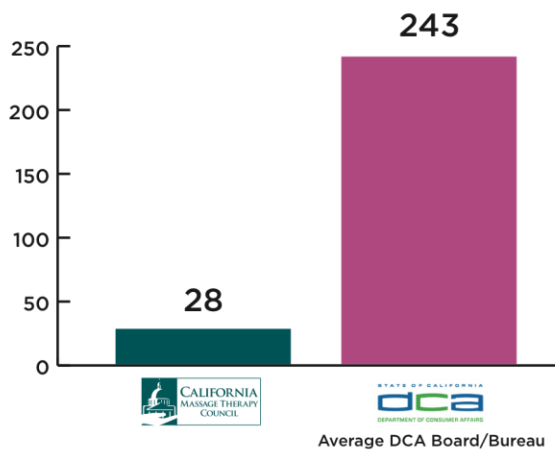
### ***Executive Summary***

The following is a brief summary of some of the California Massage Therapy Council's ("CAMTC") activities since the Massage Therapy Act went into effect on January 1, 2015.

Target **performance measures** for disciplinary actions were established by CAMTC in 2015 to ensure that enforcement activities are directly aligned with CAMTC's mission of protecting the public. As part of the process of establishing CAMTC's performance targets, staff calculated the Department of Consumer Affairs' ("DCA") aggregate average by combining the most recently reported results of 36 DCA Boards and Bureaus and dividing this number by the number of Boards and Bureaus with reported data in each category. The juxtaposition of CAMTC's most recently reported quarter (3<sup>rd</sup> 2015) to the aggregate average for DCA's Boards and Bureaus clearly demonstrates that CAMTC makes more efficient and effective use of its resources:

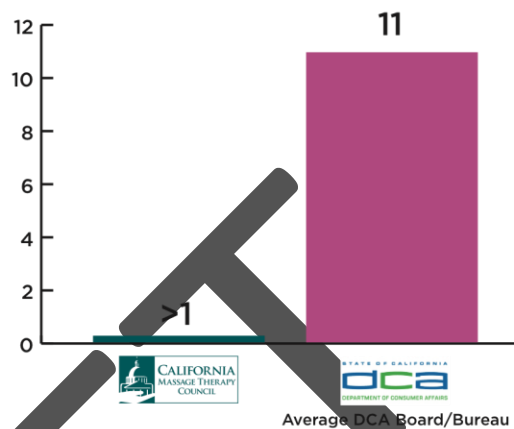
### Average Monthly Complaint Volume

3RD QUARTER 2015



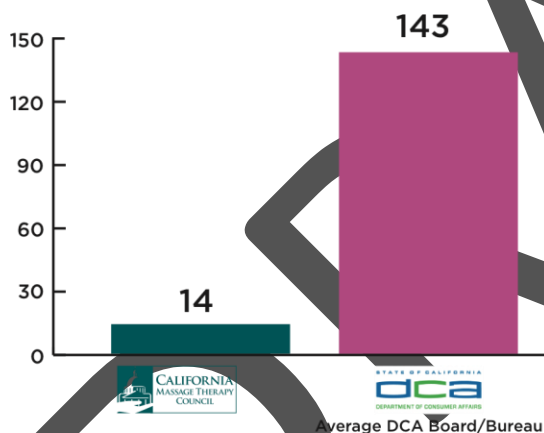
### Average Number of Days From Complaint Intake To Assignment

3RD QUARTER 2015



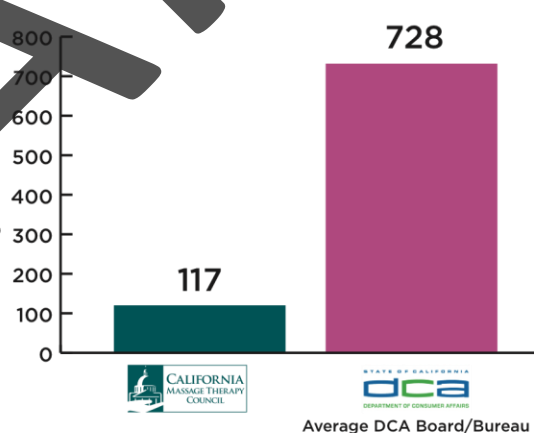
### Average Number of Days To Closure of Complaints That Don't Result in Formal Discipline

3RD QUARTER 2015



### Average Number of Days To Complete Formal Discipline Against Certificate Holders

3RD QUARTER 2015



CAMTC's Disciplinary Performance Measures for the second and third quarter of calendar year 2015 are posted publicly on CAMTC's website. (Section 13, Attachment 1.)

Since its inception in 2009, CAMTC has worked closely with local **law enforcement** agencies. Strengthening the collaboration with the law enforcement community was one of CAMTC's top priorities in 2015. On April 2, 2015, CAMTC sent a letter to the California Police Chiefs Association ("Cal Chiefs") regarding no-cost CAMTC training for

law enforcement agencies. (Section 13, Attachment 2.) Cal Chiefs forwarded this communication to all its members, which resulted in considerable interest in the training (the training is offered free of charge and all costs associated with the development and delivery of the training are covered exclusively by CAMTC). During the month of October, 2015, CAMTC embarked on a new statewide outreach initiative to local law enforcement agencies offering to strengthen collaboration by implementing a three prong approach: 1. Coordination of enforcement protocols; 2. Escalation of information sharing; and 3. No-cost training for law enforcement. CAMTC's CEO sent correspondence to 356 police chiefs and 58 sheriffs, as well as letters to the Presidents of the Cal Chiefs and the California State Sheriffs' Association. (Section 13, Attachment 3, Sample letter to Local Law Enforcement Officials; Attachment 4, letters to Cal Chiefs and Sheriffs.) As of November 24, 2015, CAMTC received 76 responses. Staff set up numerous meetings throughout the state to discuss coordination of enforcements protocols and increased information sharing. Staff is continuing to schedule additional training sessions. Since 2014, CAMTC has trained 487 law enforcement and local government officials from 193 different agencies (these agencies include local government agencies that regulate massage in addition to law enforcement agencies). In their feedback, attendees indicated that they found the information provided to be invaluable. In addition to providing tools and protocols, these sessions help to further reinforce the ongoing partnership between CAMTC and law enforcement. CAMTC's CEO is scheduled to present to Cal Chiefs' 31 member Board on December 4, 2015 in Walnut Creek. Staff also engaged in a preliminary dialogue with the California State Sheriffs' Association, which offered to highlight CAMTC's outreach through a weekly email to all sheriffs.

Improving relationships with **local government** agencies, especially with cities and counties that grapple with the proliferation of illicit massage establishments, and offering help in the accurate implementation of the Massage Therapy Act, is also one of CAMTC's top priorities. On January 28-30, 2015, CAMTC attended the League of California Cities ("League"), City Managers Department Meeting in San Francisco as a Gold Sponsor. There were 473 registered attendants. Prior to the meeting CAMTC's CEO sent a letter to all registered city managers inviting them to meet during the

conference. (Section 13, Attachment 5.) In an effort to engage the League's leadership in a direct dialog, CAMTC's CEO also reached out to the League's Executive Director and suggested a meeting, which he graciously accepted. (Section 13, Attachment 6.) The two have met privately three times in 2015 for constructive and frank conversations. However, agreement has not been reached on all issues and discussions will continue. During the City Managers Meeting, CAMTC was recognized during several of the general sessions, as well as in the program and sponsors' sign. (See pictures below). Our well-positioned information table was visited frequently. (See Section 13, Attachment 7, and pictures below.) Staff was somewhat surprised that the majority of city managers we talked to stated that they had no significant issues with massage. One of the breakout sessions "EMERGING TRENDS: ELECTRONIC CIGARETTES, MEDICAL MARIJUANA & MASSAGE PARLORS - ROLES IN REGULATION" was introduced by the moderator as "the vice hour." The majority of attendees' questions focused on electronic cigarettes and marijuana.



CAMTC staff manned the table at the statewide 2015 City Managers Department Meeting.



Sponsors slide (above) and sign (below) from the 2015 City Managers Department Meeting.





CAMTC submitted proposals for the League's City Attorneys Department Spring Conference on May 6-8 in Monterey and for the Annual Conference Sept 30-Oct 2 in San Jose. (Section 13, Attachments 8 and 9.) Neither proposal was accepted. During the month of October 2015, CAMTC initiated a new statewide outreach effort to local government. CAMTC's CEO sent letters to 470 city managers, 53 county managers and to the Executive Director of the California State Association of Counties ("CSAC"). (Section 13, Attachment 10, sample letters to city and county managers; Attachment 11, sample responses from city and county managers; and Attachment 12, email to CSAC.) Numerous meetings with local government officials have already taken place and many more meetings are in the process of being scheduled. CSAC and CAMTC's staff are also in the process of setting up a meeting. On November 20, 2015, a 10 participant joint meeting of CAMTC and the League took place in Sacramento. The goal of the meeting was to establish a constructive working relationship between the two organizations and provide both parties with a chance to communicate openly.

CAMTC would like to note that while it has been focusing on improving communications with law enforcement agencies and local government agencies that regulate massage as a whole, it has engaged in significant communications with these entities since CAMTC's inception in 2009. CAMTC has sent more than 1.2 million email messages to local agencies since inception, notifying these entities when an applicant applies for certification or re-certification, when CAMTC takes disciplinary action against a certificate holder, and when a certificate holder notifies CAMTC that they have changed their work address. CAMTC also held conference calls every two to three weeks from early 2009 through 2011 with city and county staff, including permit staff, law enforcement and city attorneys, to help formulate early protocols and policies for denial and disciplinary action with local government input.

In October of 2015, CAMTC reached out to **certificate holders** in order to gather feedback regarding their experience with the implementation of the Massage Therapy Act. (Section 13, Attachment 13.) As of November 19, 2015, more than 700 responses were received and are in the process of being compiled, so that they may be submitted

to the Legislature and CAMTC's board of directors ("BOD"). 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 2015.

The **School Approval** program has been fully implemented. All schools that submitted a complete application by May 1, 2015 for school approval, and are qualified, are scheduled to be inspected by December 31, 2015.

CAMTC has initiated discussions with the Bureau of Private Postsecondary Education ("BPPE") in order to develop a Memorandum of Understanding with BPPE. CAMTC is in the process of drafting the agreement and is expected to submit it to BPPE for their review before the end of the year.

As a **self-funded private nonprofit corporation** and certification body, CAMTC certifies qualified massage professionals, and ensures full compliance with, and execution of, the requirements of the Massage Therapy Act. CAMTC's paramount objectives are to enable consumers and local governments to more easily identify certified massage professionals, provide for consistent statewide certification and oversight of CAMTC certified massage professionals, ensure that massage schools approved by CAMTC provide a high level of training, and assist local governments and law enforcement in meeting their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders.

CAMTC actively promotes collaboration with local governments, law enforcement, nonprofit stakeholders, the massage industry, and massage professionals and strives to work together with all interested parties to improve communication and share information in order to further increase the value of statewide certification, and the seamless implementation of the Massage Therapy Act.

**Protection of the public** has always been, and continues to be, the highest priority for CAMTC in exercising its certification and disciplinary authority, and all other functions it implements.



**CALIFORNIA**  
MASSAGE THERAPY  
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## Section 1

### Background and Description of CAMTC and the Massage Profession

- History and Function of CAMTC
- Makeup and Function of the Board of Directors and Committees
- Major Changes Since Last Sunset Review
- National Associations



## *History and Function of CAMTC*

**Provide a short explanation of the history and function of CAMTC. Describe the occupations/professions that are certified and/or regulated by the CAMTC (Practice Acts vs. Title Acts). Please include history/purpose for existence.**

Protection of the public has been the highest priority for the California Massage Therapy Council (“CAMTC”) since it was established in 2009. CAMTC is a private nonprofit corporation that carries out the responsibilities and duties set forth in chapter 10.5. of Division 2 of the Business and Professions Code (Massage Therapy Act), a title act. CAMTC implements a voluntary statewide certification program for massage professionals and massage schools. Massage professionals who are certified by CAMTC may provide massage for compensation in any California city or county without being required to obtain a local permit to practice their profession.

CAMTC was named and incorporated in 2009 by the initiative of private individuals. Not being part of California State government, CAMTC has never used any taxpayer monies, State funds or other public funding. In order to launch its operations, CAMTC raised \$184,410 in loan commitments from five private sources. All loans were fully repaid (principle and interest) by February 17, 2010. Unlike professional licensing Boards, CAMTC has never relied on any State agency infrastructure, administrative, logistical, technical or legal support.

CAMTC went through its first Sunset Review in 2014, at which time its statute was reorganized and significantly revised by AB 1147. On January 1 of 2015, the statutory changes authorized by AB 1147 became effective. Due to the fact that the new statute has been operative less than a year, the true impact of all of the statutory changes may not yet be apparent. In September of 2015 the existing 20-member board of directors

was replaced. The new board consists of 13 members, seven of whom are local government officials, three are representatives of the therapeutic massage profession, one represents an “anti-human trafficking” organization, one was appointed by the Office of the Chancellor of the California Community Colleges and one was appointed by the California Association of Private Postsecondary Schools. There are no advisory bodies required by statute.

Since 2010, there have been numerous amendments to the law, the most significant of which has been AB 1147. The statutory amendments have accomplished many things, such as, clarifying the applicability of the law to charter cities, raising educational and disciplinary standards, imposing a prohibition on defining and/or regulating massage establishments as adult entertainment, and expanding the land use authority of cities and counties.

## ***Makeup and Function of the Board of Directors and Committees***

***Please describe the makeup of the board of directors or any advisory body required by law. Please explain any changes to the composition of the board or advisory body (statutorily or through bylaws). (2014 – September of 2015)***

### **1. Describe the make-up and functions of each of the CAMTC’s committees, if applicable, (cf., Section 12, Attachment B).**

Currently there are two committees of the BOD (defined as committees which may have the authority of the BOD on particular issues):

#### **A. Executive Committee**

This committee consists of the elected officers of the BOD and has the authority to review and recommend changes to the bylaws and to other operating policies to the BOD. The Executive Committee also has the authority delegated to it by the BOD, if any. Because all CAMTC BOD members are so committed and enthusiastic, the Executive Committee does not currently play a strong role in the governance of the organization – i.e. all decisions are made by the full BOD.

## **B. Audit Committee**

This committee is charged with oversight of financial reporting and disclosures. The committee interfaces with the auditing firm and the Chief Executive Officer and makes recommendations to the BOD as to the approval of the annual audit report. It also files the organization's tax returns. From January 1, 2014 through noon on September 15, 2015, this committee was comprised of two BOD members. On September 15, 2015 at noon the BOD members changed, and one member is no longer on the BOD. The BOD will appoint new members to this committee at the February 2016 BOD meeting.

## **Changes to the Composition of the Board of Directors**

AB 1147 reduced the number of BOD members from 20 to 13, as of noon, September 15, 2015. It also changed the composition of the BOD by generally reducing the number of appointments made by professional massage associations and increasing the number of appointments made by entities that represent local government.

Under the old 20-member BOD, the following organizations had appointment authority:

1. Two appointees for each Professional Society, Association, or other Entity comprised of massage professionals, established since 2000, with a dues paying membership of at least 1,000 California individuals, with bylaws that require members to comply with a code of ethics (four organizations met this definition – totaling 8 appointments);
2. California Association of Private Postsecondary Schools;
3. League of California Cities;
4. California State Association of Counties;
5. Director of the Department of Consumer Affairs;
6. Office of the Chancellor of the California Community Colleges (Appointee may not be a part of any massage therapy certificate or degree program); and
7. Other appointments as determined by the BOD.

Under the new 13-member BOD, the following organizations now have appointment authority:

1. League of California Cities;
2. California Police Chiefs Association;
3. California State Association of Counties;
4. Anti-Human Trafficking Organization selected by CAMTC;
5. Office of the Chancellor of the California Community Colleges;
6. Director of the Department of Consumer Affairs (Appointee to be a member of the public);
7. California Association of Private Postsecondary Schools;
8. American Massage Therapy Association, California Chapter (Appointee must be a California resident, practicing massage for at least three years, and certified by CAMTC);
9. Public Health Official representing a city, county, or city and county, or state health department (city, county, or city and county, or state health department chosen by CAMTC, and appointee chosen by that entity);
10. One rotating seat for a Professional Society, Association, or other Entity comprised of massage professionals, established since 2000, with a dues paying membership of at least 1,000 California individuals, with bylaws that require members to comply with a code of ethics (Currently American Massage Council). Appointee must be a California resident, practicing massage for at least three years, and certified by CAMTC;
11. Appointed by CAMTC's BOD. Appointee must be a California licensed attorney, practicing for at least three years, representing a California city at the time of appointment;
12. Appointed by CAMTC's BOD. Appointee must represent a massage business that has been operating in California for at least three years; and
13. Appointed by CAMTC's BOD. Appointee must have knowledge of the massage industry or bring needed expertise to the operation of CAMTC.

## BOD Attendance

Table 1a. Attendance - Board Members			
Mark Dixon, Board Chair			
Date Appointed:	January 14, 2010		
Date Reappointed:	September 15, 2015		
Date Expires:	September 15, 2019		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meetings 2015	September 15	Los Angeles	Yes
	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Ronald Bates, Vice Chair			
Date Appointed:	September 15, 2015		
Date Reappointed:			
Date Expires:	September 15, 2019		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meetings 2015	September 15	Los Angeles	Yes
Keith Grant, Vice Chair			
Date Appointed:	November 19, 2009		
Date Reappointed:	February 13, 2013		
Date Expired:	September 14, 2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes

Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Michael Marylander, Treasurer			
Date Appointed:	January 14, 2010		
Date Reappointed:	September 15, 2015		
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 15	Los Angeles	Yes
	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	No
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	No
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Allison Budlong, Secretary			
Date Appointed:	December 11, 2014		
Date Reappointed:	September 15, 2015		
Date Expires:	September 19, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	No
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
Roberta Rolnick, Secretary			
Date Appointed:	February 19, 2009		
Date Reappointed:	March 26, 2015		

Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
William Armour, Board Member			
Date Appointed:	February 11, 2010		
Date Reappointed:	May 9, 2013		
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	No
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	No
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	No
	January 28	Teleconference	No
	January 07	Teleconference	Yes
Michael Callagy, Board Member			
Date Appointed:	March 15, 2011		
Date Reappointed:	September 15, 2015		
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes

	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Judi Calvert, Board Member			
Date Appointed:	January 14, 2010		
Date Reappointed:	January 14, 2013		
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	No
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	No
	June 05	Los Angeles	No
	April 15	Los Angeles	Yes
	January 28	Teleconference	No
	January 07	Teleconference	Yes
Ben Drillings, Board Member			
Date Appointed:	February 19, 2009		
Date Reappointed:	February 15, 2012		
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	No
	June 11	Los Angeles	Yes
	March 26	Los Angeles	No
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	No
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes



	June 05	Los Angeles	Yes
	April 15	Los Angeles	No
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Nancy Eichler Binn, Board Member			
Date Appointed:	September 15, 2015		
Date Reappointed:			
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 15	Los Angeles	Yes
Shana Faber, Board member			
Date Appointed:	September 15, 2015		
Date Reappointed:			
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 15	Los Angeles	Yes
Jeff Forman, Board Member			
Date Appointed:	September 30, 2014		
Date Reappointed:	September 15, 2015		
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
Heather Forshey, Board member			
Date Appointed:	September 15, 2015		
Date Reappointed:			
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 15	Los Angeles	Yes
Guy Fuson, Board Member			
Date Appointed:	January 18, 2011		
Date Reappointed:	September 15, 2015		
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>

Board Meetings 2015	September 15	Los Angeles	Yes
	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Audit Committee 2015	June 09	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	No
	September 30	Redondo Beach	No
	June 25	Los Angeles	No
	June 05	Los Angeles	No
	April 15	Los Angeles	Yes
	January 28	Teleconference	No
	January 07	Teleconference	Yes
Richard Lee, Board member			
Date Appointed:	September 15, 2015		
Date Reappointed:			
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 15	Los Angeles	Yes
Elna Leonardo, Board Member			
Date Appointed:	December 7, 2011		
Date Reappointed:	March 26, 2015		
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Audit Committee 2015	June 09	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	No
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Christian Pezza, Board Member			

Date Appointed:	February 15, 2012		
Date Reappointed:			
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Jean Robinson, Board Member			
Date Appointed:	February 19, 2012		
Date Reappointed:			
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Marcy Schaubek, Board Member			
Date Appointed:	February 13, 2013		
Date Reappointed:			
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes

Board Meetings 2014	March 26	Los Angeles	Yes
	February 17	Teleconference	No
	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	No
	January 07	Teleconference	No
Michael Sinel, Board Member			
Date Appointed:	May 9, 2013		
Date Reappointed:			
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	No
	June 11	Los Angeles	No
	March 26	Los Angeles	No
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	No
	June 05	Los Angeles	No
	April 15	Los Angeles	No
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Joe Bob Smith, Board Member			
Date Appointed:	February 11, 2010		
Date Reappointed:	February 15, 2012		
Date Resigned	December 1, 2014		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2014	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes

Richard Lee, Board member			
Date Appointed:	September 15, 2015		
Date Reappointed:			
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 15	Los Angeles	Yes
Carolyn Tseng, Board Member			
Date Appointed:	April 15, 2013		
Date Reappointed:			
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	No
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	No
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	No
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes
Deborah Tuck, Board Member			
Date Appointed:	March 15, 2011		
Date Reappointed:	February 15, 2012		
Date Expired:	September 14, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	Yes
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes

	January 07	Teleconference	Yes
Dixie Wall, Board Member			
Date Appointed:	December 15, 2009		
Date Reappointed:	September 15, 2015		
Date Expires:	September 15, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meetings 2015	September 15	Los Angeles	Yes
	September 14	Los Angeles	Yes
	June 11	Los Angeles	Yes
	March 26	Los Angeles	Yes
	February 17	Teleconference	Yes
Board Meetings 2014	December 11	Los Angeles	Yes
	October 01	Redondo Beach	Yes
	September 30	Redondo Beach	Yes
	June 25	Los Angeles	Yes
	June 05	Los Angeles	No
	April 15	Los Angeles	Yes
	January 28	Teleconference	Yes
	January 07	Teleconference	Yes

\*Data is through 9/30/2015

## Current BOD Member Roster

Table 1b. Current BOD Member Roster					
Member Name	Date First Appointed	Date Re-Appointed	Date Term Expires	Appointing Authority	Profession
Ronald Bates	9/15/2015	-	9/15/2019	League of California Cities	League of California Cities Senior Advisor
Allison Budlong	12/11/2014	9/15/2015	9/15/2019	California Association of Private Postsecondary Schools (CAPPS)	Student and Alumni Services Manager (National Holistic Institute)
Michael Callagy	3/15/2011	9/15/2015	9/15/2019	CAMTC Board	Deputy County Manager (San Mateo County)
Mark Dixon	1/14/2010	9/15/2015	9/15/2019	American Massage Therapy Association (AMTA-CA)	CMT, BCTMB, Massage Professional
Shana Faber	9/15/2015	-	9/15/2019	CAMTC Board	Municipal Law Attorney
Jeff Forman	9/30/2014	9/15/2015	9/15/2019	California Community Colleges Chancellor's Office	Retired Director Massage Therapy Program (DeAnza Community College)
Heather Forshey	9/15/2015	-	9/15/2019	San Mateo Department of Health	Director of Environmental Health (San Mateo County)
Guy Fuson	1/18/2011	9/15/2015	9/15/2019	California State Association of Counties (CSAC)	Business License Manager (Sacramento County)
Richard Lee	9/15/2015	-	9/15/2019	Department of Consumer Affairs (DCA)	Acting Director of Environmental Health (San Francisco Dept of Public Health)
Michael Marylander	1/14/2010	9/15/2015	9/15/2019	CAMTC Board	Massage Business Owner (12 locations)
Stephanie Powell	11/11/2015	-	9/15/2019	Journey Out	Executive Director (Journey Out)
Sandra Spagnoli	9/15/2015	-	9/15/2019	California Police Chiefs Association	Chief of Police (City of San Leandro)
Dixie Wall	12/15/2009	9/15/2015	9/19/2019	American Massage Council (AMC)	CMT, Licensed Acupuncturist

**2. In the past two years, was CAMTC unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations? Explain any quorum requirements, if applicable.**

In the past two years, the BOD was able to hold all meetings with sufficient quorum.

### ***Major Changes Since Last Sunset Review***

**3. Describe any major changes to CAMTC since the last Sunset Review, including:**

- **Internal changes (i.e. reorganization, relocation, change in leadership, strategic planning)**
- **All legislation sponsored by CAMTC and affecting the CAMTC since the last Sunset review**
- **Any changes to bylaws approved by the board of directors since the last Sunset review.**

#### **Internal Changes**

##### **Educational Standards Division**

Since the last Sunset review, CAMTC has been working diligently to transform its current system from focusing on un-approving schools to actively approving schools that provide education for CAMTC certification. In November of 2014, the Educational Standards Division (“ESD”) was created and a Division Director was hired. The ESD Division Director’s first task was to draft the Proposed Policies and Procedures for Approval of Schools. These proposed procedures were shared publically so that interested parties could provide feedback. (Section 13, Attachment 14.a. – 14.c.) The Policies and Procedures for Approval of Schools have gone through multiple amendments, and reflect the input of many interested parties. (Section 13, Attachments 15.a. – 15.c.) The Division Director also hired staff and developed an application for school approval. (The Application for School Approval can be found here:

[https://www.camtc.org/FormDownloads/massage\\_school\\_approval\\_application.pdf](https://www.camtc.org/FormDownloads/massage_school_approval_application.pdf).)

Applications for school approval were posted on April 1, 2014, and to date 112 schools have applied for CAMTC approval. The ESD is now focused on inspecting schools,



reviewing information submitted, and making initial determinations as to whether schools meet the requirements for approval. ESD will soon be hiring hearing officers to hear proposed denials/ discipline.

### **Strategic Priorities**

AB 1147 directed CAMTC, local government agencies, law enforcement agencies, massage professionals, and the massage industry to work together to improve communication and share information to improve the value of certification and implement the provisions of the Massage Therapy Act. CAMTC has taken this direction seriously, and in 2015 it has been focused on working with cities, counties, local government, and law enforcement agencies to meet the objectives of AB 1147. (Section 13, Attachments 2, 3, 4, 5, 10, and 12.) CAMTC has been providing no cost training to law enforcement and local government agencies with the responsibility for regulating massage. (Section 13, Attachments 2 and 10.) To date, CAMTC has provided training to 193 local agencies. It has also prepared and distributed a number of documents to help local government agencies and certificate holders understand the changes in the law. (Section 13, Attachment 16 – Government Agency handout; Attachment 17 – Certificate Holder handout, emailed to all Certificate Holders.) These documents are on CAMTC's website so that they are available to members of the public. (These documents can be found here - Government Agency handout: [https://www.camtc.org/FormDownloads/summary\\_of\\_changes\\_for\\_local\\_govt.pdf](https://www.camtc.org/FormDownloads/summary_of_changes_for_local_govt.pdf); Certificate Holder handout: [https://www.camtc.org/FormDownloads/law\\_change\\_summary\\_2015.pdf](https://www.camtc.org/FormDownloads/law_change_summary_2015.pdf).) They have also been distributed at the California Municipal Revenue and Tax Association, Division I and Division IV conferences and at the CMRTA Annual Conference in October of 2015.

Additionally, day-to-day communications with law enforcement agencies and local government agencies that regulate massage are continual and on-going. Since 2009, CAMTC has regularly notified these entities: 1) when an applicant has applied for certification or re-certification and has stated that they lived or worked in their

jurisdiction in the past 10 years; 2) when disciplinary action is taken by CAMTC against a certificate holder (suspension, imposition of discipline, or revocation); and 3) when a certificate holder notifies CAMTC of a new work address. Communication with local agencies is massively robust, and CAMTC estimates that it has sent more than 1.2 million email messages to local government agencies that regulate massage and to local law enforcement agencies since its inception in 2009.

CAMTC's BOD approved the following strategic priorities for 2015:

- 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 and other 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.

### **Board Changes**

AB 1147 restructured CAMTC’s BOD. Please see Tables 1.a. and 1.b. of this report for a complete breakdown of current and past BOD composition. At noon on September 15, 2015, CAMTC’s BOD transitioned from a 20 member BOD to a 13 member BOD. Under the old BOD structure, there were 8 seats representing members of professional massage entities, while under the new BOD structure, only 2 seats remain, one of which rotates every four years among the qualifying appointing entities. New appointments were added for an anti-human trafficking organization, a local public health official, a California attorney representing a California city, a massage business operator, and an individual with knowledge of the massage industry or who has needed expertise.

On September 15, 2015, the new BOD elected the following new officers: Chair – Mark Dixon; Vice-Chair – Ron Bates; Secretary - Alison Budlong; and Treasurer – Michael Marylander.

### **Legislation**

CAMTC has sponsored no legislation since the last Sunset review.

The Sunset bill, AB 1147, made significant changes to Business and Professions Code section 460, Business and Professions Code sections 4600-4620, and Government Code section 51034, effective as of January 1, 2015. AB 1147 completely re-wrote CAMTC’s law and only the most significant changes are summarized here. It clarified

that CAMTC is authorized to certify and take action against individuals who request or obtain certification, and cities and counties are free to regulate massage businesses subject to certain conditions and requirements set forth in the law. It stated its intent that local governments impose and enforce only “reasonable and necessary fees and regulations,” in keeping with existing law and being mindful to protect the needs of legitimate business owners and massage professionals, especially sole providers. The bill also informed local government, law enforcement, nonprofit stakeholders, massage professionals and the massage industry that it intends all of the parties to work together to improve communication, information sharing, and collaborate in the implementation of the Massage Therapy Act and develop a model ordinance.

AB 1147 also changed education requirements by removing the 250-hour certification tier, adding the requirement for 100 hours of education in core curriculum subjects for the 500-hour certification tier, and adding the requirement for passage of a CAMTC approved exam. The bill also added additional articulated bases for denial and discipline, including but not limited to the following: 1) engaging in sexual activity on the premises of a massage establishment; 2) engaging in sexual activity while providing a massage for compensation; 3) engaging in sexually suggestive advertising related to massage; or 4) being inappropriately dressed while engaging in massage or visible to clients in a massage business. The bill changed the evidentiary requirements for discipline of a certificate holder and further clarified the requirements for approval of massage schools whose education is used for CAMTC certification.

AB 1147 also removed the then existing exemption for businesses that used only CAMTC certified individuals to provide massage for compensation from the imposition of local ordinances, regulations, rules, requirements, restrictions, land use regulations, moratoria, conditional use permits, and zoning requirements that were not uniformly applied to other professions. While it removed this exemption, it defined particular actions local jurisdictions are prohibited from engaging in. The bill specifically prohibits local jurisdictions from:

- Defining or regulating any massage establishment as adult entertainment, regardless of whether the establishment is using CAMTC certified individuals to provide massage for compensation or not;
- Requiring any massage establishment to have windows or walls that don't extend from floor to ceiling or have other internal physical structures that interfere with a client's reasonable expectation of privacy;
- Requiring client draping that goes beyond the covering of genitalia and female breasts, or mandates that the client wear special clothing;
- Not allowing a massage establishment to lock its external doors if the establishment is a business entity owned by one individual with one or no employees or independent contractors;
- Requiring massage establishments to post any notices in an area that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraception devices;
- Imposing a requirement that a CAMTC certificate holder take any test, medical exam, background check, or comply with educational requirements beyond what is required for CAMTC certification;
- Imposing a dress code requirement on a CAMTC certificate holder while that person is engaged in the practice of massage or visible to clients in a massage establishment in excess of the following:
  - Attire that is transparent, see-through, or substantially exposes the person's undergarments;
  - Swim attire if not providing a water-based massage modality approved by the council;
  - In a manner that exposes breasts, buttocks, or genitals;
  - In a manner that violates Penal Code section 314 (indecent exposure); or
  - In a manner that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the massage profession in California.
- Not allowing a CAMTC certificate holder to perform massage for compensation on the gluteal muscles, not allowing specific massage techniques recognized by CAMTC as legitimate, or imposing any other specific restriction on professional

practice beyond those set forth in CAMTC's statute as a basis for denial or discipline.

AB 1147 further clarified that cities and counties are specifically prohibited from imposing a requirement that a CAMTC certificate holder obtain any other license, permit, certificate, or other authorization to provide massage for compensation. Additionally, Business and Professions Code section 460(a) generally provides that no city or county shall prohibit a person or group of persons certified by CAMTC from engaging in their business, occupation, or profession, or any portion of that business, occupation, or profession. Business and Professions Code section 460(b) generally provides that no city or county shall prohibit a person certified by CAMTC from engaging in any act or performing any procedure that falls within their professionally recognized scope of practice. The overall impact of these legislative changes is to clearly place the authority to regulate a certified individual within CAMTC's jurisdiction, and place the authority to regulate the business within the jurisdiction of the local entity pursuant to the restrictions outlined in the bill.

### **Changes to Bylaws**

CAMTC's bylaws were amended twice during the period from January 1, 2014 through September 30, 2015. (Section 13, Attachment 18.a. and 18.b.) The first amendment during that time period was in June of 2014. (Section 13, Attachment 18.a.) The amendment made at that time was to Article V of the Bylaws and related to the "Attendance" provision for the BOD. That provision originally stated that any director missing three consecutive meetings would automatically lose his/her seat, unless the BOD voted to waive the provision. That seemed like a reasonable requirement at the time the original provision was implemented, because generally there were only 4-6 meetings per year. However, occasionally, CAMTC was authorized to call "special meetings" on less than 10 days notice (on as little as 48 hours notice). The BOD realized it was unfair to count "short notice" meetings against a director for purposes of the Attendance section in the bylaws. Thus, the section was amended so that

attendance at "special" or "emergency" meetings on less than 10 days notice would not count against a director for purposes of the automatic removal section.

The only other amendments to the bylaws during the relevant time period were made on September 14, 2015. (Section 13, Attachment 18.b.) The amendments made in September of 2015 were primarily for the purpose of bringing the bylaws into compliance with the portions of the new Massage Therapy Act that would go into effect on September 15, 2015 regarding BOD composition, and to update the purposes sections of the bylaws to align with the new Act. Some additional amendments were made to delete certain sections of the bylaws that, while consistent with California Nonprofit Public Benefit Corporation Law, were not consistent with the provisions of the Bagley-Keene Open Meeting Act with which CAMTC must comply.

**4. Describe any major studies conducted by the CAMTC.**

CAMTC has not conducted any major studies.

***National Associations***

**5. List the status of all national associations to which the CAMTC belongs.**

- Does the CAMTC's membership include voting privileges?
- List committees, workshops, working groups, task forces, etc. on which CAMTC participates.
- How many meetings did CAMTC representative(s) attend? When and where?
- If the CAMTC is using a national exam, how is the CAMTC involved in its development, scoring, analysis, and administration?

CAMTC currently belongs to the following national associations:

**Federation of State Massage Therapy Boards ("FSMTB")**

CAMTC is a member and has voting rights at the Annual Conference. CAMTC's

Chair serves as the Delegate to the Annual Conference. In addition to CAMTC's



Chair, in 2014 both the CEO and the Director of Governmental Affairs attended the annual conference in Tucson, Arizona. In 2015, CAMTC's Chair attended the annual conference with the Director of Educational Standards in Albuquerque, New Mexico. From May of 2013 through April of 2014, a CAMTC BOD member and the Vice Chair were on the Professional Development Activity Standards Task Force. The purpose of the task force was to frame standards for professional development activities other than the ethics classes, which were to be provided directly by FSMTB.

### **International Spa Association**

CAMTC is a member of this association, but does not have voting rights on policy issues. CAMTC's CEO attended the annual meeting in Las Vegas on October 13 – 14, 2014.

CAMTC also participates in the following taskforces related to human trafficking issues, though these are not membership organizations or national associations:

### **San Francisco Coalition Against Human Trafficking ("SFCaHT")**

CAMTC's Director of Governmental Affairs has participated in this countywide taskforce since inception. SFCaHT meets quarterly in San Francisco.

### **Stanislaus County Human Exploitation and Recovery Taskforce ("HEART")**

CAMTC's Director of Governmental Affairs has also participated in this countywide taskforce since inception. HEART currently meets every two months in Modesto, hosted by the District Attorney, but met monthly until this year.

### **Polaris Project**

CAMTC's Director of Governmental Affairs has been an active participant in the current massage initiative organized by the Polaris Project. In 2015 the Director of Governmental Affairs attended two meetings at Polaris' headquarters in Washington, DC.



## **Use of National Exams**

For applications received on or after January 1 of 2015, CAMTC requires passage of a CAMTC approved exam for certification. The following exams have been approved by CAMTC: the Massage and Bodywork Licensing Examination (“MBlex”); the National Certification Examination for Therapeutic Massage and Bodywork (“NCETMB”) and the National Certification Examination for Therapeutic Massage (“NCETM”) if taken prior to February of 2015; and the Board Certification Examination for Therapeutic Massage and Bodywork (“BCETMB”). CAMTC is not now, and has never been, involved in the development, scoring, analysis, or administration of any of these exams.

DRAFT



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## Section 2

# Performance Measures and Customer Satisfaction Surveys

- Performance Measures
- Customer Satisfaction Surveys

## Section 2 –

### Performance Measures and Customer Satisfaction Surveys

#### ***Performance Measures***

**6. Provide each quarterly and annual performance measure report for the CAMTC. If no current report is available, please explain the goals to establish such a report.**

CAMTC established average performance targets for its disciplinary program on July 15, 2015. Please see CAMTC's response to Question number 29 in this Sunset Report for a discussion of the process used to establish these average performance targets and the results. All data reported is through September of 2015. CAMTC therefore has quarterly performance measures for the second and third quarters of calendar year 2015. Attached hereto, in Section 13, Attachment 1, please find the performance metrics report for the second and third quarters of calendar year 2015.

#### ***Customer Satisfaction Surveys***

**7. If available, explain the results of any customer satisfaction surveys conducted.**

CAMTC asks that complaints against applicants or certificate holders be submitted through a link on its website, located here: [complaints@camtc.org](mailto:complaints@camtc.org). For every complaint that is received, CAMTC sends an automatic email message with a link to a customer satisfaction survey. The survey is located here: <https://www.surveymonkey.com/s/camtcsurvey2014>

The survey has been utilized since June of 2014. It contains the following eight questions:

1. How did you contact CAMTC?
2. The Complaint link was easy to use. (Yes or No)

3. I received an acknowledgement of my complaint in a timely manner. (Yes or No)
4. I Found the Frequently Asked Questions (FAQs) helpful. (Yes or No)
5. Was your complaint regarding a massage establishment and/or business practice? (Yes or No)
6. Was your complaint regarding a CAMTC certified massage professional? (Yes or No)
7. If you answered yes to question #6, were you provided with a CAMTC contact person to obtain updates? (Yes or No)
8. Do you think the information you provided will assist CAMTC in protecting the public? (Yes or No)

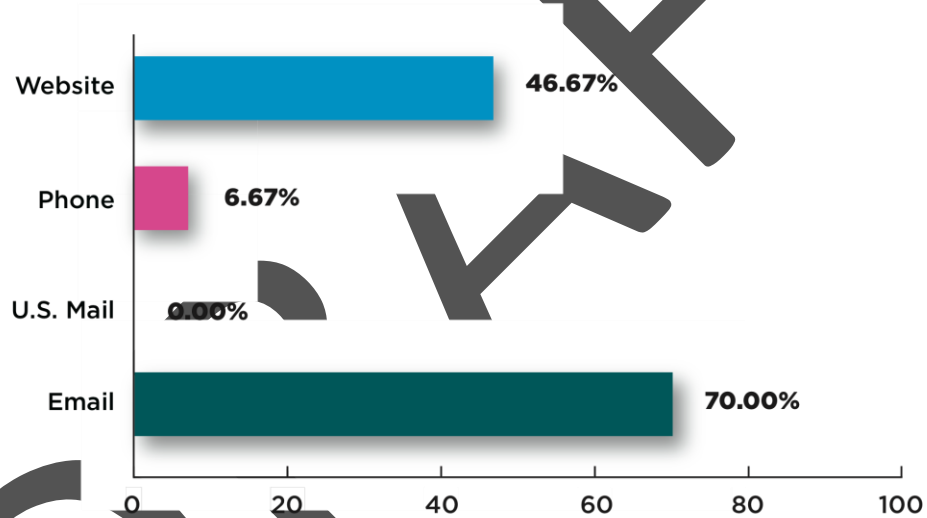
Multiple responses are allowed to each question. As of November 4, 2015, 30 responses to the nine questions have been received. Please find a summary of the responses to the survey following this discussion. Please also note, in relation to Question Number 7 of the survey, if CAMTC receives a complaint that is not actionable (since it is not against an applicant or certificate holder or is an issue CAMTC does not regulate), it does not assign a CAMTC contact person for “updates,” since there is nothing to update. Instead, CAMTC sends an email notifying the person who filed the complaint that their complaint is not actionable by CAMTC. For all actionable complaints, CAMTC immediately assigns a contact person for obtaining updates.

### QUESTION 1

## HOW DID YOU CONTACT CAMTC?

Answered: 30 Skipped: 0

Answer Option	Response Percent	Response Count
Website	46.67%	14
Phone	6.67%	2
U.S. Mail	0%	0
Email	70.00%	21



Note: Some respondents contacted CAMTC via more than one category.

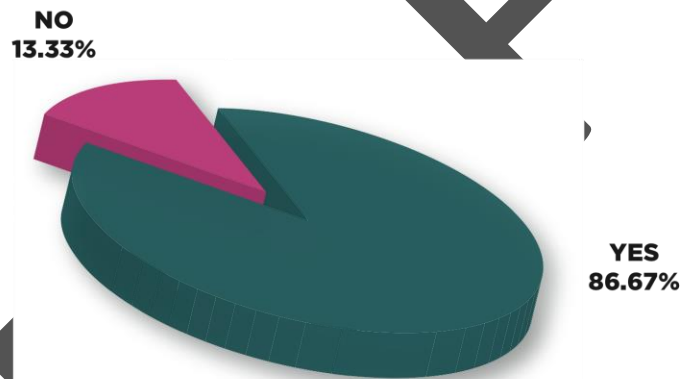


## QUESTION 2

# THE COMPLAINT LINK WAS EASY TO USE

Answered: 30 Skipped: 0

Answer Option	Response Percent	Response Count
Yes	86.67%	26
No	13.33%	4



### QUESTION 3

## I RECEIVED AN ACKNOWLEDGEMENT OF MY COMPLAINT IN A TIMELY MANNER

Answered: 29 Skipped: 1

Answer Option	Response Percent	Response Count
Yes	93.10%	27
No	6.9%	2

**NO**  
6.9%

**YES**  
93.10%

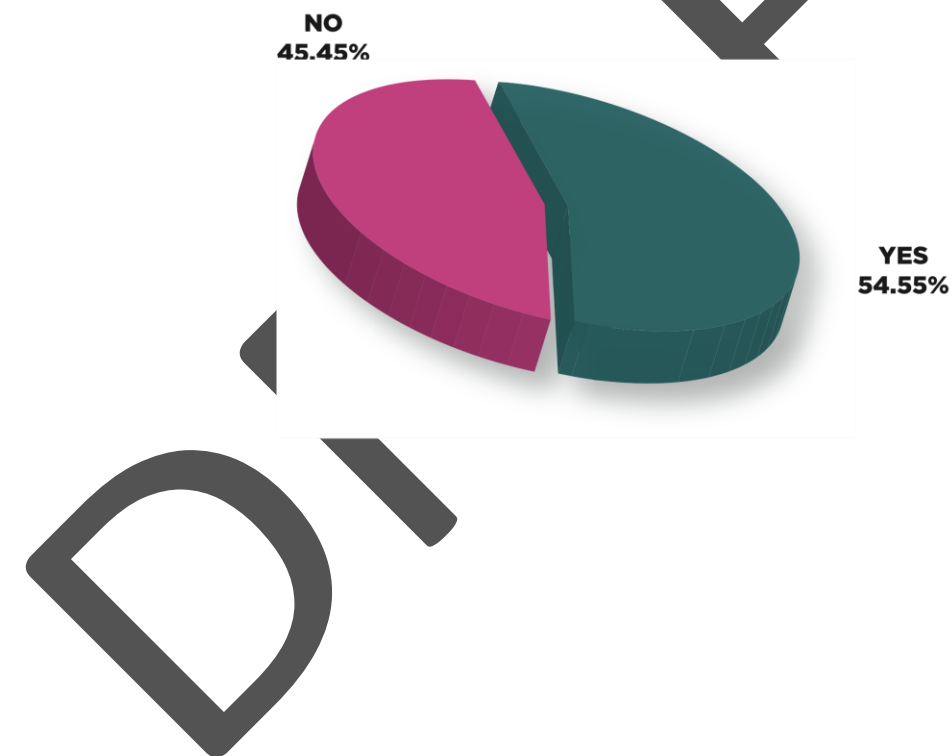


#### QUESTION 4

### I FOUND THE FREQUENTLY ASKED QUESTIONS (FAQs) HELPFUL

Answered: 22 Skipped: 8

Answer Option	Response Percent	Response Count
Yes	54.55%	12
No	45.45%	10





QUESTION 5

WAS YOUR COMPLAINT REGARDING A  
MESSAGE ESTABLISHMENT AND/OR  
BUSINESS PRACTICE?

Answered: 30 Skipped: 0

Answer Option	Response Percent	Response Count
Yes (IF YOU ANSWERED YES...)*	50.00%	15
No	50.00%	15

NO  
50.00%

YES  
50.00%

\*Note: Complete question for a "Yes" response was as follows:

Yes (IF YOU ANSWERED YES) Proceed to the bottom  
and hit the DONE button.



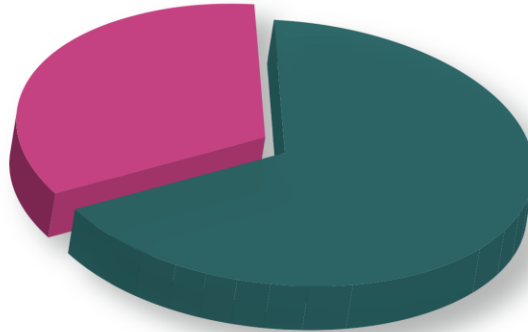
# QUESTION 6

## WAS YOUR COMPLAINT REGARDING A CAMTC CERTIFIED MESSAGE PROFESSIONAL?

Answered: 27 Skipped: 3

Answer Option	Response Percent	Response Count
Yes	66.67%	18
No (IF YOU ANSWERED NO...)*	33.33%	9

NO  
33.33%



YES  
66.67%

**\*Note: Complete question for a "No" response was as follows:**

No (IF YOU ANSWERED NO - THE PERSON IS NOT CAMTC CERTIFIED) Proceed to the bottom and hit the DONE button.

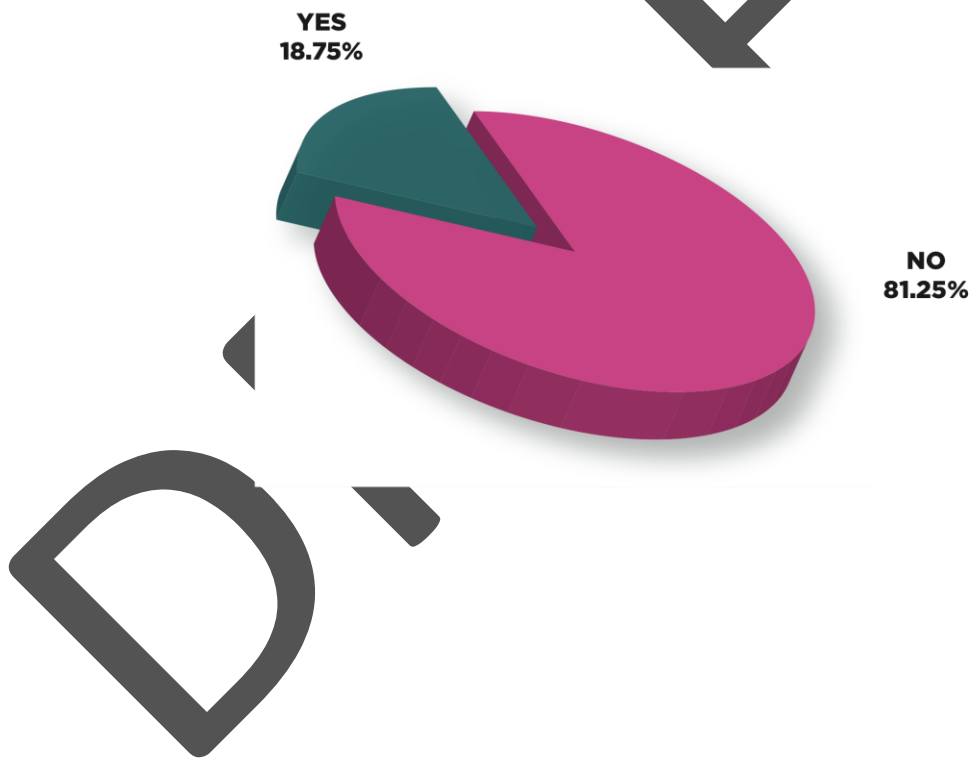


**QUESTION 7**

**IF YOU ANSWERED YES TO QUESTION #6  
WERE YOU PROVIDED WITH A CAMTC  
CONTACT PERSON TO OBTAIN UPDATES?**

Answered: 16 Skipped: 14

Answer Option	Response Percent	Response Count
Yes	18.75%	3
No	81.25%	13

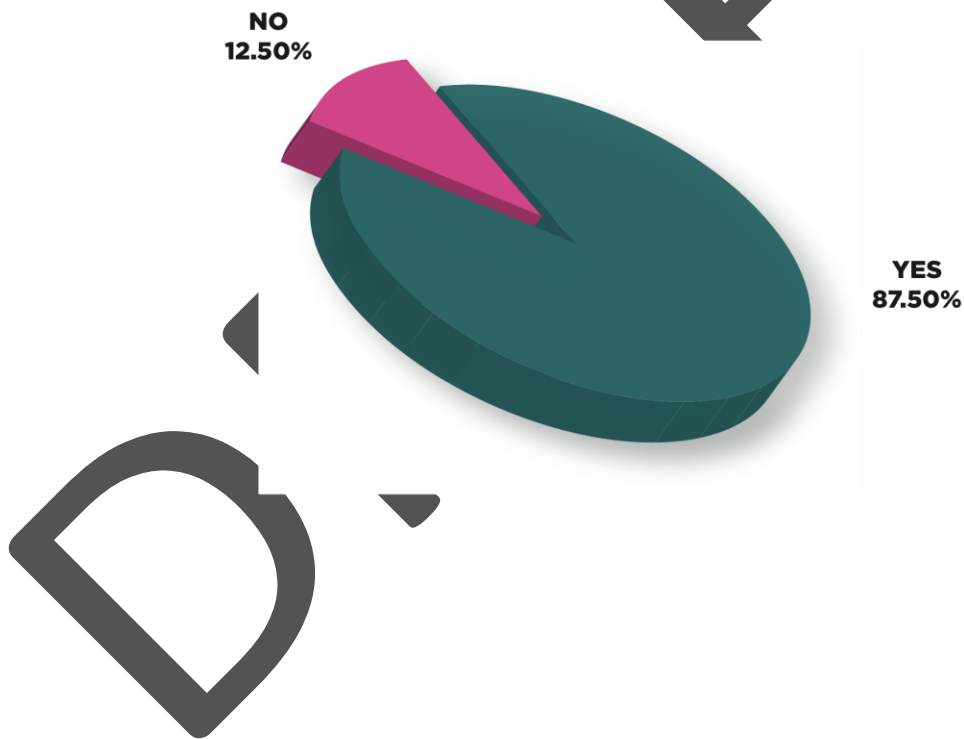


**QUESTION 8**

**DO YOU THINK THE INFORMATION YOU  
PROVIDED WILL ASSIST CAMTC IN  
PROTECTING THE PUBLIC?**

Answered: 24 Skipped: 6

Answer Option	Response Percent	Response Count
Yes	87.50%	21
No	12.50%	3





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## Section 3 Fiscal and Staff

- Fiscal Issues
- CAMTC Fund Condition
- Expenditures by Program Component
- Fee Schedule and Revenue
- Staffing Issues

## ***Fiscal Issues***

**8. Describe CAMTC's current reserve level, spending, and if a statutory reserve level exists.**

### **Current Reserve Level and Spending**

As of October 31, 2015 CAMTC's reserve level was equal to 10.5 months of current operating budget.

### **Statutory Reserve Level**

There is no statutory reserve level.

**9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the CAMTC.**

Even though the preliminary 2016 budget shows a deficit, it is projected that the final 2016 budget will show a modest surplus. No fee increase or reduction is anticipated.

## ***CAMTC Fund Condition***

<b>Table 2. Fund Condition</b>		
(Dollars in Thousands)	<b>2014</b>	<b>1/1/2015 - 9/30/2015</b>
Beginning Balance	\$1,829,917	\$3,195,772
Cash In/Revenue	\$4,779,307	\$3,023,677
<b>Total Cash</b>	<b>\$6,609,223</b>	<b>\$6,219,448</b>
Expenditures (Cash)	\$3,413,451	\$2,908,806
<b>Fund Balance</b>	<b>\$3,195,772</b>	<b>\$3,310,642</b>
<b>Months in Reserve</b>	<b>11</b>	<b>10</b>

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**10. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the CAMTC in each program area. Expenditures by each component do not need to be broken out by personnel expenditures and other expenditures.**

For amount of expenditures by program component, please see Table 3 below. In 2014, 48.7% of expenditures were for individual denials (applicants) and discipline (certificate holders). In the first nine months of 2015, that number dipped slightly to 46%. In 2014, the rest of the expenditures were for administrative costs, both Advocacy and Management Group (“AMG”) and non-AMG. For the first nine months of 2015, these costs were similar, with the new Educational Standards Division accounting for 4.8% of total expenditures.



## ***Expenditures by Program Component***

<b>Table 3. Expenditures By Program Component</b>		
	<b>2014</b>	<b>1/1/2015 - 9/30/2015</b>
Individual Denials and Discipline (PSD & Legal)*	\$1,702,692	\$1,320,266
Educational Standards Division (Schools)	-	\$138,629
Administration (AMG)	\$891,203	\$686,140
Administration (non-AMG)	\$903,511	\$727,366
<b>TOTALS</b>	<b>\$3,497,406</b>	<b>\$2,872,401</b>
* Includes a portion of AMG, database development and maintenance, executive staff, and legal.		

**11. Describe certificate re-certification cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code, California Code of Regulations, or bylaw citation) for each fee charged by CAMTC.**

CAMTC has only been in operation since 2009 and its fees for certification and re-certification have not changed since inception. CAMTC's authority to set fees is provided in Business and Professions Code section 4602(i), which states that the BOD "shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties." The BOD reviews the certification and re-certification fees annually. Fees for an initial application for certification and for a re-certification application (each of which results in certification for a two year time period) have been set at \$150 (\$75 a year). Business and Professions Code section 4602(i) further provides that the fee for certification and re-certification shall not exceed \$300. Additionally, Business and Professions Code sections 4602(k) and (l) state that notice must be given at least 90 days before a BOD meeting where a vote on a proposal to increase the fees will occur and, if the fees are increased, affected applicants and certificate holders must be notified by email within 14 days of the BOD's action.

On January 18, 2011, the BOD established a \$75 late fee for re-certification applications received after their certificate expiration date, with the provision that if an application for re-certification is received 180 days or more after the expiration of a certificate, the applicant has to re-apply as a new applicant. This means they have to meet the current requirements for certification, including the new education requirements and passage of a CAMTC approved exam. On September 13, 2012, the BOD replaced the \$75 late fee with a sliding fee scale. This sliding fee scale is still in place. The sliding fee scale is as follows:

Applications for re-certification received or postmarked:

1-10 days after expiration -	\$25
11-29 days after expiration -	\$40
30-180 days after expiration -	\$90

On September 15, 2011, the BOD established a fee for oral hearings and consideration of written statements for all applicant proposed denials and certificate holder discipline. The initial fee for an oral hearing was \$95 and the fee for consideration of a written statement was \$65. Fee waivers were granted for indigent individuals who were able to prove that they were unable to pay the hearing or consideration fees. (Section 13, Attachment 19.) On September 13, 2012, the fees were raised to \$135 for an oral hearing and \$90 for consideration of a written statement and have not changed since that time.

## Fee Schedule and Revenue

Table 4. Fee Schedule and Revenue					
	(Dollars in Thousands)				
FEE TYPE	Current Fee Amount	2014 Cash Revenue	2015 Cash Revenue*	TOTAL FEES BY TYPE	% of Total Revenue
Application Fees	\$150	\$2,111	\$857	\$2,968	38.2%
Recertification Fees	\$150	\$2,518	\$1,865	\$4,383	56.4%
Recertification Late Fees		\$119	\$128	\$247	3.2%
1-10 days	\$25				
11-29 days	\$40				
30-179 days	\$90				
Upgrade/Miscellaneous Fees		\$4	\$74	\$78	1.0%
Upgrade	\$30				
ID Replacement	\$15				
Certificate Replacement	\$15				
Name Change (New ID & Certificate)	\$30				
Hearing Fees		\$24	\$24	\$48	0.6%
Written Hearing	\$90				
Oral Hearing	\$135				
Returned Check Fees	\$25	\$1	\$1	\$2	0.0%
School Application Fees	\$750		\$25	\$25	0.3%
School Background Check Fees	\$41		\$17	\$17	0.2%
<b>TOTALS</b>		<b>\$4,777</b>	<b>\$2,991</b>	<b>\$7,768</b>	<b>100.0%</b>
*2015 data is through 9/30/2015					
Table 4 does not include other income such as interest and career opportunity mailings.					

## ***Staffing Issues***

### **12. Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.**

The BOD does not have issues with staffing of CAMTC employees. CAMTC is unusual in that it has both its own employees and a contract management firm, AMG, that provides services. CAMTC employees hold all executive positions (CEO, Director of Governmental Affairs, Director of PSD, and Director of ESD) and generally administer the denial and disciplinary program against individuals (PSD and Legal) and administer the program related to the approval and un-approval of schools (ESD). AMG generally provides administrative services. AMG administers the day-to-day operations of the program, such as: 1) processing applications for certification, re-certification and school approvals; 2) processing payments; 3) providing telephonic and email customer support; 4) maintaining the database and documents; and 5) printing and issuing certificates and ID cards. AMG also employs staff that provides administrative support to the PSD and ESD. For more information about AMG, please see Section 3, response to Question 14 of this Sunset Report. AMG hires the staff that they have dedicated to CAMTC's account.

Additionally, CAMTC works with an outside law firm that provides general counsel and special counsel services related to denial, disciplinary, school, litigation, and other matters, much like the Attorney General's Office provides these services to Boards and Bureaus. CAMTC also employs three staff attorneys and three paralegals that work exclusively on denial and disciplinary matters against individuals and schools under the direction of special counsel. Please see the Organization Chart for 2015 for the division of tasks. (Section 13, Attachment 27.b.) Neither AMG nor CAMTC has had significant turnover and staff retention is excellent. The CEO, Director of Governmental Affairs, Director of PSD, and Director of ESD have not changed since their hire dates. Currently CAMTC is planning to hire one additional staff attorney and is considering hiring a part-time paralegal.

**13. Describe the CAMTC's staff development efforts and how much is spent annually on staff development.**

CAMTC holds annual in-person trainings for the PSD and Legal departments, conducted by Special Counsel. Additional telephonic and in-person trainings are also conducted on an as needed basis. In 2014, the annual training introduced PSD and Legal staff to the changes mandated by AB 1147 and the implementation of the revised Procedures for Denial of Certification or Discipline/Revocation ("Denial Procedures") and Criteria for Proof of Rehabilitation. (Section 13, Attachments 20.a. and 21.) Due to the significant changes in the law and procedures, this was a two-day training session.

In December of 2015, PSD will hold a one-day in person meeting for all PSD and Legal staff, again conducted by Special Counsel. In 2015 Special Counsel also provided a one-day in-person training session to the PSD staff responsible for background investigations, and provided a separate one-day in-person training session to PSD investigators and staff counsel focused on the drafting of declarations. A new staff attorney was hired in May of 2015 and has undergone extensive training provided by Special Counsel. Special Counsel also regularly interacts with AMG staff to provide training on legal issues to those that provide support to the PSD. PSD staff has also conducted additional informal trainings as needed with AMG staff to ensure the most efficient coordination of responsibilities. As an entity operating in a changing legal landscape, it is imperative that CAMTC employees and those working on CAMTC matters be continually brought up to speed on the implementation of the law and best practices for sharing information with local law enforcement agencies and local government agencies that regulate massage.

PSD management works with their employees to identify those who are interested in expansion of their roles. Whenever possible, PSD will offer opportunities to move its staff into new positions with additional responsibilities.

The newly formed ESD began operating in 2015. The Director, staff of inspectors, and associated AMG support staff underwent two days of in-person training with Special Counsel in April. In June, the ESD Director and the PSD's Chief of Investigations provided a one-day in-person training session for the school inspectors.

With the school inspection and approval program being implemented for the first time this year, the Director of ESD has participated in several of the initial inspections for additional monitoring and training of his staff.

The total cost for all training for 2014 and the nine months ending September 30, 2015 was \$37,087.

**14. Please explain any outside consulting contracts for staff services, administrative or other services.**

AMG provides CAMTC with administrative services, such as: 1) processing applications for certification, re-certification and school approvals; 2) processing payments; 3) providing telephonic and email customer support; 4) maintaining the database, secure sites, and documents; and 5) printing and issuing certificates and ID cards. AMG also employs staff that provides administrative support to the PSD and ESD. AMG's bookkeeper processes and issues checks to CAMTC staff and BOD members for expense reimbursement requests. AMG contracts with a payroll service for payment of CAMTC employees' payroll.

Currently there are 18 full time AMG employees who work exclusively on CAMTC's account. Three other AMG employees, such as the bookkeeper and IT staff, provide services to CAMTC on a part-time as needed basis.

CAMTC contracts with Risetime, a company based in Chicago, Illinois for support and maintenance of the website currently in use by CAMTC, on an hourly as needed basis. Risetime makes modifications to CAMTC's website. CAMTC also contracts with Creative Computer Services ("CCS"), a California based company, for website hosting,

website maintenance, development of online re-certification tools, as well as internal user interfaces. CCS is paid on an hourly as needed basis.

CAMTC engages the law firm of Jill S. England, Attorney at Law, in Sacramento, California, for legal services. The firm provides General Counsel services; Special Counsel services related to denial and disciplinary matters for individuals, school un-approval and school disciplinary matters, and litigation matters; and specialized legal services related to other matters such as zoning and land use. The firm bills monthly on an hourly basis.

CAMTC contracts with Pacific Project Management (“PPM”) for management and oversight of the implementation of the new database. PPM has worked to develop the business and technical requirements and system flow diagrams for the new database. In September this contract was extended so that PPM can assist in the remaining work cycles.

CAMTC contracts with inLumon to develop and create the new database and document management system. This new system will allow applicants to complete applications online, allow CAMTC to manage and provide secure access to documents in a cohesive fashion, and allow for a significant improvement in data and document management and tracking. InLumon will also verify and transfer the records from the existing database system to the new system. The project will occur in three phases with, a tentative “Go Live” date of June 1, 2016, and final completion of the project expected later that month. InLumon is based in Reno, Nevada. Please see CAMTC’s response to Question # 56 of this report for further discussion of the new database and document management system, referred to as the Certification and Application Management System (“CAMS”).

CAMTC contracts with RBW Communications on a part time basis. RBW monitors media related to CAMTC and maintains relationships with the media to ensure that reporters contact CAMTC for information on stories that relate to the regulation of



massage professionals in California. RBW will also contact the media to correct misinformation.

This year CAMTC contracted with TalentWise to perform background checks for school owners, administrators, and instructors of those schools that apply for CAMTC approval. These background checks report on Criminal Database Searches, Nationwide Sex Offender Registry, and Credential Verification.

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**CALIFORNIA**  
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## Section 4

# Certification Program

- Certification Targets
- Application and Certification Processing Times
- Information Verification and Requirements
- Out of State Applicants
- Out of Country Applicants
- Examinations
- School Approvals
- Continuing Education/Competency Requirements

## ***Certification Targets***

**15. What are the CAMTC's targets/expectations for its certification program? Is the CAMTC meeting those expectations? If not, what is CAMTC doing to improve performance?**

CAMTC's goal is to process complete applications, with no outstanding issues, within 30 days of the application becoming complete. CAMTC is meeting this goal. The current timeframe for processing complete applications with no education or background issues is 15 days.

CAMTC received an overwhelming amount of applications at the end of 2014, due to the fact that the requirements for certification were changing as of January 1 of 2015. On January 1, 2015, CAMTC removed its Certified Massage Practitioner (250 hour) tier for certification, which meant that all applications received in 2015 were required to have 500 hours of education from CAMTC approved schools. (Bus. & Prof. Code §4604.1(a).) Additionally, of those 500 hours, 100 hours were required to be in core curriculum requirements (anatomy and physiology, contraindications, business and ethics, and health and hygiene). (Bus. & Prof. Code §4604(a)(1)(A).) Applications received on or after January 1 of 2015 were also required to show passage of a CAMTC approved exam. (Bus. & Prof. Code §4604(a)(3).) Many applicants rushed to complete 250 hours of massage education and submit applications to CAMTC before the requirements for certification changed. Due to the flood of applications received at the end of the year, CAMTC was experiencing significant processing delays at the beginning of 2015. It notified applicants of this issue by placing the following notification on its website:

**Massage professionals please note:** We continue to receive a large number of applications for certification, so please expect the process to take approximately

ninety (90) days for COMPLETE applications that have no background or educational issues. A [complete application](#) includes a signed and dated application on which complete, true, and accurate answers to all of the questions have been provided, as well as payment, passport photo, copy of government issued ID, original transcripts sent directly from school(s), exam proof sent directly from examining board, and live scan fingerprinting results have been received. Applications with issues, including but not limited to those received from applicants with criminal convictions, civil or administrative citations or where local action has been taken against the applicant, complaints have been made in relation to an applicant's professional conduct, or those with education issues can take a significantly longer period of time. You can check on the status of your application [here](#). We appreciate your patience.

In order to address this issue, CAMTC authorized overtime and additional AMG staff members were assigned to CAMTC matters to help process applications. This issue was largely resolved by March 31, 2015. Currently, CAMTC processing times are in line with expectations.

## ***Application and Certification Processing Times***

**16. Describe any increase or decrease in the CAMTC's average time to process applications and/or issue certificates. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the CAMTC to address them? What are the performance barriers and what improvement plans are in place? What has the CAMTC done and what is the CAMTC going to do to address any performance issues, i.e., process efficiencies, regulations, legislation?**

### **Complete Applications With No Educational, Criminal, or Background Issues**

The average time needed to issue certificates depends largely on the receipt of the items required for certification and if there are any outstanding educational, criminal, or background issues which are, for the most part, outside of CAMTC's control. CAMTC bases its application processing statistics from the date that an application is considered complete. A complete application is one for which CAMTC has received a signed, dated, and completed application form that includes all required attachments, the application fee, livescan results from the DOJ and FBI, official transcripts received directly from an approved school or schools, test results from a CAMTC approved exam received directly from the testing organization, and information from the local agencies

in the cities and counties where the applicant has stated that they have lived or worked in the past 10 years (or the two week time to receive this information has elapsed). Currently, the average processing time for complete applications with no education, criminal, or background issues is 15 days.

### **Applications With Education, Background, and other Issues**

Applicants with “complete applications” as described above, but who have submitted a transcript from a school (or schools) where they are required to provide additional proof of adequate education (beyond just a transcript), are grouped together and sent education only Proposed Denial Letters. Those students that apply to CAMTC with education from a school that is moving through the school un-approval process, as described in the School Un-approval Procedures (Section 13, Attachment 22.a., 22.b.), are held until a final decision is made in regards to the un-approval of the school. If the BOD decides to un-approve the school, all of the applicants with education from that school who apply before or within 90 days of the posting of the school as un-approved on CAMTC’s website, are sent Proposed Denial Letters. If the school is ultimately not un-approved, then the held applicants are all processed. This can result in longer applicant processing timelines while a school moves through the un-approval process and the applications are held. The holding of applications for schools in the un-approval process is an integral part of that process, and there is no way to shorten timelines for these applicants.

Likewise, applicants with background issues are sent to PSD for review, and move through the process described in the response to Question 32 of this Sunset Report. As described, CAMTC makes its best efforts to identify applicants with easily cleared issues and move them quickly through the PSD review process. CAMTC believes that its efforts can be seen in the fact that applicants with educational or background issues are processed on average within 100 days of a complete application.

## **Pending Applications**

CAMTC is currently receiving a low volume of applications due to the fact that the requirements for certification changed on January 1 of 2015. Currently, there are no backlogs for pending applications. CAMTC is processing applications and issuing certificates for complete applications with no background or education issues in an appropriate amount of time.

## **Performance Barriers**

CAMTC is currently working with a database provider to create a new database and document management system. Please see the response to Question 56 for a discussion of this new system. This system will allow CAMTC to better manage its data and documents, and will eliminate the current need for manual tracking of data that was not built into the current system. For example, CAMTC is currently manually tracking the data requested in Business and Professions Code section 4620(a)(4) so that it may report this information back to the Legislature on June 1, 2016. CAMTC's current database is not equipped to manage and track the information requested in an electronic fashion.

### **17. How many certificates does the CAMTC issue each year? How many re-certifications does the CAMTC issue each year?**

Please see Tables 6 and 7 for this information for 2014 and the first nine months of 2015.

## Certification Population for 2014 through September 2015

Table 6. Certification Population			
		2014	2015*
CMT	Active	38,729	42,734
	Inactive	13,989	13,996
CMP	Active	6,151	7,532
	Inactive	2,086	2,087
CCMP	Active	48	31
	Inactive	525	525
<b>**Corrections - Additional Inactive</b>		1,203	1,203
*2015 data is through 9/30/2015			

\*\*In the past, inactive certificates for revoked certificate holders and denied re-certification applicants were not counted as “inactive” in the database. Instead, the old certificate number was removed from the database, and a new certificate number was issued if the person was eventually re-certified (this has changed, and now the same certificate number would be used in this situation). This policy has changed, and as of 2013 the old certificate numbers are no longer removed, and can now be counted as “inactive” in the database. The *Corrections – Additional Inactive* number was added to the data’s totals in order to correct the discrepancy and count the inactive certificate numbers that were previously removed from the database.

## Total Certification Data

Table 7. Total Certification Data				
	Application Type	Received in the Year Noted	Approved in the Year Noted	Effective Date of Denial in the Year Noted
2014	CMT Certification	12,319	8,589	434
	CMT Re-certification	14,438	15,165	
	CMP Certification	3,013	1,524	
	CMP Re-certification	2,280	2,724	
	CCMP Certification	0	4	
	CCMP Re-certification	23	73	
2015*	CMT Certification	2,171	4,010	158
	CMT Re-certification	11,252	11,374	
	CMP Certification	0	1,368	
	CMP Re-certification	1,667	1,739	
	CCMP Certification	0	0	
	CCMP Re-certification	5	5	
Total Applications and Applications for Re-certification Received January 1, 2014 - September 30, 2015				47,168
Total Applications and Applications for Re-certification Closed (Approved/Denied) January 1, 2014 - September 30, 2015				47,167
Total Applications Purged January 1, 2014 - September 30, 2015**				127
Total Applications and Applications for Re-certification Pending to Date				2,563
Of Pending Total Application and Applications for Re-certification incomplete to Date				1,944
Of Pending Total Applications and Applications for Re-certification in Process to Date				170
New Certificates Issued in 2014				10,119
Re-certification's Approved in 2014				18,035
New Certificates Issued in 2015				5,377
Re-certification's Approved in 2015				13,172
Average number of days to approve applications with no background or education issues (from date file is complete)				15
Average number of days to approve applications with background or education issues (from date file is complete)				100
*2015 data is through 9/30/2015				
**Incomplete applications are purged after one year				

## Information Verification and Requirements



**18. How does CAMTC verify information provided by the applicant?**

- a. What process does the CAMTC use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?**
- b. Does the CAMTC fingerprint all applicants?**
- c. Have all current certificate holders been fingerprinted? If not, explain.**
- d. Is there a national databank relating to disciplinary actions? Does the CAMTC check the national databank prior to issuing a certificate? Renewing a certificate?**
- e. Does the CAMTC require primary source documentation?**

**Process to check prior criminal, disciplinary actions, and unlawful acts of the applicant.**

Pursuant to Business and Professions Code section 4606, all applicants must be fingerprinted and must comply with live scan requirements using CAMTC's ORI number, so that reports on State and Federal level convictions and arrests are sent directly to CAMTC. This has been a statutory requirement since the enabling law became effective, so every applicant (and therefore certificate holder) has submitted fingerprints. Once someone has applied for CAMTC certification, CAMTC continues to receive subsequent arrest notifications from the DOJ and FBI, unless and until CAMTC sends a "no longer interested" notification. In this manner, CAMTC is continually updated on applicant and certificate holder State and Federal level convictions and arrests.

CAMTC also communicates with local cities, counties, and law enforcement agencies to gather information about local disciplinary actions taken against an applicant or certificate holder applying for certification or re-certification. Once an application for certification or re-certification is received, e-mail notices are sent to each city, county, and law enforcement agency where the applicant has reported that they have lived or worked within the past ten years. Email communication with cities, counties, and law enforcement agencies related to applicants and certificate holders is continuous and on-going, with more than 1.2 million email messages sent from CAMTC to local agencies since inception. On average, ten email messages are sent for each applicant for certification or re-certification to the cities, counties, and law enforcement agencies

where the applicant has lived or worked in the past ten years, each time they apply for certification or re-certification.

Because certificate holders must apply for re-certification every two years, cities, counties, and law enforcement agencies are contacted about each person at least every two years. A minimum of two weeks is provided for local law enforcement and local government staff to submit information related to each applicant. Information received is reviewed and, when warranted, investigated to determine if a violation of CAMTC's statute has occurred. The receipt of this information from local jurisdictions is critical. The DOJ and FBI reports are limited to criminal arrests and convictions and do not include administrative citations or civil actions related to a local massage or business permit, as these are commonly civil, not criminal, matters. Additionally, local municipal code violations don't always show up on the DOJ, since in many cases these violations don't require fingerprinting, so there is no DOJ reporting. Local jurisdictions may also provide evidence that an applicant or certificate holder has engaged in conduct that violates CAMTC's statute. Since the implementation of AB 1147, CAMTC has received more reporting from local cities, counties, and law enforcement agencies and hopes that this cooperation will continue to increase in the future.

CAMTC receives information about applicants and certificate holders through its complaint link. CAMTC also receives information from out-of-state massage boards in relation to discipline against massage professionals. This information is thoroughly reviewed before applicants are certified or certificate holders are re-certified.

### **Fingerprinting of Applicants**

This has been a statutory requirement since the enabling law became effective, so every applicant has submitted fingerprints.

### **Fingerprinting of Certificate Holders**

This has been a statutory requirement since the enabling law became effective, so every certificate holder has submitted fingerprints.

## **National Databank**

Currently there is no functional national databank related to disciplinary actions against massage professionals. While one is currently in development, it is not operational at this time, and therefore the exact manner in which it will operate and the quality of the data it will provide is not known.

## **Primary Source Documentation**

CAMTC does require primary source documentation. CAMTC requires that open schools directly submit transcripts to CAMTC, and will not accept transcripts submitted by students. For schools that have closed, and no independent verification of education exists, CAMTC accepts compelling evidence of attendance and graduation submitted by the applicant. Information submitted by an applicant is assessed by staff. Applicants may also be required to pass an interview with a CAMTC curriculum expert who has many years of expertise in the profession.

Test scores from CAMTC approved exams (NCETMB, NCETM, BCETMB and MBLEx) are also sent directly to CAMTC. If an exam has been taken prior to submission of an application for certification and is being used as part of the application, CAMTC staff will verify the score with the testing provider.

**19. Describe the CAMTC's legal requirement and process for out-of-state and out-of-country applicants to obtain certification.**

## ***Out of State Applicants***

Business and Professions Code section 4604(a)(6) provides:

The council may issue a certificate to an applicant who meets the qualifications of this chapter if he or she and holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. If an applicant has received education at a school that is not approved by the council, the council shall have the discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

When CAMTC receives an application from an applicant that is licensed, registered, or certified in another state, it first assesses whether the license is from a state that meets or exceeds the educational requirements in CAMTC's statute. CAMTC's statute changed in 2015, and now requires 500 hours of education (or credit unit equivalent), with 100 of those 500 hours comprised of instruction in core curriculum subjects (anatomy and physiology, contraindications, health and hygiene, and business and ethics). (Bus. & Prof. Code §4604(a)(1)(A).) For applicants who hold valid licenses from these states, the state license is considered to meet the educational requirements in CAMTC's statute. These applicants are still assessed to determine whether they meet the other background requirements in the statute. They must still pass CAMTC's background check. CAMTC is currently reviewing the requirements for licensure in other states to determine which state's requirements for licensure meet or exceed the educational requirements in CAMTC's statute.

For applicants who have licenses from states that do not meet or exceed the educational requirements in CAMTC's statute, or have education completed in other states, their education is considered on a case-by-case basis. CAMTC has the statutory authority to give credit for comparable work completed outside of California. CAMTC has experts that assess out of state transcripts and determine the credit that should be given for each transcript and whether it meets CAMTC's educational requirements, including the core curriculum requirements.

### ***Out of Country Applicants***

CAMTC does not have the legal authority to accept or evaluate licenses from other countries. Instead, CAMTC evaluates the education received from out of country schools by having the applicant send their transcripts to a foreign evaluation service approved by the BOD. Currently there are two approved foreign evaluation services that translate and assess massage transcripts. CAMTC accepts translated and evaluated transcripts from the evaluation service, and that document is reviewed to determine compliance with the educational standards in CAMTC's statute. Please see

CAMTC's policy on Foreign Transcripts. (Section 13, Attachment 23.)

**20. Does the CAMTC send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

CAMTC does send No Longer Interested notifications electronically to the DOJ on a regular and ongoing basis. There is currently a backlog due to the fact that the DOJ does not allow CAMTC to send these notices in batches. Instead, CAMTC must send one email for each individual for which a "No Longer Interested" notification is required. The new database system in development will send these notices automatically on a weekly basis, so there will be no backlog once the new system is implemented.

## ***Examinations***

**21. Describe the examinations required for certification. Is a national examination used? Is a California specific examination required?**

CAMTC has approved and recognizes three psychometrically developed national exams. The examinations currently approved by CAMTC's BOD are the MBLEx (offered by FSMTB), the NCETMB and the NCETM if taken before February 1, 2015, and the BCETMB (which are offered by NCBTMB). The FSMTB and NCBTMB each contract with Pearson VUE to deliver and score their exams.

**22. What are pass rates for first time vs. retakes in the past 4 fiscal years? If information is available.**

This information is not available to CAMTC since it does not administer the exam(s).

**23. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

CAMTC does not believe that existing statutes are hindering the efficient and effective processing of applicants. CAMTC's statute provides it with the ability to process applications in both an efficient and effective manner. The information sharing with

local agencies codified in CAMTC's statute provides it with the ability to effectively evaluate a significant amount of information. CAMTC's broad statutory authority for denials and discipline also affords it ample opportunity to effectively assess applicants and discipline certificate holders when necessary.

## ***School Approvals***

### **24. Describe the legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the CAMTC work with BPPE in the school approval process?**

CAMTC's school approval process is a system in transition. Under the current process, which has been in existence since 2012, schools are generally considered to be "approved" by CAMTC unless and until they are un-approved by CAMTC. (Section 13, Attachments 22.a., 22.b.) However, this passive approval system is changing. As of July 1, 2016, CAMTC will only be accepting education from schools that it has actively approved. (Section 13, Attachment 15.c.)

Pursuant to Business and Professions Code section 4604(a)(2)(B), in order for an applicant to gain certification as a Massage Therapist, all 500 hours of their education must be from "schools approved by the council." The BOD determined that "schools approved by the council" means a school that meets the definition of an "approved school" as defined by Business and Professions Code section 4601(a). This means that in order for CAMTC to accept education from a specific school, the school must have been approved by one of the organizations listed in this provision of the statute (generally BPPE) and not been un-approved by CAMTC. Under CAMTC's current process, a school is therefore considered to be "approved" by CAMTC as long as it has been approved by one of the entities listed in 4601(a) and has not been un-approved by CAMTC. This is the process that CAMTC has been implementing since 2012. In 2015 CAMTC began creating a process to actively approve massage schools for CAMTC certification, pursuant to Business and Professions Code section 4615(b).

On February 17, 2015, the BOD approved the first Policies and Procedures for Approval of Schools (hereafter “School Approval Procedures”). (Section 13, Attachment 15.a.) These procedures were finalized after the input of many interested parties. (Section 13, Attachment 14.a.-14.c.) The School Approval Procedures have been modified a number of times since this initial document was approved. (Section 13, Attachments 15.a. – 15.c.) The School Approval Procedures address various topics, including but not limited to, minimum standard for training and curriculum, facility requirements, student-teacher ratios, clinical practice requirements, security measures for transcripts, attendance, and accreditation requirements. On April 1, 2015, CAMTC began accepting applications from massage schools for voluntary CAMTC school approval. CAMTC notified schools that as of July 1, 2016, CAMTC will no longer accept education from applicants unless that education is completed at a CAMTC approved school. (Section 13, Attachment 14.a. and 24.) CAMTC also notified schools that it had to receive their application for CAMTC approval by May 1, 2015 in order to guarantee that a decision on school approval could be made before the July 1, 2016 cut off date. (Section 13, Attachment 24.) The ESD is currently reviewing submitted materials and performing site visits for all 112 schools that have applied for CAMTC approval.

### **BPPE Role In School Approvals And Relationship with CAMTC**

For schools that need BPPE approval in order to meet the requirements of Business and Professions Code section 4601(a), they must receive this approval as a prerequisite before applying for CAMTC approval. The ESD Division Director and the Director of Governmental Affairs have met with BPPE leadership about each organization's respective roles. BPPE provides CAMTC with information related to BPPE school approval status, dates, and additional details as available. CAMTC assists BPPE with information regarding certification requirements and schools CAMTC has un-approved. The two organizations are working on a Memo of Understanding to further increase communications.



**25. How many schools are approved by CAMTC? How often are approved schools reviewed? Can the CAMTC remove its approval of a school?**

Because CAMTC's approval process is new, no schools have received CAMTC approval yet. CAMTC has received 112 applications since April 1, 2015, and is currently reviewing submitted materials and performing site visits for all applied schools. CAMTC anticipates completing this process by July 1, 2016, at which point CAMTC will only accept education from CAMTC approved schools. Until then, CAMTC continues to accept education from schools approved by BPPE or other agencies listed in Business and Professions Code section 4601(a) which are not otherwise un-approved by CAMTC.

CAMTC approved schools will have to seek re-approval every two years. Approved schools must inform CAMTC of all changes related to school name, location, massage curriculum, ownership, administration, and massage faculty as they occur. Additionally, CAMTC can and will perform unscheduled site visits to all approved schools. Schools may have their school approval revoked, suspended, or otherwise acted against, including the imposition of probationary conditions, at any time upon violation of CAMTC's School Approval Procedures. (Section 13, Attachment 15.c.)

**26. What are the CAMTC's legal requirements regarding approval of international schools?**

CAMTC does not actively approve international schools. Instead, education received from international schools is sent to a foreign evaluation service approved by the BOD. CAMTC accepts the evaluated transcript from the evaluation service and that document is reviewed to determine compliance with the educational standards in CAMTC's statute. Please see CAMTC's Policy on Foreign Transcripts. (Section 13, Attachment 23.)



**27. Please describe the number of schools approved, disapproved or re-approved.**

Under the current un-approval process, CAMTC has un-approved 62 schools since 2009, and has identified and listed 7 other schools for which students must provide additional proof of adequate education (beyond a transcript and diploma) when applying for certification. 14 of the 62 un-approved schools have been un-approved since the last Sunset review. CAMTC continues to investigate and un-approve schools that have violated its Procedures for Un-approval, and will continue to do so until July 1, 2016, at which time it will transition to only accepting education from CAMTC approved schools. (Section 13, Attachments 15.c., 22.b.) CAMTC has not re-approved any schools that have been un-approved, though it has lifted probationary conditions for some schools. CAMTC also does not recognize a number of schools because they fail to meet the definition of an approved school in Business and Professions Code section 4601(a) in that they do not have a massage program that is approved by BPPE or another listed organization.

Under the new School Approval Procedures, ESD is in the process of reviewing all 112 schools that have applied for CAMTC approval. To date, no schools have been officially approved by CAMTC, and official CAMTC school approvals will not be issued before January 1 of 2016. CAMTC anticipates that review of all 112 schools that have applied for CAMTC approval will be completed by July 1, 2016.

## ***Continuing Education/Competency Requirements***

**28. Describe the CAMTC's continuing education/competency requirements, if any. Describe any changes made by CAMTC since the last review.**

- a. How does the CAMTC verify CE or other competency requirements?**
- b. Does the CAMTC conduct CE audits of certificate holders? Describe the CAMTC's policy on CE audits?**
- c. What are the consequences for failing a CE audit?**
- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**
- e. What is the CAMTC's course approval policy?**
- f. Who approves CE providers? Who approves CE courses? If the CAMTC approves them, what is the CAMTC application review process?**
- g. How many applications for CE providers and CE courses were received? How many were approved?**
- h. Does the CAMTC audit CE providers? If so, describe the CAMTC policy and process.**
- i. Describe the CAMTC's effort, if any, to review its CE policy for purposes of moving toward performance based assessments of the certificate holder's continuing competence.**

There is no continuing education requirement. There have therefore been no changes made since the last Sunset review.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## Section 5 Disciplinary Program

- Enforcement Program  
Performance Measures
- Trends in Enforcement Data
- Denial and Disciplinary Process
- Performance Barriers
- Improvement Plans and Plans  
To Address Issues
- Enforcement Statistics
- Case Prioritization
- Complaint Prioritization Policy
- Cite and Fine
- Cost Recovery and Restitution

## ***Enforcement Program Performance Targets***

**29. What are the CAMTC's performance targets/expectations for its enforcement program? Is the CAMTC meeting those expectations? If not, what is the CAMTC doing to improve performance?**

In 2015, CAMTC engaged in a project to establish performance targets for its program. Since there are no other programs exactly like CAMTC to review for comparison value, CAMTC decided to review existing DCA programs to get a sense of what targets those programs were setting and achieving. While this data was not directly on point, we hoped it would serve as a jumping off point. CAMTC surveyed 36 DCA boards and bureaus and calculated an average for each measure. For the 36 boards and bureaus researched, the following aggregate averages were found for Q2 fiscal year 2014-2015:

- DCA Boards and Bureaus Aggregate Average – PM1 - Volume of complaints per month, on average: 243;
- DCA Boards and Bureaus Aggregate Average – PM2 - Intake, target average was 11 days, actual average: 11 days;
- DCA Boards and Bureaus Aggregate Average – PM3 - Intake and Investigation (does not include cases resulting in formal discipline), target average was 204 days, actual average was: 153 days (this number does not include numbers for the Medical and Physician Assistant boards, as they did not report due to Breeze);
- DCA Boards and Bureaus Aggregate Average – PM4 - Imposition of Formal Discipline, target average was 540 days, actual average was: 728 days (this number does not include information from the Medical, Physician Assistant, and Nursing boards as they did not report due to Breeze).

After reviewing this information, CAMTC established the following performance targets for its program on July 15, 2015:

- PM2 – Intake Target Average- (Average cycle time from complaint receipt to the date the complaint was assigned to an investigator) - 9 days;
- PM 3 - Intake and Investigation Target Average (Average cycle time from complaint receipt to closure of the investigative process. Does not include cases forwarded for formal discipline) –180 days; and
- PM 4 - Formal Discipline Target Average (Average number of days to complete the entire enforcement process for cases resulting in formal discipline.) – 480 days.

Having never calculated these numbers before, CAMTC was not sure what its data would look like, but believed from anecdotal information that it had been performing in a highly efficient and cost effective manner.

Since these performance targets are newly established, CAMTC only has performance metrics data for the second and third quarters of calendar year 2015. This preliminary data shows that CAMTC is exceeding expectations and performing at an exceptionally high level. (Section 13, Attachment 1.).

In the second and third quarters of calendar year 2015, CAMTC is significantly out performing its targets. Please see the following data for the second and third quarters of calendar year 2015:

- PM1.1 – Volume of Complaints against Certificate Holders<sup>1</sup>
  - Second Quarter 2015 – PM1 – total complaints against certificate holders – 26 on average a month.
  - Third Quarter 2015 – PM1 – total complaints against certificate holders – 28 on average a month.

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<sup>1</sup> Total Complaints (PM1), Complaints Against Certificate Holders (PM1.1), and Complaints Against Certificate Holders submitted by Law Enforcement Agencies (PM1.2) are all tracked. (Please see Section 13, Attachment 1, and Table 9.d. for this data.)

- PM2 – Intake Target Average - (Average cycle time from complaint receipt to the date the complaint was assigned to an investigator) - 9 days;

Actual Average

- Second Quarter 2015 - PM2 – 0 days (complaints are immediately assigned)
  - Third Quarter 2015 – PM2 – 0 days (complaints are immediately assigned)
- PM3 - Intake and Investigation Target Average - (Average cycle time from complaint receipt to closure of the investigative process. Does not include cases forwarded for formal discipline) –180 days;

Actual Average

- Second Quarter 2015 – PM3 – 12 days
  - Third Quarter 2015 – PM3 – 14 days
- PM4 - Formal Discipline Target Average (Average number of days to complete the entire enforcement process for cases resulting in formal discipline against certificate holders) – 480 days

Actual Average

- Second Quarter 2015 – PM4 – 189 days
  - Third Quarter 2015 – PM4 – 117 days

CAMTC believes that its high level of performance is based on its statutory authority, legal standards, and the design of its program. Its program is designed in such a manner that it can take action quickly and work in an efficient and cost effective manner, as is borne out by the data.

**30. If performance targets/expectations for CAMTC's enforcement program are not established, please explain when, and if, CAMTC expects to establish such performance guidelines.**

Performance targets have been established. Please see discussion in response to Question 29 to this report, above.

## ***Trends in Enforcement Data***

**31. Explain trends in enforcement data and the CAMTC's efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are performance barriers? What improvement plans are in place? What has the CAMTC done and what is the CAMTC going to do to address these issues, i.e. process efficiencies, bylaws, legislation?**

CAMTC defines “enforcement” as action against certificate holders, and does not include denial of applicants.

### **Suspensions**

Since the last Sunset review, CAMTC has seen a significant increase in the number of suspensions overall, and more specifically in the number of suspensions based on evidence. CAMTC had 188 total suspensions in the first nine months of 2015. This is a huge increase from the last Sunset review, when CAMTC had 55 suspensions in the first nine months of 2013, and only 52 suspensions in the entire year for 2012. The total number of suspensions more than tripled from 2013 to 2015.

CAMTC has two different specific statutory provisions that allow for immediate suspension of the certificates of certificate holders, Business and Professions Code sections 4610(f) and 4610(g). While CAMTC's law changed on January 1 of 2015, these provisions existed in CAMTC's law before those changes.

### **Suspensions Based on Operation of Law (4610(f))**

CAMTC is required to immediately suspend the certificate of a certificate holder if it receives notice that the individual has been arrested and charges have been filed for violation of Penal Code section 647(b) – Prostitution, or for another act punishable as a sexually related crime. (Bus. & Prof. Code §4610(f).) CAMTC refers to these suspensions as “suspensions based on operation of law.” Under this suspension provision, CAMTC has no discretion. It must suspend the certificate when it receives notice that the charges described above have been filed.

CAMTC receives Subsequent Arrest Notices from the California Department of Justice (“DOJ”) and the Federal Bureau of Investigations (“FBI”), which notifies it when an applicant or certificate holder has been arrested or convicted, however the operative event for suspending under this provision is the filing of criminal charges. There is no automated reporting for the filing of criminal charges. In order to get this information PSD employees are required to continually check with every court or local jurisdiction where a certificate holder has been arrested to see if charges have been filed. This is a very time-and-staff-resource intensive process. Cooperation from local law enforcement agencies who notify CAMTC when charges have been filed against a certificate holder helps to expedite this process. If CAMTC has no notice that a certificate holder has been arrested (some arrests do not get reported to the DOJ, so no Subsequent Arrest Notice is generated), or that charges have been filed against a certificate holder, it can’t suspend based on this provision.

### **Suspensions Based on Evidence (4610(g))**

Pursuant to Business and Professions Code section 4610(g), CAMTC may immediately suspend the certificate of a certificate holder if it “determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder.” This is a discretionary suspension provision. CAMTC has the discretion to determine whether it will suspend under this provision. CAMTC refers to suspensions under this provision as “suspensions based on evidence.” CAMTC may suspend certificate holders under both suspension provisions if the statutory requirements for both provisions are met.

In June of 2014, CAMTC began a pilot program related to suspensions under this statutory provision. At that time, CAMTC was required to have clear and convincing evidence in order to suspend based on evidence. CAMTC began imposing suspensions based on evidence only in those cases where there was evidence that a certificate holder sexually assaulted a victim while providing a massage. This decision was made with the knowledge that the majority of cases meeting the criteria under Business and Professions Code section 4610(g) were cases of prostitution type



conduct, not sexual assaults. Because this provision allows a certificate holder to request a hearing on the suspension, and CAMTC is required to provide that hearing within 30 days of the request, CAMTC was not sure whether its staff and hearing schedule could accommodate the increased volume and workload from suspension hearings in such a short time frame. (Bus. & Prof. Code §4610(g)(2).) It therefore made the decision to institute its pilot program against only the worst offenders in order to better protect the public. In 2014, ten people were suspended based on evidence.

On January 1, 2015, CAMTC's law changed and the legal standard for suspensions based on evidence was lowered from clear and convincing evidence to a preponderance of the evidence. In February of 2015, CAMTC assessed the information from its pilot program and determined that it believed that it could handle the extra hearing volume and staff workload created by pursuing all suspensions based on evidence in cases where the statutory requirements were met. It therefore made the policy decision at that time to proceed with suspensions based on evidence in all cases where it was warranted (both sexual assaults and prostitution type conduct). This policy decision has resulted in CAMTC suspending 91 certificates in the first nine months of 2015 based on evidence.

In order to suspend under this provision of law, CAMTC must have evidence that a certificate holder committed an act punishable as a sexually related crime or a related felony. This is therefore a conduct-based violation. CAMTC generally relies on declarations of conduct from victims or law enforcement for this evidence. CAMTC has seen an increase in cooperation from law enforcement, which has directly resulted in more declarations received. Contacts from police departments and local agencies have grown by 50% since September of 2014. These declarations are used for suspensions based on evidence in addition to being used for applicant denials and certificate holder discipline. This has contributed to the large number of suspensions under this provision of law. With more cooperation from law enforcement, CAMTC believes that this trend will continue and it will see more certificates suspended based on evidence.

## **Sexual Assaults**

Complaints related to sexual assaults (and the suspensions and revocations that flow from those complaints) continued to increase at a steady pace, though the overall number remains low. CAMTC believes that this increase is not due to an increase in incidents, but is instead related to more reporting by victims, employers, and agencies to CAMTC as CAMTC becomes more well-known. This voluntary reporting by local agencies is a direct result of the in-person training PSD's Director provides to police departments and local government agencies that regulate massage, as well as the personal connection provided by PSD employees. CAMTC expects this trend to continue as PSD employees cement relationships, CAMTC's education efforts continue, and the information sharing with local agencies continues to increase.

## **Increase in Complexity of Cases**

CAMTC has continued to see an increase in the complexity of cases against certificate holders. Due to the fact that CAMTC's authority to discipline certificate holders based on conduct violations increased in 2015, and its evidentiary standard was lowered from clear and convincing evidence to a preponderance of the evidence, CAMTC has seen an increase in conduct based cases. (Bus. & Prof. Code §§4609, 4610(e).) For example, in 2015 CAMTC gained the legal authority to discipline certificate holders for engaging in sexually suggestive advertising, engaging in sexual activity of any kind on the premises of a massage establishment, and violating specific dress code provisions, among other things. The investigation, information and evidence gathering, and review of cases for conduct-based violations is much more complex and time consuming than those cases based on related criminal convictions. For example, if a certificate holder has a related criminal conviction (such as rape, sexual battery, sexual assault, or prostitution), that is a relatively easy and straightforward basis on which to revoke a certificate, since the record of the conviction is conclusive evidence of the crime. (Bus. & Prof. Code §4609(a)(9).) CAMTC regularly receives Subsequent Arrest Notifications from the DOJ and FBI, which notifies it of certificate holder convictions, so CAMTC has a "record" of all California and Federal convictions. However, for conduct-based cases, PSD employees may have to interview witnesses, gather evidence from the internet or

advertisements, obtain documents from local authorities, review reports, and generally perform a full blown investigation. These cases can be quite resource intensive, depending on the specific facts of the case.

## ***Performance Barriers***

In the past CAMTC has been hampered by the lack of cooperation from local law enforcement agencies. Much of the evidence needed to build a case against a certificate holder comes directly from local agencies. For example, Business and Professions Code section 4609(a)(8) allows CAMTC to revoke a certificate if the certificate holder receives an administrative citation, and a certified copy of the citation is conclusive evidence that disciplinary action has been taken against the certificate holder. But if the local agency won't provide CAMTC with a copy of the administrative citation, then CAMTC doesn't have the evidence it needs to take action on that basis. Since the last Sunset review this situation has improved. More law enforcement agencies and local government agencies that regulate massage are cooperating with CAMTC. This increase in cooperation and information sharing has resulted in an increase in certificate holder discipline based on conduct-based violations. CAMTC expects this trend to continue as more cooperation is received from local agencies. While we have come a long way, there is still a long way to go. Many local jurisdictions are incredibly helpful and easily share information like the law authorizes (Bus. & Prof. Code §4614(b)), while others (most notably one of the largest jurisdictions in the State) still refuse to provide any information to CAMTC. CAMTC has encountered resistance to information sharing from some cities, and is specifically aware that in one city League staff directed city personnel to not provide CAMTC with officer declarations. We are working with cities to overcome their resistance and we are hopeful that this will change in the future.

CAMTC is continuing to review its processes to create efficiencies wherever it can, including creating a new database to more effectively manage documents and information. CAMTC is also evaluating whether more staff needs to be hired to more effectively handle workflow. It is currently planning on hiring one additional staff

attorney and possibly hiring an additional part-time paralegal to handle the increase in work volumes and to shorten enforcement timelines.

## ***Improvement Plans and Plans To Address Issues***

As we move into the future, CAMTC plans to continue to provide no-cost training to local law enforcement agencies and agencies that regulate massage. These efforts help educate law enforcement agencies and local governmental agencies about CAMTC's statute and processes and how all parties can work together to achieve our mutual goals. From 2014 to date, CAMTC's Professional Standards Division ("PSD") Director has provided no cost training to 193 local agencies. CAMTC will continue to reach out to local agencies and share information with them.

Since the last Sunset review, CAMTC has hired one additional staff attorney, so there are now three staff attorneys working exclusively on applicant and certificate holder denial and disciplinary matters. A part-time paralegal is also now working full-time in order to address additional workload. CAMTC is currently planning on hiring an additional staff attorney and possibly an additional part-time paralegal. CAMTC is also currently in the process of moving to a new database to more efficiently manage its data and documents.

## ***Denial and Disciplinary Process***

### **32. Please explain CAMTC's enforcement program and disciplinary review.**

CAMTC's general process for applicant denials and certificate holder discipline based on background issues is essentially the same. (Section 13, Attachment 25.) CAMTC does consider "enforcement" and "discipline" to be taking action against certificate holders, not applicants. CAMTC denies applications and disciplines certificate holders. For this discussion however, CAMTC will describe both the denial and disciplinary process in an effort to fully inform the Committee about CAMTC's program. CAMTC's program is unique in that certificate holders are only certified for a two-year period.

After the two-year certification period expires, certificate holders become applicants for re-certification and are required to complete an application for re-certification and put through another background check before they can be re-certified (this background check does not require submitting new fingerprints as CAMTC continues to receive DOJ and FBI updates on expired certificate holders seeking re-certification). Former certificate holders seeking re-certification are considered to be “applicants” before they are re-certified. CAMTC does not “renew” certificates.

Applications for certification or re-certification are processed by AMG. (Section 13, Attachment 26.) AMG first ensures that an application is complete before it can be substantively reviewed. A complete application is one for which the payment has been received, all portions of the application have been filled out, all required documents and attachments have been received, the application has been signed, DOJ and FBI results have been received, official transcripts have been received directly from the school(s), information from the local government officials in the cities and counties where the applicant has lived or worked in the past 10 years has been received (or the two week time period to receive such information has passed), and proof of passage of a CAMTC approved exam has been received.

### **Applications With Educational Issues**

Since 2012, CAMTC’s process for applicants with “complete applications” as described above, but who have submitted a transcript from a school (or schools) where they are required to provide additional proof of adequate education (beyond just a transcript), has been to have AMG group these individuals together and have them sent to PSD and reviewed once every month or every other month. If after review a decision is made by PSD to propose denial of the group, a proposed denial letter is promptly sent to each applicant. In June of 2015 this process was changed to allow for faster processing of applicants in this situation. (Section 13, Attachment 20.b.)

The Denial Procedures were amended to allow the BOD to make the decision to propose denial of all applicants at the same time it makes a decision to un-approve a

school. So if the BOD decides to un-approve a school, as part of that decision it also decides that all applicants from that school whose applications are received before or within 90 days of the school being listed as an un-approved school on CAMTC's website, must provide additional proof of adequate education. These applicants are sent a proposed denial letter based on education, and are referred to as "education only" denials. The June amendment to the Denial Procedures removed the need to have these individuals considered by PSD after the BOD had already made a decision to un-approve the school. By removing this additional step, and having the BOD make the decision to propose denial of these applicants at the same time it makes the decision to un-approve a school, it is shortening the time applicants have to wait to get their proposed denial letters based on education. These applicants have historically been given approximately 90 days to provide additional proof of adequate education, with a hearing date set for approximately 120 days from the date of the letter. If there is room on the hearing calendar to schedule an earlier education hearing date, CAMTC will shorten these time lines. These applicants are sent to the Legal Department and follow the same process and procedures from this point on, which are described below, as all other denials.

### **Proposed Denials and Proposed Revocations/Discipline Based on Background Issues**

When a complete application or application for re-certification is received and there is information indicating that the person might have violated a provision of CAMTC's statute, or information is received regarding a certificate holder indicating that the person might have violated a provision of CAMTC's statute, AMG sends that person to PSD<sup>2</sup> for review.

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<sup>2</sup> For the organizational chart, and as a practical matter, the Hearing Officers have been placed under the Legal Division. (Please see Section 13, Attachments 27.a. and b. – Organizational Charts.) The Hearing Officers engage in a specialized task that is very different than the activities the other PSD employees engage in. The Hearing Officers do not perform investigations or make proposed denial/disciplinary decisions like the other PSD Investigators do. In order to avoid confusion, the PSD employees who are not hearing officers will generally be referred to as "PSD" in this discussion and the Hearing Officers will be referred to as the "Hearing Officers," though technically all are employees of the PSD.

PSD is then charged with the task of reviewing information, performing investigations and gathering evidence related to applicants and certificate holders when warranted, and eventually making proposed decisions to deny applications and discipline certificate holders. PSD meets by telephone conference every Monday (Tuesday if Monday is a holiday) to consider applicants and certificate holders under review. Special meetings are added when needed to accommodate high volume. PSD also meets at least once a month on Wednesdays by telephone conference to consider applicants and certificate holders with issues that can easily be cleared (Minimal Review Cases) and non-actionable complaints. Between these meetings, PSD employees are busy performing investigations and gathering information and evidence related to the individuals under review. All information and evidence gathered in relation to an applicant or certificate holder is uploaded to a secure site so that all PSD employees can access and review it. PSD reviews this information prior to each Monday meeting where the individual will be considered. Individuals may be considered at multiple Monday meetings as the investigation related to their matter proceeds. The investigators report back on their investigations to the rest of the PSD employees at the Monday meetings. At these Monday teleconference meetings, PSD employees discuss cases, evidence, whether further investigation is needed or the investigation is complete, and the Chief of Investigations assigns tasks to specific PSD employees. Future dates are also assigned to each applicant or certificate holder under review for further discussion at another Monday meeting.

Once an investigation is completed, an individual will be considered by PSD at a final Monday meeting where a determination is made on how to proceed. If the PSD does not believe that there is sufficient evidence to take action against an applicant or certificate holder, a decision is made to approve an applicant or take no action against a certificate holder. In these cases, that person is sent back to AMG and processed accordingly (applicants are certified or re-certified and no action is taken against certificate holders). However if, on the other hand, a majority of PSD employees determines that there is sufficient evidence to propose to take action against an applicant or certificate holder, a proposed decision to deny the application or discipline the certificate holder is made (discipline includes revocation, suspension for an



identified period of time not to exceed one year, and/or imposition of probationary terms not to exceed one year). In making its decision to propose denial of an application or impose discipline on a certificate holder, PSD makes factual and legal findings, including identifying the Denial Procedures provisions that it believes the individual has violated. It also determines the appropriate level of discipline: revocation, suspension for a set period of time, and/or imposition of probationary conditions. Decisions to propose to deny applications or discipline certificate holders must be made by a majority of PSD employees. It takes a minimum of two employees to make a decision in any specific case, though in most cases four PSD employees make decisions. Most decisions are unanimous.

In accordance with the Massage Therapy Act and the Denial Procedures, when PSD makes a proposed decision to deny an applicant or discipline a certificate holder, a letter must be sent to that individual notifying them that CAMTC is proposing to take action against them and informing them of the legal and factual basis for the proposed action (Proposed Denial Letter “PDL” or Proposed Revocation/Discipline Letter “PRL”). PSD refers individuals it has decided should receive a PDL or PRL to the Legal Department so that the PDL or PRL can be drafted. After this referral, PSD is no longer involved in the process, as the investigation and proposed decision to deny or discipline has been made. The PDL or PRL identifies the factual and legal basis for the proposed action and the provisions of the Denial Procedures that the PSD believes have been violated. (Section 13, Attachment 28.) Accompanying every letter is a copy of the Denial Procedures. (Section 13, Attachment 20.b.) If the proposed denial or discipline is based on a declaration, that declaration(s) is also sent to the applicant or certificate holder with the PDL or PRL. It is important to note that at this point, the action is only proposed. Before a proposed action becomes final and effective against an individual, they are given notice and an opportunity to be heard. (Bus. & Prof. Code §4610(e).)

In the letter sent to the applicant or certificate holder proposing to take action against them, the individual is notified that they have:

- the right to request, in writing (email preferred), an oral telephonic hearing or consideration of a written statement (their choice);



- the date of the hearing (approximately 30 days from the date the letter is mailed, though the law only requires 15 days);
- the effective date of the denial or discipline (generally 21 days from the date of the hearing, though the law only requires 5 days);
- the last day to request a fee waiver;
- the last day to request an oral hearing or consideration of a written statement;
- the last day to submit documents; and
- the last day to pay the hearing fee and the amount of the hearing fee (\$90 for consideration of a written statement and \$135 for an oral hearing).

If the individual fails to respond to the letter, fails to timely request an oral hearing or consideration of a written statement in writing, or fails to pay the hearing fee in a timely manner, they are automatically denied or disciplined on the effective date noted in the letter.

If an individual timely requests an oral telephonic hearing or consideration of a written statement (we consider either to be a “hearing” and will refer to them generally using this term in this discussion), they are then scheduled for their hearing at a specific time slot on their hearing date. Each person’s matter is heard and considered by the Hearing Officers on their hearing date by telephone conference. Hearings are generally held on Thursdays. The Hearing Officers are located all over the state, and the ability to consider each matter by telephone conference allows CAMTC the opportunity to have each matter considered by the most qualified individuals without being limited by geographic area. The Hearing Officers are the individuals who make the decision to uphold the proposed denial or discipline, determine that the proposed denial or discipline not be imposed, or determine that other disciplinary measures are more appropriate. Decisions are required to be made by a majority, and there must be a minimum of two Hearing Officers to make a decision in each particular case, though generally there are three or more Hearing Officers on each matter. Most decisions are unanimous. The Hearing Officers review and consider all of the evidence and documents already submitted related to each particular matter prior to the hearing date. Applicants and certificate holders are not limited in the number or type of documents or evidence that they may submit prior to a hearing, though each piece of evidence

submitted is given appropriate weight. In the past the Hearing Officers have considered evidence and documents that have ranged from legal briefs submitted by attorneys and declarations of certificate holders, to music notes and illegible scribbles and drawings.

If the Hearing Officers make a decision to approve an application or not impose discipline against a certificate holder, the individual is notified of that decision. AMG is also notified so that they may process the individual appropriately (certify an applicant or take no action against a certificate holder). If the Hearing Officers make a decision to uphold the proposed denial or discipline, or impose different discipline than originally proposed, the individual is sent a letter notifying them of that decision, the factual and legal basis for the denial or imposition of discipline, the final and effective date of the denial or discipline, and that they must wait two years from the effective date of the denial or discipline before reapplying for certification. (Section 13, Attachment 29, Sample Redacted Final Decision Letter.) AMG is also notified of this outcome so that the applicant or certificate holder's file may be marked accordingly. The decision at this point is final, and there is no further review through CAMTC. This process is similar to the process used by cities and counties to deny or revoke local permits.

### **33. Please explain any fees related to enforcement activities.**

In accordance with Business and Professions Code section 4602(i), the BOD is authorized to "establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties." On September 15, 2011, the BOD established a fee for oral hearings and consideration of written statements. The initial fee for an oral hearing was \$95 and the fee for consideration of a written statement was \$65. On September 13, 2012, the fees were raised to \$135 for an oral hearing and \$90 for consideration of a written statement. These fees have remained unchanged since that time. Fee waivers are granted for indigent individuals who are able to prove that they are unable to pay the hearing fees. (Section 13, Attachment 19.) CAMTC uses the same financial guidelines to determine indigence that California courts do.

## Enforcement Statistics

CAMTC considers “enforcement” to be action against certificate holders, not applicants, however it has included data about both applicants and certificate holders in some of the following tables in order to match the data provided during the last Sunset review.

**Table 9a. Enforcement Statistics – Applications and Applications for Re-certification**

	Sent to PSD for Review** (includes App. and Re-cert)	Cleared by PSD (includes App. and Re-cert) (in year noted)	Background Issue Proposed Denial (letter sent in year noted)	Education Only Proposed Denial (letter sent in year noted)	Oral hearing/ written stmtnt (in year noted)	Pending ***	Approved (in year noted)	Denied (in year noted)	Prob. terms or Susp. Imposed
2014 Applicants	1,648	1,409	287	156	84/102	0	21	434	23
2015* Applicants	1,288	1,167	123	773	38/46	715	19	158	8

\*2015 is through 9/30/2015

Please note, applicants sent proposed denial letters in one year, may have their outcomes become final and effective in a later year, or may have their hearing occur in a later year.

\*\*Does not include applicants with “education only” issues.

\*\*\* Pending means that a proposed denial letter has been sent but the applicant is still in process in that the final outcome for the matter has not yet occurred as of 9/30/15. The majority of those “pending” have been sent an “education only” proposed denial letter.

**Table 9b. Enforcement Statistics - Certificate Holder Revocation and Discipline**

	Sent to PSD for Review	Cleared by PSD (in year noted)	Perm. Revo.	Proposed Revo./ Discipline (letter sent in year noted)	Oral hearings / Written Statements (occurred in year noted)	Pending **	No Action (in year noted)	Revoked (in year noted)	Prob. terms or Susp. Imposed (in year noted)
2014 Certificate Holders	945	820	14	94	31/22	0	0	81	8
2015* Certificate Holders	724	556	22	82	17/23	27	1	55	9

\*2015 is through 9/30/2015

\*\* Pending means that a proposed revocation/discipline letter has been sent but the certificate holder is still in process in that the final outcome for the matter has not yet occurred as of 9/30/15.

<b>Table 9c. Enforcement Statistics - Certificate Holder Suspensions</b>							
	Suspensions based on operation of law (4610(f)) (suspended in year noted)	Reinstatements/ lifting of suspension (4610(f)) (in year noted)	Suspensions based on evidence (4610(g)) (suspended in year noted)	Oral hearings / Written Statements (4610(g)) (occurred in year noted)	Pending** (4610(g))	Suspension lifted after hearing (4610(g)) (in year noted)	Suspension upheld after hearing (4610(g)) (in year noted)
2014 Certificate Holders	122	53	10	4/0	0	2	2
2015* Certificate Holders	97	45	91	33/4	1	4	32
<p>*2015 is through 9/30/2015</p> <p>** Pending means that a certificate holder has requested an oral hearing or consideration of a written statement for their suspension based on evidence, but the individual is still in process in that no final outcome has occurred as of 9/30/15.</p>							

<b>Table 9d. Enforcement Statistics - Complaints</b>			
	Total Complaints Received – ALL**	Complaints Against Certificate Holders	Complaints Against Certificate Holders submitted by Law Enforcement Agencies
Total received 1/1/15 – 9/30/15	322	207	142
2015* monthly average	35.77	23	15.77
<p>*2015 data is through 9/30/2015. CAMTC began tracking these numbers in 2015, and therefore it does not have reliable data for 2014, so 2014 numbers have not been included.</p> <p>** "Total complaints" includes all complaints received, including those that were not against CAMTC applicants or certificate holders.</p>			

## **Enforcement Aging**

Please see the response to Question 29 of this report, where performance metrics are discussed. CAMTC is more than exceeding its performance targets and is providing swift discipline to certificate holders (189 days on average in the second quarter of 2015 and 117 days on average in the third quarter of 2015). (Section 13, Attachment 1.)

Please also note, CAMTC certificate holders are only certified for a two-year time period. This means that in no case can CAMTC take longer than two years to discipline a certificate holder, as it loses its jurisdiction over a certificate holder once the certificate has expired.

### **34. What do overall statistics show as to increases or decreases in disciplinary action since last review?**

The overall statistics show a significant increase in disciplinary action since the last Sunset review. In 2012 CAMTC sent only 49 proposed revocation/discipline letters to certificate holders, in the first nine months of 2013 CAMTC sent 42 proposed revocation/discipline letters to certificate holders, in 2014 CAMTC sent 94 proposed revocation/discipline letters to certificate holders, and in the first nine months of 2015 CAMTC sent 82 proposed revocation/discipline letters to certificate holders. These numbers show a continual and steady increase in the number of proposed revocation/discipline letters sent to certificate holders. Additionally, the number of permanent revocation letters sent increased from 14 in 2014 to 22 in the first nine months of 2015. As previously discussed, suspensions have skyrocketed, increasing from only 52 in 2012, to 188 in the first nine months of 2015.

## ***Case Prioritization***

### **35. How are cases prioritized? What is the CAMTC's complaint prioritization policy?**

CAMTC has a robust process for identifying and quickly clearing applicants and certificate holders with easily cleared issues, and sending all others on to review at a regular PSD Monday meeting.

## **In-House Clearance**

Applicants and certificate holders sent by AMG to PSD for review are first reviewed on a weekly basis to determine if they qualify for in-house clearance or not. Those cases that can be quickly cleared after review by a PSD employee are, and these individuals are then sent back to AMG for further processing (certification or re-certification if an applicant, or no action if a certificate holder). (Section 13, Attachment 25.) Cases that qualify for in-house clearance are generally those with commonly occurring criminal convictions that on their face are not substantially related to the qualifications, functions, or duties of a certificate holder, such as convictions for check fraud, DUIs, vandalism, and petty theft. This in-house clearing process allows for the quick processing of applicants and certificate holders, as they are not waiting in line to be reviewed by PSD behind more complicated and resource intensive cases. Those cases that don't meet the qualifications for in-house clearance are then sorted into two separate categories (minimal review cases and other cases) and prioritized in the manner discussed below. Those cases that appear to need minimal review for clearance, but can't be cleared through the in-house clearance process, are sent to a Minimal Review Cases meeting, held at least once a month on Wednesday. The other cases are sent to a regular PSD Monday meeting. The vast majority of cases are sent directly to PSD for review at a regular Monday meeting after moving through the in-house clearance process.

## **Minimal Review Cases**

Meetings to consider Minimal Review Cases are held on Wednesdays, at least once a month. At these meetings PSD employees consider applicants and certificate holders who have issues that PSD believes can easily be cleared but don't meet the qualifications for in-house clearance. Issues that are reviewed at these meetings include, but are not limited to, non-criminal issues such as: 1) a complaint that a certificate holder smells like cigarettes; 2) a citation by a city for too many garage sales in a calendar year; 3) a complaint about the price charged for a massage; or 4) a complaint that a 60 minute massage only lasted 58 minutes. They may also include things like reported but unrelated and uncommon criminal convictions, such as a

certificate holder conviction for poaching salmon. The issues reviewed are generally unrelated to the qualifications, functions, or duties of a certificate holder, or are non-actionable, but still need to be reviewed and considered by the PSD. The majority of people considered at a Minimal Review Cases meeting are cleared and sent to AMG for processing (applicants are certified or re-certified and no action is taken against certificate holders). The very small number of people who are not cleared after review are sent to a regular PSD Monday meeting for review.

These Minimal Review Cases meetings are staffed by a minimum of two PSD employees who make a unanimous decision on whether the issue can be cleared or further review is required. This is again done in an effort to quickly clear individuals who can be, so that they are not waiting in line to be heard behind the more complicated cases.

### **Denial and Disciplinary Cases**

PSD addresses and investigates both applicants and certificate holders. Disciplinary cases against certificate holders are prioritized first, and cases of allegations of sexual assault by certificate holders are given top priority. All efforts are made to quickly obtain sufficient evidence to suspend these individuals based on evidence in as short a time frame as possible. (Bus. & Prof. Code §4610(g)). CAMTC can act very quickly in these situations, and in some cases has suspended a certificate holder merely days after a victim's declaration was received. CAMTC's mission is to protect the public, and it takes this mission seriously. Its focus is on certificate holders to ensure that they are not harming the public while providing services pursuant to their CAMTC certificate. CAMTC's next certificate holder priority is to suspend all others based on evidence. This suspension is the first line of defense and may occur before CAMTC has completed its full investigation of a case. In the vast majority of cases, it will later move to revoke the certificate of that same certificate holder. Certificate holder revocations/imposition of discipline are the next priority. It is important to note that the bases for revocation/discipline of a certificate encompass many more violations beyond the limited basis of what can be used to suspend a certificate based on evidence.

CAMTC next prioritizes cases against applicants for re-certification. CAMTC understands that applicants for re-certification are current or past certificate holders and their ability to work may be impacted by the time it takes to investigate and make a proposed decision on a matter. Cases of alleged sexual assault against applicants seeking re-certification are also given top priority, with other issues given second priority.

Cases against applicants seeking certification are the third priority. CAMTC again prioritizes cases of alleged sexual assault at the top of this category.

### ***Complaint Prioritization Policy***

CAMTC makes its best effort to quickly address all complaints received. When a complaint is received through CAMTC's complaint link, an email is automatically sent letting the person know that the complaint has been received. When complaints come in they are immediately sent to the PSD Chief of Investigations for initial review and task assignment. Immediate review by the Chief of Investigations allows CAMTC to quickly identify and assess high-risk cases so that action can be taken as quickly as possible. In situations where it is warranted, such as suspensions based on operation of law, action may be immediately taken.

Under the normal process, complaints against applicants and certificate holders received during the week are considered to be high priority and are addressed at the Monday meeting for the following week. So, for example, if a complaint comes in on a Wednesday, it will be addressed at a PSD meeting on the following Monday. CAMTC's complaint volume is fairly low, so both applicants and certificate holders can easily be considered on the Monday following the date a complaint came in. These cases are prioritized in the manner discussed above.



Complaints that are non-actionable are identified and reviewed once a month at a PSD meeting held just to address these complaints. The majority of these complaints are against individuals or entities that are not applicants or certificate holders, though some may be non-actionable issues such as complaints about agroupon.

### **Suspensions Based on Operation of Law**

The process for suspensions based on operation of law are not addressed above, as that process occurs outside of the normal PSD process. (Bus. & Prof. Code §4610(f).) When CAMTC receives notice that a certificate holder has been arrested and charges have been filed for Penal Code section 647(b) - Prostitution or an act punishable as a sexually related crime, their certificate is immediately suspended. Since the law only requires the receipt of notice, not review by PSD, these suspensions based on operation of law happen quite quickly, normally within a few days of receiving notice.

**36. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the CAMTC actions taken against a certificate holder. Are there problems with the CAMTC receiving the required reports? If so, what could be done to correct the problems?**

CAMTC is not subject to any mandatory reporting requirements, nor are other entities required to report information to CAMTC. CAMTC does receive Subsequent Arrest Notifications from the DOJ and FBI. It might be helpful to require local governmental agencies that regulate massage to report the issuance of administrative or civil citations and disciplinary action taken against applicants or certificate holders at the time the action occurs.

**37. Does the CAMTC operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is CAMTC's policy on statute of limitations?**

CAMTC does not operate within a statute of limitations. No cases are lost due to statute of limitations issues and there is no BOD policy on statute of limitations.

**38. Describe the CAMTC's efforts, if any, to address uncertified activity and the underground economy.**

CAMTC has no jurisdiction over uncertified activity. Its authority is limited in statute to applicants and certificate holders. As a voluntary certification organization, it does not fully occupy the field. CAMTC does send cease and desist letters to individuals who are using terms reserved for CAMTC certificate holders in their advertising. In regards to the underground economy, on a positive note, CAMTC has brought many thousands of massage professionals into the open, obtaining CAMTC certification and business licenses as professionals for the first time.

CAMTC has worked with the Employment Development Department, the Department of Industrial Relations, the Department of Homeland Security, and local law enforcement agencies in preparation for joint operations with law enforcement.

***Cite and Fine***

**39. How is cite and fine used? What types of violations are the basis for citation and fine? If no cite and fine authority is available, please state, "no cite and fine authority."**

**40. What are the 5 most common violations for which citations are issued?**

CAMTC does not have cite and fine authority.

## ***Cost Recovery and Restitution***

**Describe the CAMTC's efforts to obtain cost recovery. Discuss any changes from the last review.**

**41. Are there cases for which the CAMTC does not seek cost recovery? Why?**

**42. Describe the CAMTC's efforts to obtain restitution for individual consumers, any formal or informal CAMTC restitution policy, and the types of restitution that the CAMTC attempts to collect, i.e. monetary, services, etc. Describe the situation in which the CAMTC may seek restitution from the certificate [sic] to a harmed consumer.**

CAMTC does not have the legal authority to engage in cost recovery or restitution and therefore does not engage in these activities.

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## Section 6 Public Information Policies

## ***Public Information Policies***

**43. How does the CAMTC use the internet to keep the public informed of CAMTC activities? Does the CAMTC post meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the CAMTC post final meeting minutes? How long do meeting minutes remain available online?**

CAMTC posts notices on its website related to issues of certificate holder and applicant concern on an as needed basis. For example, it lists schools on its website when they are un-approved. Please see the list of un-approved schools, which can be found at <https://www.camtc.org/Schools.aspx> and scroll down. In 2014 CAMTC began providing notice on its website regarding the upcoming changes to its law, effective on January 1, 2015. (Please see the homepage at <https://www.camtc.org/Default.aspx> under Announcements.) These changes included the elimination of the Certified Massage Practitioner (250 hour) certification tier and the requirement for passage of a CAMTC approved exam, as updated at <https://www.camtc.org/MassageProfessionals.aspx>. CAMTC's website also provides access to PDF copies of documents explaining in detail the impact of the changes in the law on certificate holders and local government. (Government agency document: [https://www.camtc.org/FormDownloads/summary\\_of\\_changes\\_for\\_local\\_govt.pdf](https://www.camtc.org/FormDownloads/summary_of_changes_for_local_govt.pdf); Certificate holder document: [https://www.camtc.org/FormDownloads/law\\_change\\_summary\\_2015.pdf](https://www.camtc.org/FormDownloads/law_change_summary_2015.pdf); also attached to this report in Section 13, as Attachments 16 and 17.)

Pursuant to Business and Professions Code section 4602(j) and the rules of the Bagley-Keene Open Meeting Act, CAMTC also posts notices and agendas of all meetings 10 days in advance at <https://www.camtc.org/Meetings.aspx>. All meetings are open to the public. Prior to every vote on each issue listed on the agenda, time is provided for public comment. Additionally, public comment is also allowed for issues not on the agenda

and suggestions for future meetings. Board Packets are emailed upon request to each requesting party once they have been distributed to the Board. Final meeting minutes are posted on CAMTC's website within fourteen days of being approved. Final minutes remain on the website indefinitely. Draft minutes are not posted.

**44. Does the CAMTC webcast its meetings? What is the CAMTC's plan to webcast future CAMTC and committee meetings? How long do webcast meetings remain available online?**

CAMTC does not webcast its meetings and currently has no plans to do so, as the cost is prohibitively expensive. For example, in 2014 Northwestern University provided webcasting rates ranging from \$5,500 - \$6,640 per day, not including travel time or expenses. CAMTC does not want to have to increase fees to cover these additional costs.

CAMTC currently audio records its meetings and posts those recordings to its website. The audio recordings of CAMTC Board meetings can be found at <https://www.camtc.org/Meetings.aspx>. CAMTC's Board meetings are open to the public; agendas, dates and location of meetings are posted on the website at least ten days in advance; there is always an opportunity for public comment at meetings; and meeting minutes and votes on issues are posted on its website.

**45. Does the CAMTC establish an annual meeting calendar, and post it on the CAMTC's web site?**

Yes.

**46. Does the CAMTC post accusations and disciplinary actions?**

CAMTC is not a State agency. CAMTC is a private nonprofit corporation with its own denial and disciplinary process. CAMTC's denial and disciplinary process does not result in the creation of accusations, and therefore there are no accusations to be posted on its website. CAMTC is unique in that its statute provides for significant information sharing with law enforcement agencies and local governmental agencies

that regulate massage. For this reason, CAMTC has two separate websites that share different information with law enforcement agencies and local government agencies than is shared with members of the public.

On its public “verify certification” website, CAMTC only shares information about certificate holder discipline when the matter has reached a resolution. So, for example, CAMTC posts information about suspensions and revocations on its public “verify certification” website when they are imposed. It does not post information about proposed imposition of discipline. Nor does it post information on applicant denials.

Due to the information sharing provisions in CAMTC’s law, and the agreement of applicants and certificate holders to share information with law enforcement agencies and local government agencies that regulate massage, CAMTC does share significantly more information on its secure law enforcement website. On this secure website, the new database will note when a proposed denial or disciplinary letter has been sent to an applicant or certificate holder. This letter serves the same purpose as an accusation, in that it notifies the applicant or certificate holder that CAMTC is proposing to take action against them. CAMTC’s current database does not support the ability of those accessing the secure local agency website to get a copy of the proposed denial or disciplinary letter, but they are regularly provided to law enforcement agencies and local government agencies that regulate massage upon request. When a proposed denial or disciplinary matter is resolved, CAMTC notifies the applicant or certificate holder by sending a final decision letter. CAMTC also notes the outcome of the proposed action against certificate holders on its law enforcement website and public website. Denial of applications is noted on the local agency website, but is not noted on the public website. While these final decision letters also cannot be accessed using the secure law enforcement website, they are also regularly provided upon request.

**47. What information does the CAMTC provide to the public regarding its certificate holders (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

Members of the public can access a certificate holder or former certificate holder's information on CAMTC's website using the "verify certification" link at <https://www.camtc.org/VerifyCertification.aspx>. The "verify certification" website allows a member of the public to search by any of the following criteria: certificate number; city of residence; last name; or first name. Only one of these search criteria is needed in order to return information. So for example, if a member of the public wanted to know if their therapist, "Sarah," was certified, they could run a search of all certified individuals with that first name. The "verify certification" website provides the following information for each certified or formerly certified individual: name; certificate number; certificate type (conditionally certified massage practitioner, certified massage practitioner, or certified massage therapist); effective date of certification; date certification expires; city; and status (active, suspended, revoked, permanently revoked, expired, or expired while suspended).

**48. What methods are used by CAMTC to provide consumer outreach and education?**

CAMTC uses the following methods to provide consumer outreach and education:

- ☐ Website;
- ☐ Brochures;
- ☐ Press interviews; and
- ☐ Participation at massage and other health fairs.

Please see a brochure for consumers. (Section 13, Attachment 30.) CAMTC's website has a link to verify whether an individual is certified and the status of the certification at <https://www.camtc.org/VerifyCertification.aspx>. There is also a link to submit complaints against CAMTC certificate holders at <https://www.camtc.org/complaints.aspx>.



In the past CAMTC has also provided information and complimentary chair massage by certificate holders at community health fairs.

**49. Please identify and explain the location of CAMTC's headquarters.**

CAMTC is unique in that it has both its own employees and uses a management firm, AMG, to provide application processing and some administrative services. CAMTC's principal place of business is located at One Capitol Mall, Suite 800, in the city of Sacramento, California. This is also the address where all of its mail is received. These are the offices of AMG. All CAMTC employees work out of their own locations, at various places around the State. For example, the CEO, Division Director for the PSD, and Division Director for the ESD are all located in southern California, while the Director of Governmental Affairs and all three Staff Attorneys are located in Northern California.

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## Section 7

### Online Practice Issues

## ***Online Practice Issues***

**50. Discuss the prevalence of online practice and whether there are issues with unlicensed activity.**

Massage is a hands-on profession that cannot be practiced online. Since certification is voluntary, uncertified activity is not an issue. CAMTC does send cease and desist letters to those improperly using titles reserved for certificate holders in their online materials.

**51. Discuss any applicable authority to regulate online resources related to the practice of massage therapy.**

Massage therapy cannot be practiced online, therefore this question is not applicable to CAMTC.



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## Section 8 Workforce Development and Job Creation

## ***Workforce Development and Job Creation***

### **52. What actions has the CAMTC taken in terms of workforce development?**

CAMTC has developed a system that allows employers to send employment offers to CAMTC certificate holders in a specific geographic area without CAMTC releasing the personal information of its certificate holders to those potential employers. Upon request, CAMTC sends out postcards with employment offers. These are fully paid for by the employer, after CAMTC review and approval of the content. Certificate holders are offered the opportunity to opt out of receiving these mailings. The employer can choose one or more targeted zip codes to receive these postcards.

### **53. Describe any assessment the CAMTC has conducted on the impact of certification delays.**

The statutory changes that became effective on January 1, 2015 from AB 1147 and the last Sunset review, which eliminated the CMP (250 hour) certification tier and imposed the requirement for passage of a CAMTC approved exam, had a tremendous impact on the number of applications that CAMTC received in the last months of 2014. Many students rushed to graduate from massage schools in 2014 with only 250 hours of education and quickly applied to CAMTC in order to avoid the new requirements. The overwhelming number of applications received resulted in a backlog that took several months to work through. In 2015 CAMTC has seen a significant reduction in the number of new applications, and at this time there is no delay in the processing of complete applications with no background issues. Applications for re-certification are simpler and are generally processed without delay.

**54. Describe the CAMTC's efforts to work with schools to inform potential certificate holders of the certification requirements and process.**

CAMTC has worked hard to inform schools about changes to the certification requirements. CAMTC mailed two separate information packets to over 600 school and school-related addresses on file in January and March of 2015. (Section 13, Attachments 14.a.- 14.c. and 24.) These packets included information on current and future changes to certification in order to best prepare students. CAMTC also worked with American Massage Therapy Association, Associated Bodywork and Massage Professionals, California Association of Private Postsecondary Schools, California Massage School Association, and Independent Massage School Association of California to properly inform their school members. In addition, CAMTC has met and remained in communication with the Bureau of Private Postsecondary Education about CAMTC requirements, so that CAMTC may verify that massage programs applying for approval with the organization also comply with State laws and regulations. CAMTC maintains on its website a poster and brochure specifically for schools that can be downloaded for their use. (<https://www.camtc.org/Schools.aspx>.)

Through the new school approval process, CAMTC approved schools must include information about CAMTC certification in their catalogs and curriculum. CAMTC school inspectors verify this as part of the approval process and build relationships with the schools to better clarify and update schools about CAMTC requirements.

By early 2016, CAMTC plans to contact all schools teaching massage in California that are either BPPE approved or are community colleges and that have not yet applied for CAMTC approval. CAMTC will remind them that as of July 1, 2016, transcripts from schools that are not CAMTC approved will not be accepted for certification. We encourage these schools to make their current and future students aware of this fact.

**55. Provide any workforce development data collected by CAMTC, such as:**

**a. Workforce shortages.**

CAMTC currently does not collect such data.

**b. Successful training programs.**

Through the new CAMTC school approval process, CAMTC is collecting data on numbers of reported graduates, as well as passing rates for the MBLEx exam, which applicants must pass for certification. Schools that consistently fall below the national passing rate for the MBLEx may lose their CAMTC school approval. (Section 13, Attachment 15.c.)

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## Section 9 Current Issues



## ***Current Issues***

**56. Describe the CAMTC’s current database system and describe any planned changes or updates.**

### **CAMTC’s Current Database System**

CAMTC’s current database was created at a time when it was operating under a significantly different statute. In September of 2009, when CAMTC began accepting the first applications for certification, it was not operating under current legislative mandates, which require the tracking of significant amounts of detailed data regarding applicants and certificate holders and a high level analysis of that data. It also did not have the statutory authority to approve massage schools that it now has. Additionally, the current volume of documents it needs to manage in relation to its program was not expected at that time. CAMTC’s needs have changed and are no longer compatible with its current system.

The current database structure is multi-tiered. That is, the underlying system is a relational Microsoft SQL database. Extracts from this database are performed to create files that are separate and apart from the actual database (for security reasons), which can then be accessed directly from various web pages in support of CAMTC’s business needs. These extracts allow PSD employees and Hearing Officers working from various physical locations to access information related to applicants and certificate holders under review. ESD employees are also provided with access to documents related to the review of schools that have requested CAMTC approval. In addition to CAMTC, local government agencies can access specific information about applicants and certificate holders in the “Local Agency” database. The public can also access information about certificate holders (such as certification status) through the “verify certification” link. Applicants and certificate holders can also access certain elements of

their own information for purposes of verifying and updating work and home locations, contact information, and status of applications.

While initially designed to meet CAMTC business needs, those needs, responses to Legislative mandates and requests by local agencies have quickly outgrown the capabilities of this multi-tiered approach. As CAMTC has taken on the additional responsibility for proactively approving massage schools, the new ESD has requirements that cannot be easily or rapidly met by this multi-tiered database structure. AMG, PSD, Legal, and ESD have developed a number of tools to help manage the application and certification process. However, many of these steps require manual processing not supported by the current system. Other steps are automated, but there are still issues with database connectivity that often times require outside intervention.

### **New Database and Document Management System**

In early 2015 CAMTC began to gather and analyze its business and technical requirements in order to determine both current and future needs. At the same time, CAMTC also began detailed discussions with a number of solution providers about existing certification systems that could be modified to meet CAMTC's needs.

In September of 2015 CAMTC engaged the services of inLumon to create a fully functional relational database. The new database will be an integrated document management and data system that will provide the ability for applicants and certificate holders to apply for certification and re-certification online with the ability to upload documents, allow AMG and CAMTC employees to more easily manage data and documents, and allow for the electronic data gathering and analysis that is required for Legislative mandates and the requests of local agencies. It will also allow the "verify certification" and "Local Agency" interfaces to be updated continually so that the information is not stale. This system will greatly improve the application and certification management processing as well as eliminate the need for the maintenance of information outside of the current system.

The new CAMS for CAMTC is a significant improvement in the following areas:

- the new system has been designed and optimized specifically for certification management which will improve processing times for applicants and certificate holders;
- data will be encrypted when stored in the system's database, thus protecting all personal information;
- the new system will increase system stability, reliability, and availability;
- will improve computer processing capabilities and the functional design and flow of the system to improve management processing and the user experience;
- will improve the accuracy of data entered into the system by validating user-entered information (such as addresses, names, social security numbers, etc.);
- will improve the "Local Agency" access to information by improving search capabilities;
- will improve access to data by allowing viewing of up-to-date, real-time information by all parties;
- will improve query and reporting functionality;
- will improve communication with applicants and certificate holders by sending automatic email messages to inform them about the completion of tasks related to their applications or certificates;
- will include current industry 'best practices' security features;
- will improve user access verification techniques;
- will allow a QR Reader on any smartphone to scan the QR Code on a CAMTC Certificate Holder's ID Card and return results on that individual; and
- will be a customer configurable system so that CAMTC can make changes to the system when necessary to adapt to changing business needs or external requirements.

CAMTC currently anticipates that the new system will be up and running in June of 2016.

**57. Describe any plans to establish performance goals for certificate issuance and certificate discipline time frames. Discuss any issues with establishing such standards.**

CAMTC established average targets for its performance metrics on July 15, 2015. CAMTC is significantly out performing these target averages. (Section 13, Attachment 1.) The process used to initially establish these standards is described in response to Question 29 of this Sunset Report. CAMTC is unlike the Boards and Bureaus regulated by DCA and therefore the target averages for those programs are not generally applicable to CAMTC. After CAMTC has completed gathering data for 2015, and the fourth quarter average performance metrics data has been completed, staff will reassess its average performance target goals.

**58. Please describe any plans or need for statutory changes.**

AB 1147 completely revised CAMTC's law. Due to the multitude of revisions, there are some minor technical changes that need to be made in order to address some unintended consequences of the statutory changes.

**1. DEFINITION OF AN APPROVED SCHOOL**

Business and Professions Code section 4602(a)(2)(B) changed the language from the previous statute, which required that all hours of education be from "approved schools," to "schools approved by the council." This was a change with unintended consequences, as CAMTC's law clearly defines, in Business and Professions Code section 4601(a), what it means to be an "approved school," which requires approval by one of the listed entities in addition to approval by CAMTC. CAMTC has addressed this issue with a BOD policy decision, but requests that the language be returned back to the previous statutory language as follows:

Business and Professions Code section 4602(a)(2)(B): All of the 500 hours shall be from **approved** schools ~~approved by the council~~.

## 2. FIRST CLASS MAIL AS A WAY TO NOTIFY EMPLOYERS OF SUSPENSIONS BY OPERATION OF LAW

CAMTC's previous statute required that CAMTC notify the employers of certificate holders that were suspended based on an arrest with charges filed for 647(b) (prostitution), or an act punishable by a sexually related crime, by first class mail. Business and Professions Code section 4610(f)(1)(C) changed this provision to limit the notification of employers to email. Applicants fail to provide CAMTC with an email address for the vast majority of businesses (even though one is requested), and an email message is easily ignored. Since CAMTC's mission is to protect the public, CAMTC believes that this mission would be better served by changing this provision back to its previous language, which required notification of businesses where certificate holders provide massage for compensation by first class mail. Additionally, CAMTC requests one additional change to the language to broaden the scope of notification from "employers" to all massage businesses in order to address the industry practice of using independent contractors. CAMTC therefore requests that the provision be changed as follows:

Business and Professions Code section 4610(f)(1)(C): Provide notification of the suspension by email **or first class mail** to any **massage** establishment or employer, whether public or private, that the council has in its records as employing **a massage establishment where the certificate holder provides massage for compensation** the certificate holder, within 10 business days.

## 3. MIRROR LANGUAGE FOR SUSPENSION HEARINGS WITH OTHER HEARING PROVISIONS IN THE LAW

Business and Professions Code section 4610(e)(4) states that when CAMTC is proposing to deny an application or impose discipline on a certificate holder, CAMTC is to provide "an opportunity for the applicant or certificate holder, to be heard, orally or in writing." However, in Business and Professions Code section 4610(g)(2), a provision allowing for suspension based on evidence, the language does not specify that a certificate holder has the opportunity to be heard "orally or in writing." Though CAMTC interprets this provision to provide for an oral hearing or consideration of a written

statement, clarification of this provision might better inform certificate holders. CAMTC therefore proposes that this provision be modified as follows:

Business and Professions Code section 4610(g)(2): A certificate holder whose certificate is suspended pursuant to this subdivision shall have the right to request, in writing, a hearing ***an oral hearing or consideration of a written statement*** to challenge the factual basis for the suspension. If the holder of the suspended certificate requests ***an oral hearing or consideration of a written statement*** on the suspension, the hearing ***oral hearing or consideration of a written statement*** shall be held within 30 calendar days after receipt of the request.

#### 4. FIX UNINTENDED CONSEQUENCE OF STATUORY CHANGE THAT REMOVED EXEMPTION TO POSTING HUMAN TRAFFICKING POSTERS

Prior to the passage of AB 1147 and the complete restructuring of the law applicable to CAMTC, Civil Code section 52.6 was added to the Code. This section required the public posting of human trafficking posters in massage establishments except for in those massage establishments where all providing services for compensation were CAMTC certified. (Civil Code §52.6(a)(12).) This Civil Code section therefore currently references a statutory provision that is no longer applicable since the law has been restructured, and the exclusion for businesses that use only CAMTC certified massage professionals to provide massage for compensation has been lost. This is an unintended consequence of the restructuring of CAMTC's statute. CAMTC is therefore requesting that this civil code section be modified to properly exclude businesses where everyone providing massage for compensation is CAMTC certified.

CAMTC therefore proposes that Civil Code section 52.6(a)(12) be modified as follows:

Businesses or establishments that offer massage or bodywork services for compensation and are not described in paragraph (1) of subdivision (b) of Section 4612 of the Business and Professions Code ***use or employ massage professionals who are not certified pursuant to Business and Professions Code section 4600 et. seq.***

CAMTC is also requesting that it be granted a five-year Sunset period.

**59. Please explain any important board of directors-related decisions which have occurred since the past Sunset review under the jurisdiction of the current board composition, including staff changes, contract negotiations or any other significant activity conducted prior to and after the change in the board of directors composition.**

#### **JANUARY 28, 2014**

At the January 28, 2014 BOD meeting, the BOD modified a previous BOD motion related to the acceptance of online education in order to provide a grace period for certificate holders who had completed online education prior to the BOD decision. The initial BOD decision related to online education was made at the December 5, 2013 meeting and stated the following:

As of December 5, 2013, CAMTC will not accept online or distant learning hours for the first 500 hours of education, except for the following:

For continuing education online-classes only:

- CAMTC will accept any online continuing education classes taken before January 2, 2014;
- CAMTC will accept any online continuing education classes paid for before January 2, 2013 (with proof of date of payment provided to CAMTC);
- CAMTC will accept any online continuing education classes where it is documented by CAMTC that CAMTC told the certificate holder before January 2, 2014 that they would accept online continuing education classes; and
- For those CCMP's expiring in December of 2013, January 2014 or February of 2014, CAMTC will accept all online continuing education classes before the CCMP's expiration date.

This previous BOD decision was modified to state the following:

For a 90-day notification period CAMTC will continue to accept online education or distant learning hours for the first 500 hours of education for CCMP's and those upgrading from CMP to CMT in order to allow for fair notification. After April 7, 2014, CAMTC will not accept online or distant learning hours for the first 500 hours of education. All online or distance learning classes must be completed by April 7, 2014.

#### **APRIL 15, 2014**

On April 15, 2014, the BOD reviewed staff's proposed responses to the 20 issues raised during the Sunset process and agreed to accept staff's recommendations.

Additionally, the BOD made the following decisions at this meeting:

- Instruct staff to send a letter to the legislature that encourages them to create legislation that cities and counties have the authority to require a local revocable registration of massage businesses with reasonable time, cost, and restriction caps.
- Instruct staff to consider receipt of a prior citation for operating/practicing without a local permit as a basis for denial or discipline when considering applicants and certificate holders.

#### **JUNE 5, 2014**

##### **Special Meeting**

A special meeting was held to have the BOD consider proposed legislative changes to AB 1147, contained in the version of the bill dated April 23, 2014.

The BOD voted to accept changes to Business and Professions Code section 4601, Definitions:



(f) Massage Establishment and

(k) Operator

The BOD also voted to request the addition of the following definition:

(m) "Sole provider" means a massage business where the owner owns 100 percent of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active certificate issued in accordance with this chapter, and has no other employees or independent contractors.

The BOD also voted to support the following amendments to BOD composition and related issues:

- To recommend that the new BOD be seated on or after Sept. 1, 2015;
- To limit the BOD to 11 members with the following appointments:
  - 4 Government (CSAC, Cal. Chiefs, League of California Cities, and DCA)
  - 4 Massage Associations
  - 1 City Attorney Association
  - 2 Schools/Businesses;
- Provide for a transition period from the end of Business and Professions Code section 4612 to new statutory provisions returning authority to regulate massage businesses to cities and counties;
- Provide for information sharing with law enforcement and local government related to Registered Massage Establishments and applicants for registration; and
- Carry forward current language related to education and authority to investigate schools and conduct interviews.

The BOD voted to accept the language in the April 23<sup>rd</sup> bill regarding:

- Fee limits;
- Legal right to work in the US;
- Reciprocity for Individuals Licensed in Other States;

- Operators
  - A. CAMTC approves education, providers, and programs
  - B. Education is not to exceed 50 hours
  - C. Sole providers issued Certificate upon request, payment of fee, and application (no additional education). If don't meet the definition of sole provider, operator's certificate immediately terminated;
- Background checks for all those working at CAMTC Registered Massage Establishments (5% or more owners, operators, and those working on the premises of registered establishments);
- Continuing education, with CAMTC to approve programs and providers;
- Provisions Related to Denial/Discipline;
- Provisions related to Certificate Holders; and
- Provisions applicable to CAMTC Registered Massage Establishments.

The BOD also voted to amend the provision related to the prohibition of breast massage to state that massage of the female breast is prohibited, with the exception that it may be provided with the written consent of the client and under supervision of a medical physician. The BOD also voted to request that the proposed Sunset date be changed from 2 years to 3 years.

## **JUNE 25, 2014**

On June 25, 2014, the BOD made the following significant decisions:

Request the following changes to AB 1147:

- That the new BOD be seated on September 15, 2015;
- That one BOD member be added to represent independent massage schools;
- That one BOD member be an appointee of the BOD who shall be an attorney licensed by the State Bar of California, and who has been practicing law for at least three years and who at the time of appointment represents a city in the State;

- That one BOD member be an appointee of the BOD who shall represent a massage business entity that has been operating in the State for at least three years; and
- That Business and Professions Code section 4609(a)(1)(E) be amended to state that providing massage of the female breast without the written consent of the person receiving the massage and referral by a licensed physician is prohibited.

The BOD also decided to amend the Bylaws to provide that special or emergency meetings held on less than 10 days' notice pursuant to Government Code section 11125.4 or 11125.5 do not count for purposes of automatic disqualification of BOD members that miss three consecutive meetings in a row.

#### **SEPTEMBER 30, 2014**

On September 30, 2014, the BOD voted to adopt a Duty of Loyalty resolution. (Section 13, Attachment No. 33.) The BOD also voted to adopt the 2015 Strategic Priorities, previously referenced in this document in response to Question 3 of this report. These 2015 Strategic Priorities were further amended at later BOD meetings. The BOD also voted to authorize General Counsel and the CEO to develop contracts as needed in negotiations with candidates for a Director of Communications and Outreach position.

#### **OCTOBER 1, 2014**

At the October 1, 2014 meeting, the BOD delegated authority to the Chair and General Counsel to explore, develop, and enter into an employment contract with CEO, Ahmos Netanel.

The BOD also decided to institute the following Standard Operating Procedure: When a change affecting the policies and procedures of the organization, or the qualifications or requirements for certificate holders, is suggested by a staff or BOD member, staff is required to include the information described below in the BOD packet to ensure BOD members are well prepared to discuss and vote on the issue. If a BOD member is

making the policy change request, staff may delegate the responsibility of information gathering to the BOD member.

Information provided to the BOD shall include:

- The language of the current policy and when the policy was adopted.
- A short description of why the policy should be changed.
- The language of related statutes that may have an impact on the decision.
- The fiscal impact the proposed change may have on CAMTC and certificate holders and applicants.
- Potential pros and cons if the new policy is adopted.
- The impact on current certificate holders and applicants.
- A suggested date for the change to be implemented.

The BOD further decided that the following change be implemented: When the BOD changes certification requirements or any policy directly impacting certificate holders or applicants, staff will update all relevant areas of the CAMTC website and email all certificate holders and/or applicants within 14 days after the BOD's decision. Any changes to certification requirements shall include a 90-day notification period prior to implementation, unless there is a concern for public safety or a date is otherwise specified in the motion.

The BOD also instructed staff to post approved open session minutes on the website within 14 days of the BOD meeting in which they are approved.

#### **DECEMBER 11, 2014**

At the December 11, 2014 BOD meeting, the BOD made the following significant decisions:

- Approval of the CEO's employment contract through December 31, 2019;
- Approval of amendments to Procedures for Un-Approval of Schools, which harmonize these Procedures with the proposed Procedures for Approval of

Schools, so that it is clearly defined what the Procedures are for denial of an application for school approval or un-approval of a school that has been approved by CAMTC pursuant to the School Approval Procedures, (Section 13, Attachment 22.a.);

- Approval of amendments to the Procedures for Denial of Certification or Discipline/Revocation, effective January 1, 2015, which modify the Procedures to match the changes made in AB 1147 related to denials and discipline. (Section 13, Attachment 20.a.);
- Approval of amendments to the Criteria for Proof of Rehabilitation, effective January 1, 2015, which better inform applicants and certificate holders about relevant factors considered in relation to rehabilitation (Section 13, Attachment 21.);
- Adoption of the following water based modalities as water based modalities approved by CAMTC, so that swim wear may be worn when providing them or while visible to clients in a massage establishment:
  - Watsu Massage;
  - Vichy Showers;
  - Hydrotherapy;
  - Swiss Showers;
  - Scotch Hose;
  - Body Scrubs; and
  - Body Wraps.
- As of December 15, 2014, the BOD may treat applicants with education from schools that have lost BPPE approval, or been denied BPPE approval, as applicants from closed schools, and impose the policies and procedures related to closed schools, as long as the school's denial or loss of BPPE approval was not disciplinary in nature;
- As of January 1, 2015, the definition of schools "approved by the Council" shall mean the definition of an "approved school" as stated in Business and Professions Code section 4601(a);

- As of February 1, 2015, CAMTC's approved exams are the MBLEx, the BCTMB, and the two NCB exams, if the NCB exams were taken prior to February 1, 2015; and
- Change the listing of certificate holder's address on both the public and local agency websites as the city/ address of primary work location, instead of residence (which is currently what is listed).

## **FEBRUARY 17, 2015**

At the February 17, 2015, BOD meeting, the BOD made the following significant decisions:

- It amended the 2015 Strategic Priorities to focus on local government, certificate holders, swift discipline, school approvals, MOU with BPPE, and Foreign Language; and
- It adopted the first version of the Policies and Procedures for Approval of Schools. (Section 13, Attachment 15.a.)

## **MARCH 26, 2015**

At the March 26, 2015 BOD meeting, the BOD made the following significant decisions:

- Approval of the proposed amendments to the Procedures for Approval of Schools, which amended the provisions related to denial of an application and discipline of a CAMTC approved school (Section 13, Attachment 15.b.);
- Changes to the re-certification protocol as follows:
  - CAMTC to email and mail notifications to certificate holders to begin the re-certification process 90 days before expiration; and
  - Add a notice that only re-certifications that are received and approved at least 30 days before expiration, with no background issues, will have a new certificate and ID card by date of expiration;
- Approved amendments to Employee Handbook to comply with 2015 changes in California Labor Law; and
- Approved amendments to the 2015 Strategic Priorities, which added establishment of Enforcement Performance Measures to the list of priorities.

## **JUNE 11, 2015**

At the June 11, 2015, BOD meeting, the BOD made the following significant decisions:

- The BOD approved proposed amendments to the 2015 Strategic Priorities, which added strengthening collaboration with Law Enforcement as an additional priority;
- The BOD approved the Mary Magdalene Project and the San Mateo County Health Department as appointing entities for appointments to the new CAMTC BOD;
- The BOD approved the proposed amendments to the Procedures for Approval of Schools. These amendments revised the provisions related to denial of applications and the imposition of discipline against approved schools (Section 13, Attachment 15. c.);
- The BOD approved the amendments to the Denial Procedures, which provides that when the BOD un-approves a school, it shall also propose to deny applicants with education from that school at the same time. (Section 13, Attachment 20.b.); and
- The BOD approved strategic priorities for 2016, which are as follows:
  - Continue CAMTC as a private, nonprofit organization administering voluntary massage certification programs.
  - In preparation for sunset review, to 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.
  - Continue to educate the public about the importance of positive massage as it relates to protecting the public.

## **September 14, 2015**

At the September 14, 2015, BOD meeting, the BOD made the following significant decisions:

- The BOD approved amendments to the Articles of Incorporation and Bylaws in order to match these documents with the provisions of AB 1147, specifically BOD composition plus a few other amendments that were recommended as clean-up items (Section 13, Attachments 32. and 18.b.) (please also see response to Question 3 for a further discussion of these changes);
- Approved amendments to the Procedures for Un-Approval of Schools, adding as a basis for denial or discipline failure to meet the definition of an approved school in Business and Professions Code section 4601(a) (Section 13, Attachment 22.b.); and
- Approved adding language to future agendas that allows the public to suggest agenda items for future agendas.

## **September 15, 2015**

At the September 15, 2015, BOD meeting, the BOD made the following significant decisions:

- The new BOD members were seated and the BOD elected three additional members per statute:
  - Shana Faber – Licensed City Attorney
  - Michael Marylander – Massage Business Owner
  - Mike Callagy – Public Protection Seat;
- The BOD amended the 2015 Strategic Priorities, Priority #2, by adding after “Strengthen the collaboration with local law enforcement” the phrase “and other enforcement agencies.”
- The BOD authorized the CEO to create a preliminary budget without allocating funds to Strategic Priority #3 from the 2016 Strategic Priorities, which was: “Continue to educate the public about the importance of positive massage as it relates to protecting the public.”





**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## Section 10 Action and Response to Prior Sunset Issues

## ***Action and Response to Prior Sunset Issues***

Include the following:

1. Background information concerning the issue as it pertains to the CAMTC.
2. Short discussion of recommendations made by the Committees/Joint Committee during prior Sunset review.
3. What action the CAMTC took in response to the recommendation or findings made under prior Sunset review.
4. Any recommendations the CAMTC has for dealing with the issue, if appropriate.

During the prior Sunset review, twenty issues were raised, each of will be addressed here in turn. In most cases, CAMTC believes that these issues were properly addressed during the prior Sunset review and no further action is needed at this time. CAMTC therefore will only be providing a recommendation for dealing with a specific issue when it is appropriate.

**ISSUE #1:** (RESERVES: LONG TERM FUND CONDITION.) Should CAMTC be statutorily required to maintain a specific reserve?

**Staff Recommendation:** *While there is no current indication of financial difficulty, the Committees may wish to discuss whether or not CAMTC should be required by statute to maintain a minimum operating fund reserve, such as 3 or 6 months, similar to other Boards, Bureaus and Committees under the jurisdiction of the DCA.*

**Action:** During the last Sunset period, the legislature did not impose a minimum operating fund reserve. CAMTC agrees with this decision. CAMTC does not believe that there needs to be a statutory requirement to maintain a minimum monetary reserve. CAMTC needs to have the financial flexibility to roll out new programs without having to unnecessarily raise fees. CAMTC receives funds in a cyclical manner due to the cycle of re-certifications and payment of fees for the two-year certification period. CAMTC

would not want to be in the position where it would have to raise fees in order to address a dip in its funding to satisfy a statutory minimum requirement, when that dip is based merely on the cycle of fee payments. The Board has demonstrated a high level of fiscal acumen and it is important to give CAMTC the flexibility to have appropriate reserves at different times for different purposes.

**ISSUE #2: (LIMITS ON FEES.) Should the application and re-certification fees be capped in statute?**

**Staff Recommendation:** *The Committees may wish to discuss whether or not a statutory cap on certification and re-certification fees would help provide greater fee certainty for the profession in the future. In addition, CAMTC should update the Committees as to its standards, processes, and its calculation of the reasonable costs of certification and re-certification in order to ensure that fees are as low as is reasonably possible.*

**Action:** AB 1147 addressed this issue and capped the certification and re-certification fees at \$300 for a two-year certification period. (Bus. & Prof. Code §4602(i).) The fee for certification and re-certification has remained unchanged since inception. It is \$150 for two years (\$75 a year). AB 1147 also generally provided for 90-day advanced notice prior to a meeting of the Board where a vote to increase the fee will take place. (Bus. & Prof. Code §4602(k).) AB 1147 further provided that after any approval for an increase in certification fees, within 14 days of the Board's action, CAMTC must notify all certificate holders and affected applicants by email of the fee increase. (Bus. & Prof. Code §4602(l).)

**ISSUE #3: (FEE WAIVERS FOR ORAL HEARINGS.) Should CAMTC continue the practice of granting indigent fee waivers for oral hearings?**

**Staff Recommendation:** *The Committees may wish to discuss whether or not charging a fee for due process procedures is appropriate, and if so, how the fee amounts compare with other Boards and Bureaus under DCA.*

**Action:** During the prior Sunset period, the legislature did not require changes to CAMTC's policy of charging fees for oral telephonic hearings and consideration of written statements, and the granting of fee waivers to indigent individuals. CAMTC agrees with this decision.

CAMTC fees for hearings are analogous to court filing fees. They are meant to cover a portion of the administrative costs for oral hearings and consideration of written statements. CAMTC believes that it is a matter of fundamental fairness to impose these fees only on those individuals that require these services. Business and Professions Code section 4602(i) provides that CAMTC "shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties." CAMTC currently charges \$90 for consideration of a written statement and \$135 for an oral hearing. These fees have remained the same since September 13, 2012. The cost to actually provide these services greatly exceeds the fees charged. These fees are directly related to the costs to provide oral hearings and consideration of written statements, including the costs to provide the telephone conferencing service, payment for the Hearing Officers' time, staff time to communicate with applicants, certificate holders, and their representatives, and assemble and upload documents in relation to each specific case, staff attorney time, etc.

CAMTC is not a Board or Bureau, so it does not have the statutory authority to engage in cost recovery for actions against applicants and certificate holders, like those entities do. Additionally, it does not have the statutory authority to impose administrative fines. For example, the Board of Barbering and Cosmetology has the statutory authority to assess administrative fines up to a total amount of \$5,000. They also have the statutory authority to recover the reasonable costs of investigation and adjudication of a case, and do generally seek cost recovery. Without the ability to impose fines or engage in cost recovery, CAMTC believes that the imposition of a small administrative fee for oral hearings and consideration of written statements is appropriate and reasonable, and the fee itself is directly related to the costs of providing those services.

CAMTC currently grants fee waivers to indigent individuals based on proof of income, using the same financial limits that California Superior Courts do. (Please see Section

13, Attachment 19, for the form of CAMTC's fee waiver.) CAMTC believes that granting these fee waivers is a matter of fundamental fairness. CAMTC would not want an indigent individual to be unable to have an oral hearing or consideration of a written statement due to a documented inability to pay.

**ISSUE #4: (CERTIFICATION TIERS.) Should CAMTC phase out the Massage Practitioner Certification Tier? Should all applicants for certification be required to obtain 500 hours of education at one or more approved schools in addition to the passage of an examination? Is there a need to reinstate a 'grandfathering' provision for those already in practice?**

**Staff Recommendation:** *The Committees may wish to discuss the possibility of requiring a Certified Massage Therapist to obtain 100 hours of instruction in anatomy and physiology, contraindications, health and hygiene, and business ethics within the currently required 500 hours, as is currently required for Certified Massage Practitioners.*

*The Committees may also wish to consider removing the second-tier pathway for certification as a Certified Massage Practitioner beginning January 1, 2015, and instead require all applicants for certification to complete 500 hours of Board-approved education and training, in addition to the completion of a Board-approved national examination.*

*Additionally, CAMTC should update the Committees on any need to continue or reinstate a grandfathering provision for those massage therapists who have already been in practice but did not obtain certification prior to 2013.*

**Action:** AB 1147 addressed these issues. AB 1147 added the 100-hour requirement for core curriculum in anatomy and physiology, contraindications, health and hygiene, and business ethics to the 500-hour Massage Therapist certification tier and phased out the Massage Practitioner (250 hour) tier of certification for applications received on or after January 1, 2015. (Bus. & Prof. Code §§4604(a)(2)(A), 4604.1(a).)

CAMTC does not believe that there needs to be a grandfathering tier for applicants that have been in practice but have not yet obtained certification. CAMTC certification is voluntary, therefore massage providers may practice their profession without CAMTC certification. Additionally, CAMTC's grandfathering provisions expired in 2013. CAMTC has received very few contacts from individuals wishing to be grandfathered into certification. There is no need to reinstate this provision.

**ISSUE #5: (NATIONAL PRACTITIONER DATA BANK.) Should CAMTC be required to seek out additional background information on certification applicants?**

**Staff Recommendation:** *The Committees may wish to discuss requiring CAMTC to query the NPDB as part of its vetting of applicants for certification. In addition, when the national MTLT is operational, the Committees may wish to consider requiring CAMTC to query the MTLT for applicants for certification as well.*

**Action:** During the prior Sunset period, the legislature did not require CAMTC to query the National Practitioner Data Bank (“NPDB”). CAMTC agrees with this decision. Only licensed health care providers are required to report to the NPDB. Because the NPDB is limited to licensed health care providers, and most states don’t consider massage providers to be “licensed health care providers,” there is very little information in the NPDB related to massage providers. Even states, such as Missouri, which are mandated reporters to the NPDB (their law defines a massage provider as a health care provider), do not query the NPDB when reviewing applications for licensure as a massage professional. Additionally, it is very expensive to query the NPDB and CAMTC does not believe that it is appropriate to require applicants to pay for these queries when they are not likely to return relevant information.

CAMTC cannot currently address the issue of whether it should be required to query the national MTLT, since the national MTLT is still not operational at this time, and therefore the exact manner in which it will operate and the quality of the data it will provide is not known.

**ISSUE #6: (BUSINESS REGISTRATION.) Should CAMTC certify or regulate massage businesses or establishments?**

**Staff Recommendation:** *The Committees may wish to discuss the merits of registering massage businesses themselves, and may wish to inquire of CAMTC how it might implement a business registry, and what additional level of resources it might require, including fees for registrants.*

**Action:** This issue was addressed during the prior Sunset review. The Legislature decided not to provide CAMTC with the statutory authority to register massage establishments during that review. Some cities and counties opposed the proposal to have CAMTC provide voluntary certification/registration of massage establishments. CAMTC agrees with and supports the Legislature's previous decision on this issue at this time. However, CAMTC is open to working with the Committee to explore this issue, should it wish to.

**ISSUE #7: (BUSINESS OWNER AND OPERATOR REGISTRATION.)** Should CAMTC certify or regulate massage business owners and/or operators?

**Staff Recommendation:** *The Committees may wish to consider establishing a certificate program for an owner or operator of a massage business, and requiring a certificated owner/operator at the establishment as a prerequisite for preemption. The Committees may also wish to inquire of CAMTC what level of education and training might be appropriate for an owner/operator certificate. Finally, the Committees may wish to clarify the ownership requirements related to the background check so that they apply to all non-owner operators.*

**Action:** This issue was addressed during the prior Sunset review. The Legislature decided not to provide CAMTC with the statutory authority to certify massage business owners and/or operators during that review. Some cities and counties opposed the proposal to have CAMTC provide voluntary certification of massage business owners and/or operators. CAMTC agrees with and supports the Legislature's previous decision on this issue at this time. However, CAMTC is open to working with the Committee to explore this issue, should it wish to.

**ISSUE #8: (CERTIFICATE FRAUD).** How does CAMTC prevent the creation of fraudulent certificates? What steps does CAMTC take to ensure the integrity of legitimate certificates and identification cards?

**Staff Recommendation:** *CAMTC should update the Committees as to how it ensures the safety and integrity of the certification process and the certification material, including identification cards. In addition, the Committees may wish to inquire of CAMTC as to whether or not current penalties for forgery or fraud are sufficient to deter wrongdoing.*



**Action:** During the prior Sunset period, the legislature did not change the penalties for forgery or fraud. CAMTC does not believe that any change to address these issues is necessary.

CAMTC takes great efforts to ensure that its certificates and ID cards cannot be easily duplicated. Certificates are created using a special proprietary ink that looks significantly different if it is copied. Additionally, all certificates have a distinctive watermark that would not appear on a copy. Special proprietary colored paper with a distinctive background design is also used for original certificates. These features ensure that color copies will not look the same as originals. CAMTC ID cards also have a special watermark and are printed on a distinctive special grade of plastic. CAMTC ensures the safety of the certificate and ID card materials by keeping all of the supplies in a locked cabinet behind two locked doors, with two video cameras recording the entrance to the room and any activity taking place in the room 24 hours a day, seven days a week. Only the supervisor and the Operations Manager have keys to the door to the locked room and the locked cabinet. The printer and assistant printer are the only staff people who know how to print the certificates and ID cards, and are the only staff people who print the certificates and ID cards.

CAMTC staff has seen very few instances of fraudulent certificates or ID cards. For the ones they have seen, the fact that the certificates or ID cards were fraudulent was readily apparent. The fact that status as a certificate holder can be verified online helps to curtail this potential problem.

**ISSUE #9: (APPLICANTS WITH BACKGROUND ISSUES.)** What is the current processing time for applicants with criminal records or background check issues? How does CAMTC ensure that applicants with background issues are qualified for certification?

**Staff Recommendation:** *CAMTC should clarify for the Committees its policies and procedures for reviewing criminal and background cases and clearly identify the criteria for granting, denying or revoking certification for individuals with background and criminal issues. In addition, CAMTC should update the Committees as to where the Professional Standards Division is physically located and how it conducts its operations.*



**Action:** Please see responses to Questions 32 and 49, Table 6, of the Sunset report and Section 13, Attachment 20.b. for this information.

**ISSUE #10: (APPLICATION PROCESSING AND LOCAL GOVERNMENT PARTICIPATION.)** CAMTC relies on background reports and notifications from local law enforcement and local government agencies as part of the application process. Is CAMTC receiving the necessary information in a timely manner? Is there an undue delay in application processing times? How can information sharing be improved?

**Staff Recommendation:** *The Committees may wish to inquire of CAMTC as to what efforts it has made to improve its information collection from local governments. CAMTC should update the Committees about its procedures for tracking its effectiveness in communications with local government, and explain its plans, if any, to collect better data on the effectiveness of those communications. It should also address which local entities with large numbers of applicants have been the most, and the least, responsive to its inquiries. The Committees may also wish to inquire of representatives from local government and law enforcement as to the effect of CAMTC's outreach efforts, and what kinds of information local jurisdictions need most from CAMTC. Finally, the Committees may wish to inquire of all parties how information sharing between CAMTC and local agencies can be improved.*

**Action:** Please see response to Question 16 and Question 31 – Performance Barriers of this Sunset report for this information.

**ISSUE #11: (CERTIFICATE REOVCATION, SUSPENSION OR DENIAL).** CAMTC has broad authority to deny an applicant and revoke or suspend a certificate. What is CAMTC's process for denying, suspending or revoking an application or certification of someone who has received serious administrative or civil violations? Why are the Board's enforcement timeframes increasing? Should CAMTC have a goal to complete the enforcement process? Does CAMTC have reason to believe there are substantial numbers of certificate holders with unknown or unidentified background issues?

**Staff Recommendation:** *The Committees may wish to inquire of stakeholders how best to expand the legal authorization for local government and law enforcement, including the addition of CAMTC to the CADOJ's Authorized Agency list if need be, to share arrest*

*information or declarations of misconduct by certificate holders or applicants in order to expedite CAMTC's disciplinary and review process.*

*The Committees may also wish to discuss expanding the definition of unprofessional conduct to include behaviors such as gender discrimination in accepting clients and advertising in "adult" media or sexually explicit forums.*

*The Committees may also wish to explore requiring CAMTC to abide by a designated timeframe for completing enforcement actions.*

**Action:** Many of these issues have been addressed by AB 1147. The definition for unprofessional conduct was expanded in Business and Professions Code section 4609 and additional conduct based violations were added. As discussed during the last Sunset review, the CA DOJ's "Authorized Agency" list is no longer maintained by that agency, and has not been maintained since 2009, so CAMTC cannot be added to this defunct list. During the last Sunset review, the Legislature did not require the imposition of enforcement timelines, and CAMTC agrees with this decision. Additionally, please see section 5 of the Sunset report and Tables 9.a. – 9.d. for this information.

**ISSUE #12: (WEB SITE CONTENT.) How can CAMTC provide more information to practitioners and the public via its web site?**

**Staff Recommendation:** *CAMTC should immediately update its list of Approved examinations and past meeting minutes on its Web site. Additionally, CAMTC should add biographical and appointment related data for its Board members to its Web site, or explain to the Committees why it does not. CAMTC should also post online a fuller explanation of its operational procedures.*

**Action:** CAMTC lists and has listed CAMTC approved exams and meeting minutes on its website. The list of approved exams can be found at <https://www.camtc.org/FormDownloads/CAMTCApplicationFlatForm.pdf> (Question 22 on the Application) and meeting minutes can be found at <https://www.camtc.org/Meetings.aspx> (please click on each month to find the approved meeting minutes from that month). In April of 2014, CAMTC's Board voted to add

biographical and appointment related data for its Board members to its website. This information can be found at: <https://www.camtc.org/Board.aspx>

**ISSUE #13: (WEBCASTING BOARD MEETINGS.) Should CAMTC make its Board meetings available on the Internet?**

**Staff Recommendation:** *The Committees may wish to explore requiring CAMTC to record or webcast its meetings to increase transparency and ensure that stakeholders, schools, law enforcement, and local government entities across the State are able to view and participate in Board meetings. All approved meeting minutes should be posted to CAMTC's Web site to ensure that all recorded votes and meeting information is accessible and identifiable to the general public.*

**Action:** During the past Sunset review, the legislature did not require CAMTC to webcast its meetings. CAMTC agrees with this decision. Staff has looked into the cost to webcast meetings and it is prohibitively expensive. CAMTC does not want to have to increase fees to cover these additional costs.

CAMTC currently audio records its meetings and posts those recordings to its website. The audio recordings of CAMTC Board meetings can be found at <https://www.camtc.org/Meetings.aspx>. CAMTC's Board meetings are open to the public; agendas, dates and location of meetings are posted on the website at least ten days in advance; there is always an opportunity for public comment at meetings; and meeting minutes and votes on issues are posted on its website.

**ISSUE #14: (CUSTOMER SATISFACTION SURVEYS.) What are CAMTC's plans for an effective customer satisfaction survey?**

**Staff Recommendation:** *CAMTC should update the Committees on its plan to utilize customer satisfaction surveys beyond 2014 and explain how the survey will be conducted and how the outcomes will be assessed. More importantly, CAMTC should explain to the Committees its understanding of who their "customers" are, and discuss whether stakeholders such as local governments or law enforcement would be included in those surveys.*

**Action:** CAMTC is funded only by payments from applicants and certificate holders, so

technically they are our customers. CAMTC has requested feedback from certificate holders regarding the new law – please see Section 13, Attachment 13 of this Sunset report, which was emailed to each certificate holder. The results of this request will be shared with the Legislature when they have been compiled. CAMTC has received more than 700 responses to this request. Additionally, CAMTC will be sending out a general survey by the end of the year. CAMTC’s mission is to protect the public by vetting massage professionals pursuant to state law. CAMTC also considers local government, schools, law enforcement, business owners and others as our stakeholders. Their input is important to us and information from these parties comes into CAMTC in a different way. Our primary focus has been to protect the public; for this reason we have conducted a survey of those posting complaints on our complaint link. Please see the response to Question 7 in this Sunset Report.

**ISSUE #15: (SALARY STANDARDS.) What are CAMTC's salary standards for staff? How does CAMTC's salary standards compare to other boards, bureaus and committees under the purview of the DCA? How can CAMTC's salary standards be more transparent?**

***Staff Recommendation:*** *CAMTC should provide aggregate compensation totals (salary and bonuses) for its entire staff, as well as breakdowns for benefits including health care and retirement, and explain its guidelines for awarding bonuses. CAMTC should explain why it has a COO position listed but not filled, and how that situation impacts the work of the CEO. It should also provide a more detailed accounting of its payments for legal fees and contracting with AMG.*

**Action:** This issue was addressed during the previous Sunset review. Additionally, please see the response to Question 14 of the Sunset report. For purposes of transparency, compensation policies are posted on our website at <https://www.camtc.org/Compensation.aspx>

The COO originally hired by CAMTC resigned and the CEO has been able to successfully integrate the COO’s duties into his workload. That is why the COO position has not been filled. It has been more cost effective so far to have the CEO take on the COO’s duties.

CAMTC is unusual in that it has both its own employees and a contract management firm (AMG) that provides services. CAMTC employees hold all executive positions (CEO, Director of Governmental Affairs, Director of PSD, and Director of ESD), and generally administer the denial and disciplinary program against individuals (PSD, Hearing Officers, and Legal Department) and administer the program related to the approval and un-approval of schools (ESD).

AMG generally provides administrative services. AMG administers the day-to-day operations of the program, such as: processing applications for certification, re-certification and school approvals; processing payments; providing telephonic and email customer support; maintaining the database and documents; and printing and issuing certificates and ID cards. AMG also employs staff that provides administrative support to the PSD and ESD. For more information about AMG, please see section 3, response to question 14 of the Sunset Report.

Additionally, CAMTC works with an outside law firm, Jill S. England, Attorney at Law, that provides General Counsel services, Special Counsel services, and specialized legal services related to other matters such as zoning and land use issues.

Approximately 90% of the legal fees paid to the outside law firm is for denial and disciplinary work such as: applicant denials; complaints; certificate suspensions, revocations and other discipline; representing CAMTC in civil litigation; responding to subpoenas and document requests; and school issues. The outside law firm bills monthly on an hourly basis. CAMTC also employs three staff attorneys and three paralegals that work exclusively on denial and disciplinary matters against individuals and schools under the direction of outside counsel. Please see the Organization Chart for 2015 for the division of tasks. (Section 13, Attachments 27.a. and 27.b.)

**ISSUE #16: (SCHOOL APPROVAL.) Should CAMTC more thoroughly investigate schools prior to granting approval, and if so, what standards should it use? Is CAMTC fully using its existing authority to approve schools, or does its authority need to be expanded or clarified?**

**Staff Recommendation:** *The Committees may wish to inquire of CAMTC as to why it has chosen to engage in a complaint-driven form of school review rather than a proactive and more complete approval process. If CAMTC were given more explicit direction to proactively review and approve massage schools, it should provide a forecast of the additional time and staff requirements needed to develop more robust standards and inspect all relevant schools.*

*Additionally, CAMTC should update the Committees on its current working relationship with BPPE and any active efforts to improve coordination. The Committees may wish to explore amending current statute to clarify that the approval of a school by BPPE is contingent upon approval of a program by CAMTC.*

**Action:** This issue was addressed by AB 1147. In 2015, CAMTC began the process of proactively approving schools. Please see response to Questions 24 through 27 of the Sunset report for more detail on this issue.

**ISSUE #17: (BOARD MEMBER COMPOSITION AND STANDING COMMITTEES.)**  
**Should CAMTC change the composition or structure of its Board, or impose additional requirements on members?**

**Staff Recommendation:** *The Committees may wish to discuss the merits of restructuring CAMTC's Board to more closely reflect other healing arts boards under the jurisdiction of DCA in the following ways: reducing the total number of Board members to 15 or less; placing the appointment powers with the Governor, the Speaker of the Assembly, the Speaker Pro Tempore or the Senate Rules Committee; requiring a substantial number or even a majority of public members; instituting rigorous Board member training; requiring local government and law enforcement representatives among the Board members; and imposing a California residency requirement on all Board members.*

*In addition, given the high level of interest from local governments and law enforcement in the regulation of the massage therapy industry, as well as questions about the effectiveness of communications between CAMTC and those stakeholders, the Committees may wish to consider requiring the creation of a local government or law enforcement advisory committee to help ensure proper communications between the Board and stakeholders.*

**Action:** AB 1147 changed the composition of CAMTC's Board as of noon on September 15, 2015. (Bus. & Prof. Code §4602(g).) Due to the significant changes in



Board composition, there is a much higher percentage of representatives from local government/ law enforcement on the new Board. Given this change, there no longer appears to be a need for a local government/ law enforcement advisory committee.

**ISSUE #18: (Metrics and Data Collection.) How can CAMTC improve its performance measures for data collection and reporting?**

**Staff Recommendation:** *CAMTC should update the Committees on how it intends to develop and maintain better performance metrics for the collection and dissemination of information about applicants and certificate holders, and its communications with key stakeholders such as local governments.*

**Action:** AB 1147 addressed this issue. Business and Professions Code section 4620 specifically requests very detailed information in relation to denials, discipline, complaints, and suspensions. CAMTC is also in the process of getting a new database that will allow it to more easily track, provide, and analyze the requested information. Additionally, please see response to Question 56 of the Sunset report.

**ISSUE #19: (PREEMPTION & PRACTICE RIGHTS.) Should the preemption of local control granted in statute to massage businesses using only CAMTC-certified professionals be revised in order to strike a better balance between the needs of the massage profession for fairness and certainty, and the needs of local governments for autonomy and effective tools to fight crime?**

**Staff Recommendation:** *The Committees may wish to discuss how the preemption language might be revised in order to return a greater degree of control to local governments in regulating massage businesses while maintaining the integrity of the statewide certification process and ensuring that massage professionals do not face undue burdens or discrimination in their practices.*

**Action:** AB 1147 addressed this issue. The previous “pre-emption” language in the statute was significantly revised and the authority to regulate massage businesses that only use CAMTC certified individuals to provide massage for compensation was removed from the law and returned to cities and counties with some exceptions in

Government Code section 51034 and Business and Professions Code section 460. However, CAMTC has been receiving numerous reports from sole practitioners that the statutory changes in AB 1147 have been applied and interpreted by cities and counties in a manner that is harming them.

**ISSUE #20: (CONTINUED REGULATION BY CAMTC.)** Can CAMTC continue to effectively fulfill its mission of certifying massage professionals in California? Will CAMTC be able to fulfill its mission if new requirements, such as more frequent or thorough school inspections, are imposed? Given the previously noted suggestions for reform, should CAMTC be dissolved and the industry deregulated, should its responsibilities be transferred to a new board or bureau created under the purview of the DCA, or should CAMTC be permitted to continue operating in its current form?

**Staff Recommendation:** *The Committees may wish to discuss the relative merits of continuing the nonprofit model of regulation, deregulating the industry completely, or transitioning to a board or bureau overseen by DCA. Of course, the creation of a new board or bureau should be done only with the agreement of the Governor's Administration. If it is determined that the current nonprofit model remains desirable, CAMTC should be continued with a two-year extension of its sunset date so that the Legislature may review its progress in addressing the identified issues of concern.*

*The Committees may also wish to request that CAMTC provide it with an updated briefing to explain how it might implement the above recommendations, including expanded school inspection and approval, including estimates of both additional cost and time.*

**Action:** During the prior Sunset review, the legislature addressed this issue and decided that CAMTC should be allowed to continue to operate in its current form. CAMTC agrees with this decision. AB 1147 also addressed this issue and both significantly revised CAMTC's statute and provided for a two-year extension of the Sunset date. It also requested a "feasibility study of licensure for the massage profession, including a proposed scope of practice, legitimate techniques of massage, and related statutory recommendations." (Bus. & Prof. Code §4620(a)(1).) In accordance with the statute, this document will be provided to the Legislature on or before June 1, 2016.



In relation to CAMTC's new Educational Standards Division, which is actively approving schools for CAMTC certification, please see response to Questions 24 through 27 of the Sunset report.

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## Section 11 New Issues

## ***New Issues***

**This is the opportunity for the CAMTC to inform the Committees of solutions to issues identified by the CAMTC and by the Committees. Provide a short description of each of the outstanding issues, and the CAMTC's recommendation for action that could be taken by the CAMTC or by the Legislature to resolve these issues (i.e. policy direction, budget changes, and legislative changes) for each of the following:**

- 1. Issues that were raised under prior Sunset Review that have not been addressed.**
- 2. New issues that are identified by the CAMTC in this report.**
- 3. New issues not previously discussed in this report.**
- 4. New issues raised by the Committees.**

AB 1147's statutory changes became effective on January 1, 2015, less than a year ago. AB1147 completely re-wrote CAMTC's law and there has not yet been enough time for CAMTC to determine the true impact of all of the statutory changes. At this point in time, CAMTC is hard at work implementing the recent statutory changes and determining their impact and does not believe that any additional issues need to be addressed, aside from the minor technical issues raised in response to Question 58, and a five year extension of the Sunset date.



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## Section 12 CAMTC Specific Issues

- Professional Standards Division
- Examples of Effective Local  
Massage Regulation

### ***Professional Standards Division***

**Discuss the Professional Standards Division's oral hearing processes and procedures and the extent to which it was used, the outcomes of those who participate, the overall costs of the program compared with its successes.**

#### **Applicant Denials and Certificate Holder Discipline**

The hearing process is the same for both applicants and certificate holders. As previously discussed in the response to Question 32 of this report, PSD's process is to review applicants for certification and re-certification and certificate holders and make proposed denial and disciplinary decisions. The hearing process is implemented by the Legal Department. (Section 13, Attachments 25, 27.a., and 27.b.)

In accordance with the Massage Therapy Act and the Denial Procedures, when PSD makes a proposed decision to deny an applicant or discipline a certificate holder, a letter must be sent to that individual notifying them that CAMTC is proposing to take action against them and identifying the legal and factual basis for the proposed denial or disciplinary action. (Section 13, Attachment 28.) This letter identifies the Denial Procedures provisions that the PSD believes have been violated. Applicants and certificate holders are sent to the Legal Department so that this letter can be drafted. Accompanying every letter is a copy of the operative Denial Procedures. (Section 13, Attachment 20.b.) If the proposed denial or discipline is based on a declaration, that declaration(s) is also sent to the applicant or certificate holder. It is important to note that at this point, the action is only proposed. Before action is actually taken against an individual, they are given notice and the opportunity to be heard.

In the letter sent to the applicant or certificate holder proposing to take action against them, the individual is notified that they have:

- the right to request, in writing (email preferred), an oral telephonic hearing or consideration of a written statement (their choice);

- the date of the hearing (approximately 30 days from the date the letter is mailed, though the law only requires 15 days);
- the effective date of the denial or discipline (generally 21 days from the date of the hearing, though the law only requires 5 days);
- the last day to request a fee waiver;
- the last day to request an oral hearing or consideration of a written statement;
- the last day to submit documents; and
- the last day to pay the hearing fee and the amount of the hearing fee (\$90 for consideration of a written statement and \$135 for an oral hearing).

If the individual fails to respond to the letter, fails to timely request an oral hearing or consideration of a written statement in writing, or fails to pay the hearing fee in a timely manner they are automatically denied or disciplined on the effective date noted in the letter.

If an individual timely requests a hearing (oral telephonic or written) in writing, they are then scheduled for their hearing at a specific time slot on their hearing date (for example: 9:00 am, 10:00 am, etc.). Each person's matter is heard and considered by the Hearing Officers on their hearing date by telephone conference. To access the oral telephonic hearing, all individuals call into a conference line using a unique passcode for their hearing. The number of participants on each call is not limited, so multiple individuals (for example the certificate holder, their counsel, a translator, each Hearing Officer, etc.) may each call in individually from separate locations. CAMTC only requires that each person on the call identify himself or herself. Telephonic hearings are recorded by the telephone conference provider, and the recordings are kept for 30 days. Hearings are generally held on Thursdays.

Telephonic hearings are attended by at least one staff attorney, at least two Hearing Officers (though usually it is three), and one paralegal taking notes. The Hearing Officers are the individuals who make the decision to uphold the proposed denial or discipline, determine that the proposed denial or discipline not be imposed, or determine that other disciplinary measures are more appropriate. Decisions are required to be made by a majority, and there must be a minimum of two Hearing Officers to make a

decision in each particular case, though generally there are three or more Hearing Officers on each matter. Most decisions are unanimous. The Hearing Officers review and consider all of the evidence and documents related to each particular matter prior to the hearing date. Applicants and certificate holders are not limited by the number or type of documents, or any evidence that they may submit prior to a hearing; however the evidence submitted is given appropriate weight.

If a decision is made to approve an applicant, or take no action against a certificate holder, both the individual and AMG are notified of that decision. If a decision is made to uphold the proposed denial or discipline or impose a different discipline, the individual is sent a letter notifying them of that decision, the legal and factual basis of the denial or discipline, the final effective date of the denial or discipline, and the fact that they must wait two years from the effective date of denial or discipline before reapplying for certification. (Section 12, Attachment 29.) The decision at this point is final, and there is no further review through CAMTC.

### **Suspensions Based on Evidence (4610(g))**

Pursuant to Business and Professions Code section 4610(g)(2), if CAMTC suspends a certificate holder's certificate based on evidence, the certificate holder "has the right to request, in writing, a hearing to challenge the factual basis for the suspension." In this situation, "the hearing shall be held within 30 calendar days after receipt of the request." (Bus. and Prof. Code §4610(g)(2).) Certificate holders suspended under this provision are sent a letter notifying them of the suspension and the fact that they may request an oral telephonic hearing or consideration of a written statement. If a hearing is requested, the same process described above is followed. In the first nine months of 2015 CAMTC suspended 91 certificates under this provision. Of those 91 certificates suspended, 37 certificate holders requested hearings within that timeframe. Of those hearings, one case is pending, 4 suspensions were lifted, and 32 suspensions were upheld.

## **Overall Cost of Program Compared to its Success**

CAMTC's hearing process works very well and is quite cost effective. The Hearing Officers, staff attorneys, and paralegals each work from their own location and meet telephonically. Telephonic oral hearings and consideration of written statements allows CAMTC employees to work from different locations all over the state without the need to rent costly office space. It also benefits the organization by being able to hire highly qualified employees throughout the state of California without being limited to one geographic area. Before sending a proposed denial or proposed revocation/discipline letter, CAMTC makes sure that there is sufficient evidence (preponderance of the evidence) to take action against the individual. This results in a very high number of proposed denials and proposed certificate holder disciplines being upheld. (Please see Tables 9.a., 9.b., and 9.c.) Its process is simple, and provides for adequate due process while expending only necessary resources. CAMTC has dedicated staff attorneys, paralegals, and Hearing Officers that work exclusively on denial and disciplinary matters, which allows for an efficient process.

By all measures, CAMTC's program is quite successful. It is significantly out-performing its target averages for performance metrics. While its target average for PM4 - completion of formal discipline – which is measured for revocations/discipline from the date information is received which starts the action against a certificate holder to the date that the final decision letter notifying them of the outcome of their case is mailed - is 480 days, CAMTC is significantly out-performing this number. CAMTC's PM4 actual averages for the last two quarters were much lower, at 189 days and 117 days respectively. CAMTC's program is also economical, which can be attested to by the fact that it has not had to raise fees since inception in 2009.

### **1. What is the membership/makeup composition of the Professional Standards Division?**

As previously noted, for this discussion the Hearing Officers will be discussed separately from the other PSD employees. The PSD is staffed exclusively by CAMTC employees. PSD does not have "members." Those employees include the Division



Director, the Chief of Investigations, the Senior Investigator, two other investigators, and a background investigator. One part-time paralegal works exclusively on PSD matters and the Senior Paralegal splits her time between PSD matters, ESD matters, and Legal matters.

There are four Hearing Officers that work exclusively as hearing officers on matters related to individual certification (denial and discipline). The Hearing Officers are CAMTC employees. There are three paralegals, who are also CAMTC employees, that work on denial and disciplinary matters. The senior paralegal provides hearing support and data tracking services. Two other paralegals work exclusively on matters related to the denial and disciplinary process, including but not limited to the following: 1) scheduling hearings; 2) communicating with applicants, certificate holders, and their counsel; 3) finalizing and mailing letters; 4) gathering and tracking data; and 5) taking notes during oral hearings, consideration of oral hearings, and consideration of written statements. Additionally, two AMG employees (PSD liaisons) work exclusively on denial and disciplinary matters, including uploading documents and communicating with PSD employees. Three staff attorneys also work exclusively on denial and disciplinary matters.

## **2. How many meetings held in 2014 and 2015 through September of 2015.**

PSD holds telephonic meetings every Monday (or Tuesday if Monday is a holiday). Special meetings are added when needed to accommodate high volume. PSD also holds meetings to consider Minimal Review Cases at least once a month. It also holds meetings approximately once a month to consider non-actionable complaints. The Minimal Review Cases meetings and the Non-Actionable Complaint meetings are always held on the same day. In 2014 and through September of 2015 PSD meetings were held on the following dates:

## 2014 PSD Meeting Dates

2014 PSD Mtg Dates	2014 PSD Special Mtg Dates (to accommodate high volume)	2014 Minimal Case Review and Non-Actionable Complaint Mtg Dates
01/06/14	2/26/14	01/08/14
01/13/14	03/19/14	02/05/14
01/20/14	03/26/14	03/12/14
01/27/14	06/25/14	04/16/14
02/03/14		05/14/14
02/10/14		06/18/14
02/18/14		07/23/14
02/24/14		08/27/14
03/03/14		09/24/14
03/10/14		10/15/14
03/17/14		10/29/14
03/24/14		11/19/14
03/31/14		12/17/14
04/07/14		
04/14/14		
04/21/14		
04/28/14		
05/05/14		
05/12/14		
05/19/14		
05/27/14		
06/02/14		
06/09/14		
06/16/14		

06/23/14		
06/30/14		
07/07/14		
07/14/14		
07/21/14		
07/28/14		
08/04/14		
08/11/14		
08/18/14		
08/25/14		
09/02/14		
09/08/14		
09/15/14		
09/22/14		
09/29/14		
10/06/14		
10/13/14		
10/20/14		
10/27/14		
11/03/14		
11/10/14		
11/17/14		
11/24/14		
12/01/14		
12/08/14		
12/15/14		
12/22/14		
12/29/14		

**January 1, 2015 through September 30, 2015**

**PSD Meeting Dates**

2015 PSD Mtg Dates	2015 PSD Special Mtg Dates (to accommodate high volume)	2015 Minimal Case Review and Non-Actionable Complaint Mtg Dates
01/05/15	02/11/15	01/14/15
01/12/15		02/04/15
01/19/15		02/25/15
01/26/15		03/18/15
02/02/15		04/08/15
02/09/15		04/29/15
02/17/15		05/20/15
02/23/15		06/24/15
03/02/15		07/15/15
03/09/15		07/29/15
03/16/15		08/12/15
03/23/15		09/02/15
03/30/15		09/23/15
04/06/15		
04/13/15		
04/20/15		
04/27/15		
05/04/15		
05/11/15		
05/18/15		
05/26/15		
06/01/15		

06/08/15		
06/22/15		
06/29/15		
07/06/15		
07/13/15		
07/20/15		
07/27/15		
08/03/15		
08/10/15		
08/17/15		
08/24/15		
08/31/15		
09/08/15		
09/14/15		
09/21/15		
09/28/15		

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**3. Did the CAMTC have any difficulties with scheduling PSD meetings? If so, describe why and how the difficulties were addressed.**

The PSD did not have any difficulties with scheduling PSD meetings.

**4. How many cases (average) at each meeting?**

PSD averages review of 44 individuals at each regular Monday meeting, though the numbers go up and down depending on workload and recent complaints that need to be reviewed. PSD tries to limit individuals reviewed on Monday meetings to no more than 50 people per meeting, though in times of extreme volume these numbers are exceeded and have even gone as high as 75 people reviewed at a Monday meeting. On average, PSD reviews 63 individuals at each Minimal Review Cases meeting. It also averages approximately 13.5 complaints reviewed at each monthly Non-Actionable Complaints meeting. In 2014, PSD reviewed 1,648 applicants and 945 certificate holders, for a total of 2,593 individuals reviewed in that year, not including education only denials. In the first nine months of 2015, PSD reviewed 1,288 applicants and 724 certificate holders, for a total of 2,012 individuals reviewed, not including education only denials. (See Tables 9.a. and 9.b.)

**5. How many pending? Are there backlogs?**

As of September 25, 2015 there were 129 individuals waiting to be reviewed by PSD. This number is for applicants and certificate holders who will be initially considered either at a regular Monday meeting or a Wednesday Minimal Review Cases meeting. PSD's goal is to ensure that individuals are initially reviewed within 90 days of being sent to PSD by AMG. PSD is meeting this goal. Since 2014, CAMTC has been focusing on suspensions and discipline against certificate holders, and in accordance with the case prioritization policies previously discussed, certificate holders are receiving swift discipline. This can be seen by CAMTC's 2015 performance metrics numbers in relation to PM4. (Section 13, Attachment 1.) However, CAMTC is experiencing a backlog related to the completion of denial of applications. While denial

of applications is the lowest priority, CAMTC would like to process these cases in a faster timeframe, which is why it is proposing to hire an additional staff attorney.

#### **6. Provide statistics on PSD actions/outcomes.**

Please see Tables 9a., 9b., and 9c. for this data. Additionally, please see Table 11 below for combined data on the total number of hearings.

<b>Table 11. Oral Hearings/Consideration of Written Statements</b>		
	<b>2014</b>	<b>1/1/15 – 9/30/15</b>
Oral Hearings (All)	119	88
Written Statements (All)	124	73
Total of both combined per year	243	161

### ***Examples of Effective Local Massage Regulation***

**Please provide some examples of cities or counties that provide a good approach to abating illicit activities under the guise of massage while respecting the profession of therapeutic massage.**

Over time numerous cities and counties have been developing best practices in the effective regulation of massage establishments. There are a number of factors that may be considered in determining whether a city or county is effectively reducing the number of illicit so-called “massage” establishments while complying with the intent of the 2014 Massage Therapy Act. Business and Professions Code section 4600.5 (c) states:

It is the intent of the Legislature that local governments impose and enforce only reasonable and necessary fees and regulations, in keeping with the requirements of existing law and being mindful of the need to protect legitimate business owners and massage professionals, particularly sole providers, during the transition period after this act becomes law and thereafter for the sake of developing a healthy and vibrant local economy.

The following are three components that CAMTC observes in the most successful jurisdictions.

- First of all, and of most importance, is that the jurisdiction makes a commitment to adequate enforcement of their own municipal codes, as well as state laws relating both specifically to the profession, and to criminal violations in general.
- Second is having a well-constructed municipal code that maximizes the ability to discipline or close illicit establishments easily and cost effectively, using administrative citations or penal codes, with violators paying for enforcement through the imposition of fines. Many of the cities and counties with the most effective regulations have drafted them with input from the local community of massage therapists and business owners to minimize unintended consequences that harm the legitimate profession.
- The third factor that may influence the success of fair and effective local regulation of massage establishments depends on how dynamic the sharing of information with CAMTC is. Whether a city or county ordinance requires CAMTC certification is not as important as whether the jurisdiction commits to cooperation with CAMTC in terms of sharing police reports and citation/ municipal code violation information related to applicants and certificate holders. While Business and Professions Code section 4614 requires that CAMTC "shall" provide information concerning an applicant or a certificate holder upon the request of a local agency, these same local jurisdictions are authorized, but not mandated, to share information with CAMTC. While certainly the level of cooperation from local agencies has increased significantly with the implementation of AB 1147, not all jurisdictions have committed to robust systems for information sharing with CAMTC.

It should be noted that according to a study of California DOJ figures, since 2005 there has been a 28% reduction in the number of arrests for prostitution in California. (Please see full story here: <http://www.eastbayexpress.com/oakland/oakland-city-council-takes-stand-against-sex-workers/Content?oid=4563294&showFullText=true>.) Yet at the same time, the pressure from the public to abate a perceived proliferation of illicit



establishments has increased. With a frequent lack of arrests, filing of charges, and convictions for sexual crimes, CAMTC's authority to take action against applicants and certificate holders for conduct-based violations becomes even more important. Such evidence is most often obtained in the form of officer declarations, which can only be obtained with the cooperation of local law enforcement personnel.

### **San Mateo County**

San Mateo County, with a population of 747,373, has established a target of being the first urban county with no illicit massage establishments. In 2012, San Mateo County passed an ordinance requiring revocable registrations for massage establishments and amended it in 2014 to prohibit the opening, within one year, of a new massage establishment in the same location where one had been closed for illegal activity.

San Mateo County has encouraged all cities within the county to adopt similar ordinances. San Mateo County also conducts, at county expense, any hearings to close or otherwise discipline violating establishments. Thus far, only two cities within the county have not followed suit. Fees for the registration of massage establishments range from zero dollars to several hundred dollars for non-certified owners. Background checks are imposed on non-certified owners only. Health and safety inspections are charged at reasonable fees for cost recovery.

The County has closed 11 illicit establishments in the unincorporated county since 2012, most having been in operation for fifteen years or more. As the cities within the county have directed resources towards enforcement, they too are successfully abating illicit "parlors." The County has chosen not to use land use restrictions, such as making massage a conditional use, as a mechanism to achieve their goal. This may be the most welcoming county for the legitimate profession in terms of reasonable regulations and fees while reducing the number of problem establishments that harm both the profession and the community.

## **San Rafael**

San Rafael, population 57,713, was the first city to enact an ordinance with revocable registrations for massage establishments in 2010, shifting its enforcement program from criminal to civil administrative. However, the city did not have the resources for enforcement until it contracted with an outside firm for code enforcement in June of 2014. In 2015 the city extended the contract and updated its municipal code. After a brief and controversial moratorium, the city chose not to impose conditional use or distance limitations on massage establishments. The staff report made a strong case for why they rejected these alternatives, after a study of choices made by other cities and careful analysis of the options. (Section 12, Attachment 31.) For many years San Rafael has had a very engaged Massage Ordinance Advisory Committee (“MOAC”) of local massage therapists. As of this writing, San Rafael has also closed 11 illicit establishments and has one in suspended status. Annual fees range from \$62.50 per year for a certified sole proprietor to \$175 per year for a non-certified owner (\$350 the first year). Like San Mateo county and its cities, San Rafael has been very pro-active in sharing information with CAMTC and providing CAMTC with the evidence needed to suspend, deny, and discipline applicants and certificate holders.

## **Vacaville**

Vacaville, population 118,837, was one of the first cities to require certification in 2010, and this year updated their ordinance. Like San Rafael, city staff participated in the conference calls of CAMTC’s Public Policy and Local Government Committee in 2009-2011, which resulted in many of the policies and information sharing practices that CAMTC implemented from the start. So far the city has closed about 10 illicit establishments through diligent police work, robust information sharing, and an effective ordinance. This city is respectful and supportive of the role of professional massage in serving the public.

## **City of Fresno**

Fresno city has a population of 520,000. Their 2013 massage ordinance requires certification and a no fee registration of massage establishments. The code includes

adequate grounds for suspension and revocation of the registration certificate, and imposes fines for administrative citations ranging from \$1,000-\$2,000.

DRAFT



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## Section 13 Attachments

## Section 13 – Attachments

CAMTC is providing the following materials in relation to its program.

1. Disciplinary Performance Metrics for Second and Third Quarters of 2015.
2. Letter sent to California Police Chiefs Association on April 2, 2015, and enclosed Flyer regarding no-cost training.
3. Sample letter sent to Local Law Enforcement Officials on October 12, 2015.
4. Letter sent to California Police Chiefs' Association on October 21, 2015, and letter sent to California State Sheriffs' Association on October 22, 2015.
5. Sample letter sent to City Managers on January 16, 2015.
6. Email message sent to League of California Cities on January 23, 2015, and response.
7. Flyer for League of Cities Managers Meeting.
8. Proposal for League of Cities Spring Conference.
9. Proposal for League of Cities Annual Conference.
10. Sample letters sent to City and County Managers on October 26, 2015 (2).
11. Sample responses from City and County Managers (2).
12. Email message sent to California State Association of Counties on October 30, 2015.
13. Email message sent to all Certificate Holders requesting feedback on the Massage Therapy Act, sent October 8, 2015 through October 12, 2015.
14. Documents related to the new ESD and Proposed Policies and Procedures for School Approval.
  - a. Letter to Schools from Director of ESD, dated January 13, 2015.
  - b. Proposed Policies and Procedures for Approval of Schools.
  - c. Select Education Related Business and Professions Code Provisions.

15. Policies and Procedures for Approval of Schools.
  - a. Procedures approved on February 17, 2015.
  - b. Amended Procedures, approved on March 26, 2015.
  - c. Amended Procedures, approved on June 11, 2015.
16. Local Government handout regarding AB 1147.
17. Certificate Holder handout regarding AB 1147.
18. Bylaws.
  - a. Amended Bylaws, approved June 25, 2014.
  - b. Amended Bylaws, approved September 14, 2015.
19. Form for Hearing Fee Waiver Request for Indigent Individuals.
20. Procedures for Denial of Certification or Discipline/Revocation
  - a. Amended Procedures, approved December 11, 2014.
  - b. Amended Procedures, approved June 11, 2015.
21. Rehabilitation Criteria, amended version approved December 11, 2014.
22. Procedures for Un-Approval of Schools
  - a. Amended Procedures, approved December 11, 2014.
  - b. Amended Procedures, approved September 14, 2015.
23. Policy on Foreign Transcripts.
24. Letter to Schools from Director of ESD, sent on March 13, 2015.
25. PSD/Legal Flowchart.
26. Flowchart for Application Processing.
27. Organizational Charts.
  - a. 2014.
  - b. 2015.
28. Redacted Sample Proposed Revocation Letter.

29. Redacted Sample Final Decision Letter.
30. Consumer Outreach Brochure.
31. San Rafael Staff Report.
32. Amended Articles of Incorporation, approved September 14, 2015.
33. Duty of Loyalty Resolution, adopted on September 30, 2014.

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## 1. Disciplinary Performance Metrics for Second and Third Quarters of 2015.



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.

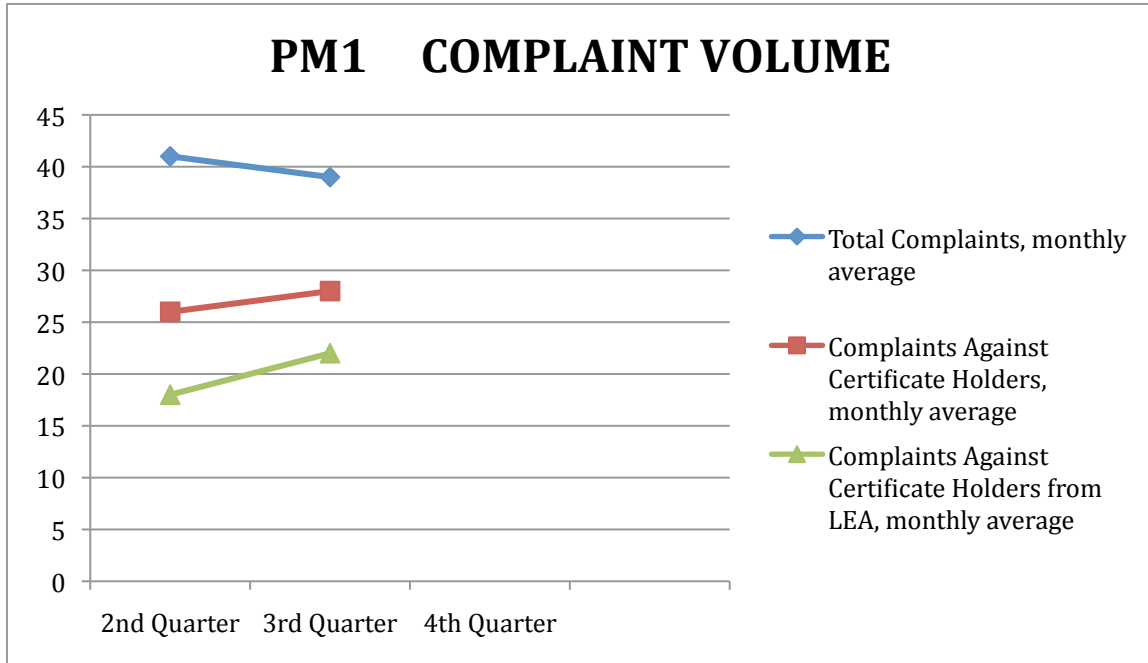
THIRD QUARTER 2015: 28 complaints received against Certificate Holders  
on average per month.

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.

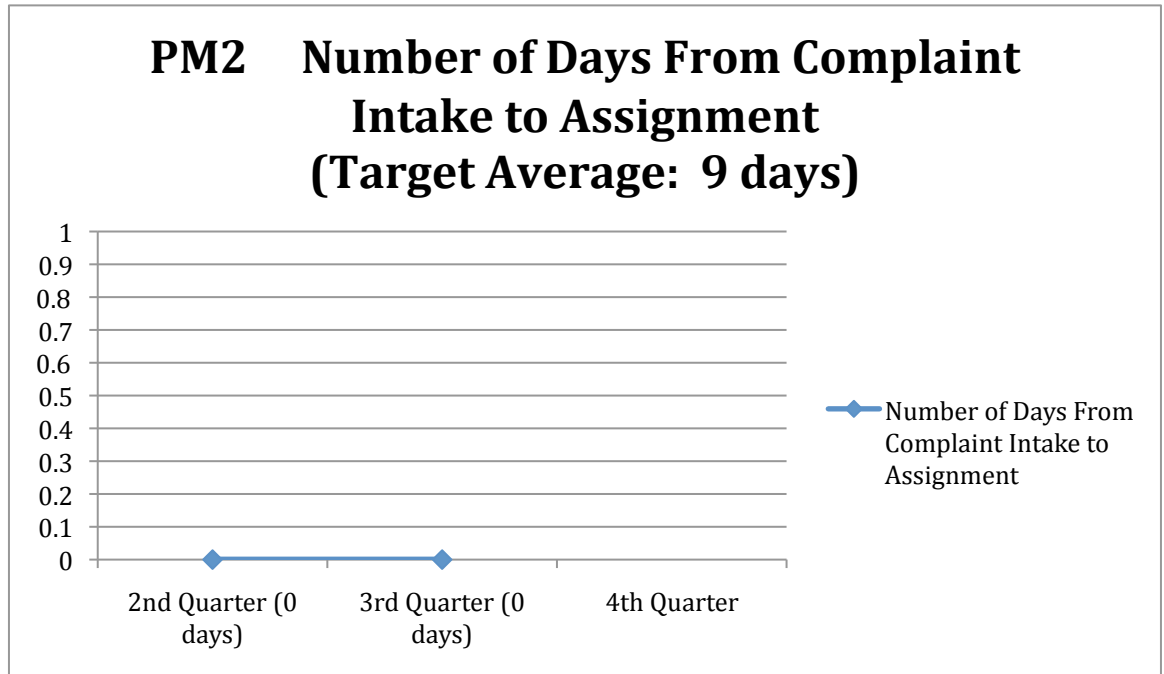


PM2 – INTAKE – ALL COMPLAINTS

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

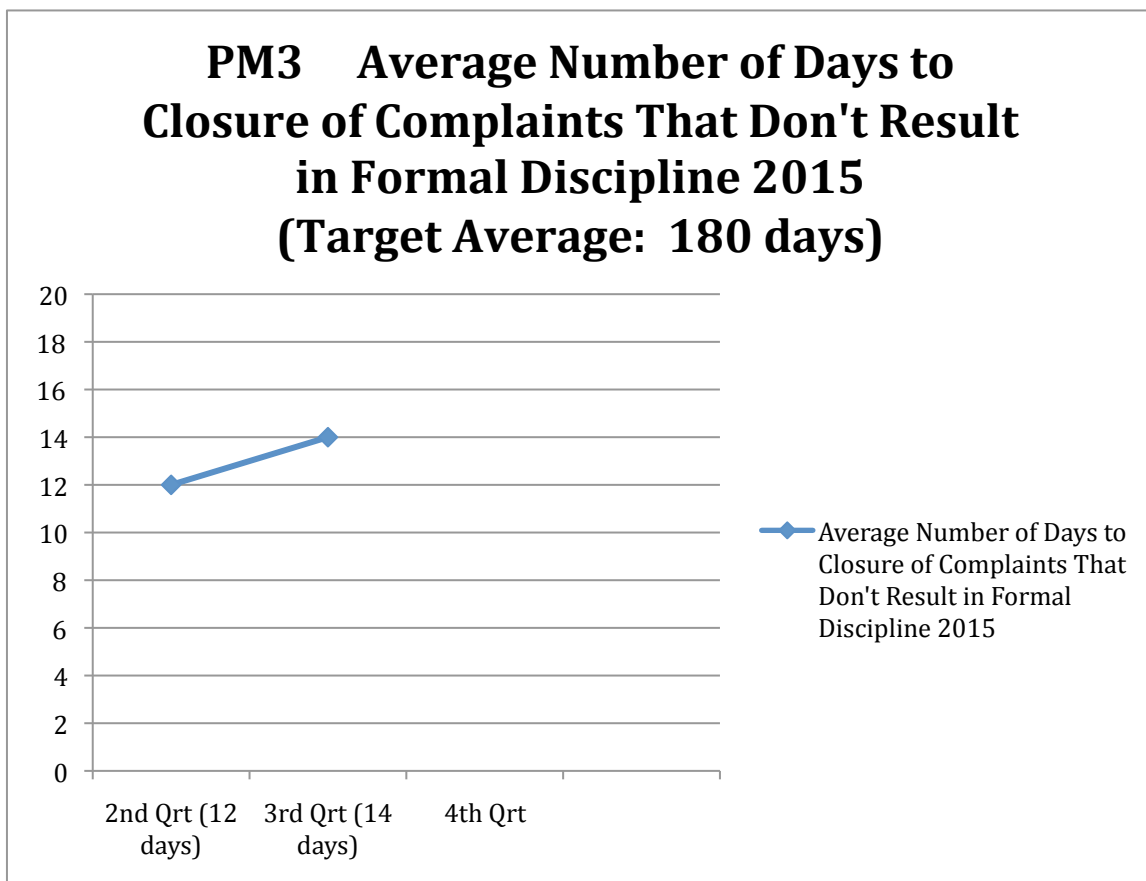


**PM3 – COMPLAINT INTAKE AND INVESTIGATION – INFORMAL RESOLUTION**

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.

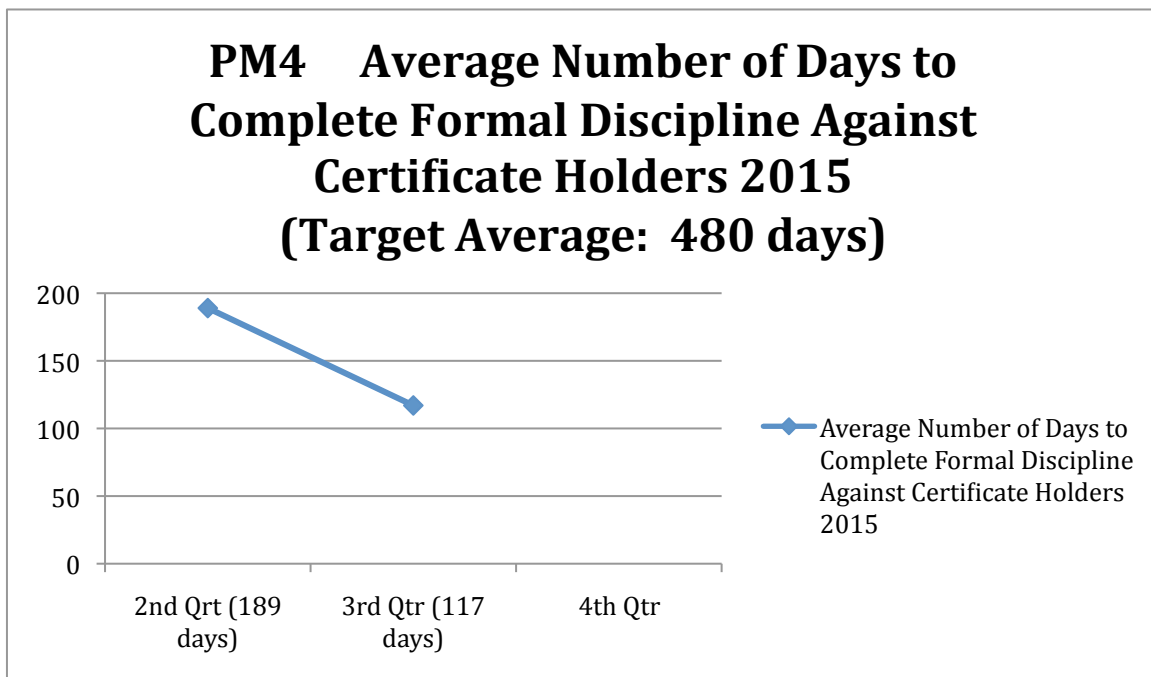


**PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS**

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.





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2. Letter sent to California Police Chiefs Association on April 2, 2015, and enclosed Flyer regarding no-cost training.



# CALIFORNIA MASSAGE THERAPY COUNCIL

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

April 2, 2015

## **VIA FIRST CLASS MAIL**

**To:** Cal-Chiefs Association

**From:** Mike Callagy, Deputy County Manager, County of San Mateo, and CAMTC  
Board Member

**Re:** CAMTC Training for Law Enforcement

On January 1, 2015, the new "Massage Therapy Act" (AB 1147) went into effect. The new law has significantly changed everything, from zoning requirements to CAMTC's disciplinary process. The law contains "Legislative Intent" language that informs all parties to not only follow the new law but to also work together to accomplish three major goals:

1. Communicate
2. Share information
3. Work together

CAMTC is committed to following this legislative directive and is therefore reaching out to you to with an offer to provide free training to law enforcement agencies statewide. CAMTC's mission is "Protecting the Public." We believe that by working together we can accomplish our mutual goal of public protection. CAMTC feels there is no better way to accomplish this goal than to educate those investigating illicit activity about the myriad changes to CAMTC's law. For example, there are over 30 ways that current law allows CAMTC to discipline an applicant/certificate holder and it is imperative that each police/sheriff department be brought up to speed through these training sessions.

The training sessions will be taught by Rick McElroy, Director of CAMTC's Professional Standards Division (PSD). Mr. McElroy is a 32-year veteran of LAPD who investigated massage parlors for 28 of those 32 years. The training session is approximately two hours long and addresses the basis and process for denials/suspensions and revocations; evidence issues; sexual assaults; how to provide an arrest report to CAMTC; the declaration process; how to file a complaint with CAMTC, and how to get connected to its law enforcement website. Mr. McElroy



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will discuss in detail CAMTC's denial and disciplinary process and will field questions at the end of the training session.

I am enclosing a training flyer with Mr. McElroy's contact information to request enrollment in the training session. As a past Deputy Chief (San Mateo), and a current director on the CAMTC Board of Directors, I look forward to hearing from you and seeing the positive results this training will yield.

Sincerely,

Mike Callagy  
Deputy County Manager  
County of San Mateo  
(650) 363-4129  
[mcallagy@smcgov.org](mailto:mcallagy@smcgov.org)



# CALIFORNIA MASSAGE THERAPY COUNCIL 2015 LAW ENFORCEMENT TRAINING

CAMTC's priority is to work together with local law enforcement agencies to curtail the use of massage as a subterfuge for prostitution. Our goal is to allow the public to benefit from the services of certified therapeutic massage professionals who provide much needed care to people in California. Some topics covered by Rick McElroy in this training session include:

- 2015 Changes in the Law
- New Basis for Denial/Discipline
- Existing Basis for Denial/Discipline
- Suspensions
- Revocations and Other Forms of Discipline
- PSD Disciplinary Advantages For Cops - How CAMTC Can Help You
- Evidence Issues
- Sexual Assaults
- Filing a Complaint with CAMTC Against an Applicant or Certificate Holder
- Are You Connected?
- Questions and Answers



Rick McElroy, is a 32 year veteran LAPD detective with 28 years assigned to citywide vice enforcement. He authored the LAPD SMART (Specialized Multi Agency Response Team) Red Light Abatement manual, "Operation ABC" grants for 13 years, co-authored the 2007 LAPD Vice Investigators Manual and also authored the 1985 Los Angeles massage ordinance. As Director of the CAMTC Professional Standards Division, Rick oversees background investigations as well as CAMTC's disciplinary process.



For more information contact:

Rick McElroy  
Division Director  
Professional Standards Division  
[rmcelroy@camtc.org](mailto:rmcelroy@camtc.org)  
805-390-0397



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3. Sample letter  
sent to Local Law  
Enforcement Officials  
on October 12, 2015.



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One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 [www.camtc.org](http://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



**CALIFORNIA**  
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4. Letter sent to California Police Chiefs' Association on October 21, 2015, and letter sent to California State Sheriffs' Association on October 22, 2015.



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One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 [www.camtc.org](http://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



# CALIFORNIA MASSAGE THERAPY COUNCIL

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tel 916.669.5336 fax 916.669.5337 [www.camtc.org](http://www.camtc.org)

October 22, 2015

Sheriff Martin Ryan  
President  
California State Sheriffs' Association  
1231 I Street Suite 200  
Sacramento, CA 9581

Re: Organizational cooperation

Dear Sheriff Ryan:

On October 12, 2015, I sent you a letter in your capacity as Sheriff of Amador Count 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 State Sheriffs' Association ("CSSA") concerning a potential alliance between our respective organizations. I would like to explore with you the possibility of CAMTC and CSSA 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, Chair, Senate Business, Professions and Economic Development Committee  
Assemblymember Susan Bonilla, Chair, Business and Professions Committee



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5. Sample letter sent  
to City Managers on  
January 16, 2015.



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One Capitol Mall, Suite 320 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.444.7462 [www.camtc.org](http://www.camtc.org)

January 16, 2015

John Shirey  
City Manager  
Sacramento  
915 I Street  
Sacramento, CA 95814

Dear Mr. Shirey

The California Massage Therapy Council (CAMTC) is pleased to be a Gold Sponsor of this month's City Managers Department Meeting hosted by the League of California Cities. Since you and I are both attending, I thought it might make sense for us to discuss in person how CAMTC might assist you with any challenges Sacramento is facing with massage establishments. Please let me know if you are interested in scheduling a specific time for us to meet when you are not attending any of the sessions.

My direct line is (310) 821-7776 and my email is [anetanel@CAMTC.org](mailto:anetanel@CAMTC.org)

I look forward to connecting with you.

Respectfully,

Ahmos Netanel  
CEO





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6. Email message sent to League of California Cities on January 23, 2015, and response.

**From:** Ahmos Netanel [mailto:[anetanel@camtc.org](mailto:anetanel@camtc.org)] **Sent:** Friday, January 23, 2015 3:18 PM  
**To:** Chris McKenzie  
**Subject:** Getting together

Dear Mr. McKenzie,

The mission the California Massage Therapy Council (CAMTC) is to protect the public by certifying qualified massage professionals in California. Cities' goal of protecting the public is our goal. We actively offer assistance to many of your members with challenges they are facing with massage establishments. Recalibrating the relationship between our respective organizations is one of CAMTC's top priorities and I believe a meeting between you and I can contribute to getting beyond past acrimonious dynamics. We are pleased to be a Gold Sponsor of next week's City Managers Department Meeting and since you and I are both attending, I thought it might make sense for us to meet then if you are available.

I look forward to connecting with you.

Respectfully,

Ahmos Netanel  
Chief Executive Officer  
California Massage Therapy Council  
One Capitol Mall, Suite 320  
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)

On Jan 23, 2015, at 3:52 PM, Chris McKenzie <[mckenzie@cacities.org](mailto:mckenzie@cacities.org)> wrote:

Excellent idea, Ahmos. Let's connect there by all means. I will be present throughout. When will you be there and would you suggest meeting? I am tied up all day Wednesday but have much more flexibility on Thursday. Thanks for reaching out.  
Chris



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7. Flyer for League  
of Cities Managers  
Meeting.

# Massage Businesses Challenges?



## The California Massage Therapy Council (CAMTC) is here to help.

Working collaboratively with CAMTC to coordinate your regulatory program with CAMTC's standards can better position your city to ensure public protection and uphold professional standards at massage therapy clinics.

We are attending the conference and are happy to meet with you to discuss how CAMTC can be of help.

**Please text Beverly May**, Director of Governmental Affairs, at **(650) 281-6290** to set up a convenient time for us to meet.





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## 8. Proposal for League of Cities Spring Conference.

**How the California Massage Therapy Council (CAMTC) can help cities deal with the problem of illicit massage parlors**

Throughout the country there has been a rise in the number of massage businesses over the past decade. While much of this is the result of increasing demand for therapeutic massage, it has also escalated the number of businesses that provide illicit services under the guise of massage. In its' short five year life, CAMTC has refined systems and protocols to make our program of certification of individuals the most effective in the country at weeding out the criminal element through denial and discipline of individuals and uncovering fraud in massage schools.

Attend this presentation to learn about:

- The process for Denial and Discipline of individual applicants and certificate holders
- CAMTCs' legal standards
- The types of evidence that can be used by CAMTC
- The appropriate basis for denial
- A comparison to the standards and process available to cities
- A comparison to the standards and process available to state licensed professions (the advantages of a profit non-profit using a civil law system)

We will also cover how to work with CAMTC. What types of information does CAMTC accept and how are different types of information treated, such as arrest and filing of charges, arrest without a filing, handling of administrative citations and incident reports. What can CAMTC do when charges are pled down or acquitted? What about citizen complaints? The Declaration process will be described in detail, including how it saves your city time and money, without the need for law enforcement officers to appear in court.

We will also address the limitations of CAMTCs' authority, and how CAMTC action against certificate holders and owners/managers can help your city close illicit businesses.

Finally we will provide an overview of the school approval and un-approval process. In 2015, CAMTC will begin actively inspecting and approving schools teaching massage. Thus far, since being granted authority to approve schools only in 2012, CAMTCs' efforts have focused on un-approving fraudulent schools, with a list close to 60. All of these schools that have not closed down remain approved by the California Bureau of Private Postsecondary Education (BPPE). How has CAMTC managed to do in so short a time what BPPE has not done at all since it was re-authorized in 2010?

Alison Siegel, Special Counsel for CAMTC, works extensively with the Professional Standards Division and oversees creation and implementation of all policy regarding denial and discipline.



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## 9. Proposal for League of Cities Annual Conference.

# California Massage Therapy Act - Effective Execution and New Best Practices

This session will help city officials utilize the new Massage Therapy Act to better regulate massage establishments and close illicit businesses. Cities that collaborate with the California Massage Therapy Council (CAMTC) are positioned to ensure public protection and uphold professional standards of massage therapy clinics by:

- Enacting critical ordinance provisions that will effectively put illegal massage establishments out of business
- Integrating protocols between police departments and CAMTC's Professional Standards Division
- Enlisting support from legitimate massage providers and their clients
- Benefiting from CAMTC's unique authority to deny, discipline and revoke certification
- Understanding the mutually supportive roles CAMTC and cities play in addressing illicit and unprofessional activity
- Educating the public about how they can help in the fight against illegal massage parlors and human trafficking
- Coordinating and leveraging resources in counties to eradicate illegal massage parlors

**Alison Siegel**, Special Counsel for CAMTC, works extensively with the Professional Standards Division and oversees creation and implementation of all policy regarding denials and discipline.

**Mike Callagy**, Deputy County Manager for San Mateo County, is the former Deputy Police Chief in the City of San Mateo. As a former Deputy Chief of Police he coordinated all enforcement efforts against illegal massage parlors and spent a year undercover inside a ring that operated illegal massage parlors. In his current position as Deputy County Manager, Mike coordinates the criminal justice system and looks for new and innovative ways to reduce crime and recidivism rates while leveraging resources throughout the County.





**CALIFORNIA**  
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10. Sample letters  
sent to City and  
County Managers on  
October 26, 2015 (2).



# CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 [www.camtc.org](http://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



# CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 [www.camtc.org](http://www.camtc.org)

October 26, 2015

John Maltbie, County Manager  
County of San Mateo  
400 County Center  
Redwood City, CA 94063

RE: Massage establishments' challenge

Dear John Maltbie:

On October 12, 2015, I sent a letter to your Sheriff regarding collaboration between the California Massage Therapy Council ("CAMTC") and the Sheriff's Office.

I'm reaching out to you as well to offer CAMTC's assistance to your county 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.

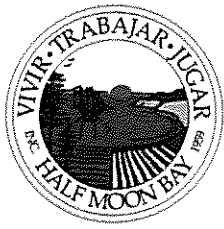
Respectfully,

Ahmos Netanel  
Chief Executive Officer



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 11. Sample responses from City and County Managers (2).



# CITY OF HALF MOON BAY

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 to 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

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



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

12. Email message sent to California State Association of Counties on October 30, 2015.

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**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)





**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

13. Email message sent to all Certificate Holders requesting feedback on the Massage Therapy Act, sent October 8, 2015 through October 12, 2015.



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

## 14. Documents related to the new ESD and Proposed Policies and Procedures for School Approval.

- a. Letter to Schools from Director of ESD, dated January 13, 2015.
- b. Proposed Policies and Procedures for Approval of Schools.
- c. Select Education Related Business and Professions Code Provisions.



## 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)

January 13, 2015

### **VIA FIRST CLASS MAIL**

Dear California Massage School Owners & Administrators:

With the New Year comes new changes to our massage profession. As you likely know by now, Governor Brown signed AB 1147 (the updated Massage Therapy Act) into law in September of 2014. The law became effective January 1, 2015.

Attached to this letter please find select excerpts from the law that most affect massage schools and education. However, I advise everyone in the California massage profession to familiarize themselves with the entire law, which can be found at:

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

For new individual applicants, the most significant changes require:

1. Completing a minimum of 500 hours of massage education (100 of those 500 hours must be in anatomy and physiology, contraindications, health and hygiene, and business and ethics) from schools approved by CAMTC (current Certified Massage Practitioners who qualified with less than 500 hours may continue to renew their certification without additional education so long as they do not allow their certification to lapse by more than six months) and,
2. Passing a massage and bodywork competency assessment examination approved by CAMTC. (CAMTC has approved the MBLEx and National Board Certification exam for this purpose. Applicants who take and pass the NCETMB, NCETM, or NESL on or before February 1, 2015, may still use those results.)

For schools, in addition to supporting students to achieve the above requirements, the most significant change is the new school approval process. This is where I come in as Director of CAMTC's Educational Standards Division.

Many of you may know me from my years as a former small school owner, larger school administrator, and my work with CAMTC. For those of you I haven't met yet, I look forward to getting to know you as this process progresses.

First and foremost, CAMTC's school approval process is voluntary. Massage schools teaching classes solely for avocational, recreational, or continuing education purposes need not apply. Likewise, schools whose programmatic goals cater only to those seeking to work under local laws may choose not to apply.

However, and this is important, any California massage school that wants its graduates to be eligible for CAMTC certification needs to apply for CAMTC school approval because, starting July 1, 2016, **only transcripts from schools approved by CAMTC will be accepted for certification purposes.**

Understandably, many schools feel this new approval process is redundant since every school is already approved or accredited by another agency. The legislature listened to arguments for and against, and ultimately decided it would best serve the interests of public protection for CAMTC to approve schools. CAMTC, along with everyone else, must comply with the law.

CAMTC's job is to implement the wishes of the legislature while making the process as fair and efficient for schools as possible. I've been in your shoes and I know the last thing school owners and administrators want is more paperwork, more expense, and some other entity telling them how to run their school.

With that in mind, we listened to previous school feedback, gathered best practices from other state massage boards that already approve schools, and worked with the four massage education representatives on CAMTC's Board to craft proposed guidelines for the approval process.

The results are now available for public review. You can find the latest draft of CAMTC's Proposed Policies and Procedures for Approval of Schools enclosed. We invite and welcome your feedback until February 2, 2015, at the following email address - [schoolfeedback@camtc.org](mailto:schoolfeedback@camtc.org)

Once the public feedback period has concluded, we will incorporate appropriate suggestions and the Board will approve a final version. At that time, we will release the official Policies and Procedures along with the application and accompanying documents. Throughout this transition and until July 1, 2016, when we only accept transcripts from schools approved by CAMTC, current policies and procedures will remain in effect.

Hopefully, after careful review of this proposal, schools providing quality massage education and fully abiding by already existing rules of approval and/or accreditation will find the CAMTC approval process relatively easy to adopt, with few changes to current operations.

Because some schools have misused, or even abused, certain practices, CAMTC has had to further define, prohibit, or otherwise curtail them. While this should not affect the majority of schools, it will impact those whose operations fall beyond the lines we have

January 13, 2015

Page 3

drawn. For schools that feel like there is a lot of work ahead, I encourage you to start soon, apply early, and allow CAMTC to work with you throughout the process to help you meet the requirements for approval.

When the dust settles next year, we will, for the first time, have a comprehensive list of all CAMTC approved massage schools in California. On the front end, this should help prospective massage professionals find the school best suited for them. On the back end, it will create much needed efficiency for schools, graduates, CAMTC, and regulatory agencies both within and outside of California.

Meanwhile, the CAMTC team and I are here to provide you with the most efficient, comprehensive, and courteous support we can provide. Again, please provide feedback on this proposal to [schoolfeedback@camtc.org](mailto:schoolfeedback@camtc.org) by February 2, 2015. For questions, comments, and concerns unrelated to this feedback, feel free to email me directly at the address below.

Together, we will better the massage profession and uphold the law by ensuring public protection through a high level of training for all CAMTC certified massage professionals.

Yours truly,

A handwritten signature in black ink, appearing to read "Joe Bob Smith". The signature is fluid and cursive, with the first name "Joe" and last name "Smith" being more legible than the middle name "Bob".

Joe Bob Smith, Director, Educational Standards Division  
California Massage Therapy Council

[www.camtc.org](http://www.camtc.org)  
[jbsmith@camtc.org](mailto:jbsmith@camtc.org)



## **PROPOSED POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS JANUARY 12, 2015**

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 satellite location(s), 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. The school and/or massage program is not currently unapproved by CAMTC.
- D. 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. If approved, this non-refundable fee provides for two (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 two 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 two 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).

## 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 school 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:
  - (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 with no additional markings.
- b. Sample transcript 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.
- b. Enrollment agreement checklist (included with application).

F. Course Catalog

- a. Current course catalog.
- b. Course catalog checklist (included with application).

G. Curriculum

- a. Program hour requirement worksheet (included with application).
- b. Calendar for each 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.
- e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

- a. Faculty list worksheet (included with application).

- b. Submit instructor qualification forms (included with application) for all 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. Faculty training policy and attendance records within the last twelve months.
- e. Staff/faculty meeting minutes and attendance records within the last twelve months.
- f. Student-teacher ratio policy and current numbers for each class.

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) Classrooms.
  - (4) All areas utilized for student clinic.

J. Advertising

- a. Copies of all online and print advertisements and marketing materials within the last six 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 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 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 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, 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 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, website, and CAMTC School Approval Code (once approved).
  - (2) Student's full legal name, date of birth, contact information, 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](http://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, shall meet or exceed standards as determined by governing laws and regulations.

#### E. Course Catalog

Course Catalogs or Massage Program addendums 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 timecard 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. 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 to be used.
  - (7) Required assessments and assignments for successful completion.
- e. 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 two (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. Require regular faculty training and maintain policies and attendance records for such training.
  - d. Hold regular staff/faculty meetings including minutes and attendance records.
  - e. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed twenty-five (25) total students to one (1) teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, 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 two 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 Denying or Revoking Approval.

Schools may be denied approval or may have their school approval revoked, suspended, or otherwise acted against for failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools or for engaging in unprofessional business practices.

If CAMTC decides to deny approval or revoke approval or otherwise act against a school in relation to its approval status, it will do so in accordance with the procedures set forth in CAMTC's Procedures for Un-Approval of Schools.

**Select Education-related Excerpts from 2015 Business and Professions Code sections 4600-4621, as modified by AB 1147**

**4600.5**

(a) It is the intent of the Legislature that this act...ensure that schools approved by the council that are teaching massage provide a high level of training...

**4601.** As used in this chapter, the following terms shall have the following meanings:

(a) "Approved school" or "approved massage school" means a school approved by the council that meets minimum standards for training and curriculum in massage and related subjects, that meets any of the following requirements, and that has not been otherwise unapproved by the council:

(1) Is approved by the Bureau for Private Postsecondary Education. (2) Is approved by the Department of Consumer Affairs. (3) Is an institution 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:

(A) A public institution.

(B) An institution 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.

(C) A for-profit institution.

(D) An institution that does not meet all of the criteria in subparagraph (B) 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.

(4) Is a college or university of the state higher education system, as defined in Section 100850 of the Education Code.

(5) Is 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.

**4603.** Protection of the public shall be the highest priority for the council in exercising its certification and disciplinary authority, and any other functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

**4604.** (a) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the council with satisfactory evidence that he or she meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours, or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills.



- (A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.
- (B) All of the 500 hours shall be from schools approved by the council.
- (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.
- (4) The applicant has successfully passed a background investigation pursuant to Section 4606, and has not violated any of the provisions of this chapter.
- (5) All fees required by the council have been paid.
- (6) The council may issue a certificate to an applicant who meets the qualifications of this chapter if he or she holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. If an applicant has received education at a school that is not approved by the council, the council shall have the discretion to give credit for comparable academic work completed by an applicant in a program outside of California.
- (b) A certificate issued pursuant to this chapter and any identification card issued by the council shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

**4604.1.** (a) The council shall not accept applications to issue any new certificates to practice as a certified massage practitioner on or after January 1, 2015.

(b) Certificates to practice as a certified massage practitioner for applications accepted prior to January 1, 2015, may be renewed without any additional educational requirements.

(c) A massage practitioner certificate and any identification card issued by the council, shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

**4604.2.** (a) A person who was issued a conditional certificate to practice as a massage practitioner shall, within five years of being issued the conditional certificate by the council, complete and report to the council the completion of, at least 30 hours of additional education per year from approved schools or from continuing education providers approved by the council, until he or she has completed a total of at least 250 hours of education.

(b) A conditional certificate issued to any person pursuant to this section shall immediately be nullified, without need for further action by the council, if proof of completion of the requirements specified in subdivision (a) is not filed with the council within the time period specified in subdivision (a).

(c) Notwithstanding subdivision (a) of Section 4604.1, the council shall issue a new certificate to practice as a massage practitioner to a person that successfully completes the requirements described in subdivision (a).

**4615.** (a) The council shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.

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

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

(b) The council shall develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools consistent with Section 4601, including any corrective action required to return a school to approved status. These policies, procedures, rules, or bylaws shall address topics including, but not limited to, what constitutes an acceptable curriculum, facility requirements, student-teacher ratios, clinical practice requirements, and provisions for the acceptance of accreditation from a recognized accreditation body or other form of acceptance. The council shall exercise its authority to approve and unapprove schools and specify corrective action in keeping with the purposes set forth in Section 4603.

(c) The council may charge a reasonable fee for the inspection or approval of schools, provided the fees do not exceed the reasonable cost of the inspection or approval process.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 15. Policies and Procedures for Approval of Schools.

- a. Procedures approved on February 17, 2015.
- b. Amended Procedures, approved on March 26, 2015.
- c. Amended Procedures, approved on June 11, 2015.



## **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. The school and/or massage program is not currently un-approved by CAMTC.
- D. 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).

#### 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:
  - (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, 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](http://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, 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. 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.
- e. 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, 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 Denying or Revoking Approval.

Schools may be denied approval or may have their school approval revoked, suspended, or otherwise acted against for failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools or for engaging in unprofessional business practices.

If CAMTC decides to deny approval or revoke approval or otherwise act against a school in relation to its approval status, it will do so in accordance with the procedures set forth in CAMTC's Procedures for Un-Approval of Schools.



## **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. The school and/or massage program is not currently un-approved by CAMTC.
- D. 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).

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:
  - (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, 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](http://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, 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. 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.
- e. 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, 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 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;
- 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;
- 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;
  - 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.

If CAMTC decides to deny approval or revoke approval or otherwise act against a school in relation to its approval status, it will do so in accordance with the procedures set forth in CAMTC's Procedures for Un-Approval of Schools.

## **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. Units must be for academic credit and appear on an official college transcript. Certificates from non-credit adult education classes and programs are inapplicable. Degrees and certificates must be approved by community colleges chancellor's office.
- C. The school and/or massage program is not currently un-approved by CAMTC.
- D. 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).

#### 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:
  - (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, 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](http://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, 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. 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.
- e. 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, 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

16. Local Government  
handout regarding  
AB 1147.



## Summary of 2015 Changes to CAMTC's Statute Applicable to Local Government

On September 18, 2014 California Assembly Bill AB 1147, the Massage Therapy Act, was signed into law by Governor Jerry Brown. The new Massage Therapy Act will go into effect on January 1, 2015. AB 1147 substantially changes Business and Professions Code sections 460, 4600-4621, and Government Code section 51034. Many of these changes are applicable to the regulation of CAMTC certificate holders and massage businesses by local government.

### How does this new statute differ from existing law?

- **General Provisions**

- AB 1147 is a significant change from current law. Under current law, Business and Professions Code section 4612 provides that cities and counties may not impose ordinances, regulations, rules, requirements, restrictions, land use regulations, moratoria, conditional use permits, and zoning requirements on CAMTC certified individuals or businesses that use only CAMTC certified professionals to provide massage for compensation, unless those regulations etc. are also uniformly applied to other businesses that provide professional services, or meet another specifically identified exceptions in the law.
- Under AB 1147, as of January 1, 2015, cities and counties will be generally free to regulate massage businesses as long as the regulation of those businesses doesn't violate the provisions of Business and Professions Code sections 460, 4600-4621, Government Code section 51034, and the other general legal requirements applicable to cities and counties authority to regulate businesses.
- Under AB 1147, CAMTC is authorized to certify and take action against **individuals** who request or obtain certification, and cities and counties are free to regulate massage **businesses** subject to certain conditions and requirements set forth in the law.

- **AB 1147 contains new legislative intent language.**

- The new legislative intent language informs local government that:
  - The Legislature intends that broad control over land use be vested in local government for the purpose of managing massage establishments in their communities, but that the requirements and practice of the profession of massage therapy remains a matter of statewide concern, regulation, and oversight.

- The Legislature intends that local governments impose and enforce only “reasonable and necessary fees and regulations,” in keeping with existing law and being mindful to protect the needs of legitimate business owners and massage professionals, especially sole providers.
  - The new legislative intent language also informs local government, law enforcement, nonprofit stakeholders, massage professionals and the massage industry that it intends all of the parties to work together to improve communication, information sharing, and collaborate in the implementation of the Massage Therapy Act and develop a model ordinance.
- **AB 1147 substantially changes the ability of cities and counties to impose land use regulations on massage businesses.**
  - The revised version of Business and Professions Code section 460(a) generally provides that no city or county shall prohibit a person or group of persons certified by CAMTC from engaging in their business, occupation, or profession, or any portion of that business, occupation, or profession. CAMTC interprets this provision to mean that cities and counties cannot completely ban CAMTC certificate holders from engaging in the business of massage, impose moratoriums on the massage businesses of CAMTC certificate holders (including stopping them from replacing certificate holders that have left the business or expanding the business), place caps on the number of massage businesses of CAMTC certificate holders in a jurisdiction, nor can a city or county completely ban the provision of outcall massage services or other portions of a massage business without violating this provision of law.
  - The revised version of Business and Professions Code section 460(b) generally provides that no city or county shall prohibit a person certified by CAMTC from engaging in any act or performing any procedure that falls within their professionally recognized scope of practice.
  - Under AB 1147, Business and Professions Code section 460 specifically provides that cities and counties may adopt or enforce a local ordinance governing zoning, business licensing, or reasonable health and safety requirements for all massage establishments. But this provision is limited by Government Code section 51034.
  - AB 1147 specifically states in Government Code section 51034 that cities and counties may, by local ordinance, require that all **massage establishments** obtain a license, permit, certificate, or other authorization in order to operate lawfully in their jurisdiction.
  - However, cities and counties are specifically prohibited from imposing a requirement that a CAMTC **certificate holder** obtain any other license, permit, certificate, or other authorization to provide massage for compensation or take any test, medical exam, background check, or comply with educational requirements beyond what is required for CAMTC certification. CAMTC interprets this to mean that cities and counties cannot require a CAMTC certified individual to pass a background check, provide proof of education or complete additional education, require a permit for an individual (not a business) to provide massage for compensation, require

*individual registration*, require an authorization and charge a fee to an individual in order to verify CAMTC certification, or require any other authorization to provide massage for compensation.

- **AB 1147 specifically prohibits cities and counties from:**
  - Defining or regulating any massage establishment as adult entertainment, regardless of whether the establishment is using CAMTC certified individuals to provide massage for compensation or not. CAMTC interprets this to mean that cities and counties may not define a massage business as an adult entertainment business and regulate it in that manner, nor may cities and counties impose regulations on massage businesses (such as 300-foot buffers from schools, parks, daycare centers, etc., or the banning of condoms on the premises) if adult entertainment businesses are also regulated in the same manner;
  - Requiring any massage establishment to have windows or walls that don't extend from floor to ceiling or have other internal physical structures that interfere with a client's reasonable expectation of privacy;
  - Requiring client draping that goes beyond the covering of genitalia and female breasts, or mandates that the client wear special clothing;
  - Not allowing a massage establishment to lock its external doors if the establishment is a business entity owned by one individual with one or no employees or independent contractors;
  - Requiring massage establishments to post any notices in an area that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraception devices;
  - Imposing a requirement that a CAMTC certificate holder take any test, medical exam, background check, or comply with educational requirements beyond what is required for CAMTC certification;
  - Imposing a requirement that a CAMTC certificate holder obtain any other license, permit, certificate, or other authorization to provide massage for compensation;
  - Imposing a dress code requirement on a CAMTC certificate holder while that person is engaged in the practice of massage or visible to clients in a massage establishment in excess of the following:
    - Attire that is transparent, see-through, or substantially exposes the person's undergarments;
    - Swim attire if not providing a water-based massage modality approved by the council;
    - In a manner that exposes breasts, buttocks, or genitals;
    - In a manner that violates Penal Code section 314 (indecent exposure); or
    - In a manner that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the massage profession in California.
  - Not allowing a CAMTC certificate holder to perform massage for compensation on the gluteal muscles, not allowing specific massage techniques recognized by CAMTC as legitimate, or imposing any other

specific restriction on professional practice beyond those set forth in CAMTC's statute as a basis for denial or discipline.

- Under both current law and the new Massage Therapy Act, cities and counties have the authority to pass ordinances requiring that all those who provide massage services in their jurisdiction be CAMTC certified (just like some jurisdictions currently or have in the past required certification by the NCBTMB). Ordinances requiring CAMTC certification for those providing massage services do not interfere with the voluntary nature of certification, because massage providers are still free to choose to either be certified or work in another jurisdiction.
- Under both current law and the new Massage Therapy Act, there is no distinction in the rights and privileges afforded to CMTs, CMPs, or CCMPs. All are certificate holders and all are subject to the protections in Business and Professions Code sections 460, 4600-4621, and Government Code section 51034.
- **AB 1147 imposes new educational requirements.**
  - For applications received on or after January 1, 2015, the applicant may only be certified as a Certified Massage Therapist (CMT) if he or she has:
    - 500 hours of education from approved schools;
    - a minimum of 100 of those 500 hours must be in anatomy, physiology, contraindications, health and hygiene, and business and ethics; and
    - has passed a CAMTC approved exam.
  - Removes current Certified Massage Practitioner (CMP) tier of certification for applicants, but allows those already certified as CMP to continue to be certified as CMP as long as they continue to re-certify in a timely manner.
  - New applications for CMP will not be accepted on or after January 1, 2015.
  - Allows Conditionally Certified Massage Practitioners (CCMP) to continue to work towards certification as a CMP if annual educational and reporting requirements are met.
- **AB 1147 specifically identifies the following newly articulated bases for denial of applications and imposition of discipline on certificate holders** (some of which have been previously imposed by CAMTC policy and are now clearly stated in the law).
  - Engaging in sexually suggestive advertising related to massage services;
  - Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
  - Engaging in sexual activity while providing massage services for compensation;
  - Practicing massage with a suspended certificate or practicing outside of the conditions of a restricted certificate;
  - Providing massage of the genitals or anal region;
  - Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California Health Care Provider;
  - Attempting to procure a certificate by fraud, misrepresentation, or mistake;
  - Failing to fully disclose all requested information on the application;

- Being inappropriately dressed while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
  - Attire that is transparent, see-through, or substantially exposes the person's undergarments;
  - Swim attire if not providing a water-based massage modality approved by the council;
  - In a manner that exposes breasts, buttocks, or genitals;
  - In a manner that violates Penal Code section 314 (indecent exposure); or
  - In a manner that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the massage profession in California.
- **The new law also specifically requires that CAMTC deny an application or revoke the certificate of a certificate holder if a person is required to register as a sex offender in California or another state** (there is no discretion on this issue).
- **The following bases for denial of applications or discipline of certificate holders existing in current law remain in the new Massage Therapy Act:**
  - Engaging in unprofessional conduct;
  - Procuring a certificate by fraud, misrepresentation, or mistake;
  - Impersonating an applicant or acting as a proxy for an applicant in an exam required for certification;
  - Violating or attempting to violate or assisting or abetting in the violation of any provision of CAMTC's statute or any rule or bylaw;
  - Committing a fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder;
  - Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another government agency;
  - Conviction of any felony, misdemeanor, infraction, or municipal code violation, or liability in an administrative or civil action for any act that is substantially related to the qualifications, functions, or duties of a certificate holder;
  - Committing an act punishable as a sexually related crime; and
  - CAMTC certified owners or operators of massage businesses are responsible for the conduct of all those providing massage for compensation on the premises of the business.
- **Evidentiary Issues related to denials and discipline.**
  - In order to take action against an applicant or certificate holder, CAMTC must have reliable evidence that the individual violated a provision of CAMTC's law. Various types of evidence may be used, including but not limited to:
    - Certified or verified copies of administrative decisions;
    - Certified copies of civil orders or decisions related to violations of municipal code sections;
    - Certified or verified copies of administrative citations; and

- Declarations from law enforcement officers, attesting under penalty of perjury, to conduct the officer personally witnessed.
- A mere complaint to CAMTC, without evidence supporting an alleged violation of the law, is not sufficient for CAMTC to take action. CAMTC therefore works very closely with law enforcement agencies and others that regulate massage in order to gather the evidence needed to take action against an applicant or certificate holder.
- Both current law and the revised provisions of the Massage Therapy Act provide for significant information sharing between CAMTC and law enforcement agencies or governmental agencies that regulate massage.
  - Upon request, CAMTC may share information about applicants and certificate holders including: current status of an application or certificate; history of disciplinary actions; home and work addresses; length of suspension; and any other information needed to verify facts relevant to administering a local ordinance.
  - Upon request, law enforcement agencies and governmental agencies that regulate massage are authorized to share information about applicants and certificate holders with CAMTC, including but not limited to the following: current status of any local application or permit; history of legal or administrative action taken; information related to criminal activity or unprofessional conduct, including police reports and declarations of conduct; home and work addresses; and any other information necessary to verify information or implement the Massage Therapy Act.
- Under current law, the legal standard for denial of an application is preponderance of the evidence, and the legal standard for discipline of a certificate holder is clear and convincing evidence. As of January 1, 2015, the legal standard for discipline of a certificate holder changes to preponderance of the evidence.
- Under both current law and the revised law, CAMTC may suspend a certificate in two distinct situations: By operation of law; or based on evidence of a sex crime or related felony.
  - In order to suspend a certificate by operation of law, CAMTC must have notice that the person was arrested and had charges filed against them for 647(b) or another sexually related crime. If they are convicted of 647(b) or another sexually related crime, the certificate is subject to permanent revocation. However, if they are convicted of something else (like 415 PC-disturbing the peace, or 602(k) PC – trespass) or the case is dismissed, CAMTC is legally required to reinstate the certificate. In these cases (where the certificate has been reinstated), CAMTC may still proceed with discipline of a certificate holder if it has sufficient evidence to prove that a violation of the Massage Therapy Act occurred.
  - Currently, in order to suspend a certificate based on evidence (including declarations), there must be clear and convincing evidence that a certificate holder committed an act punishable as a sexually related crime or a felony that is substantially related to the qualification, functions, or duties of a certificate holder (drug offenses

are not considered to be substantially related) and any credible mitigating evidence must be considered. As of January 1, 2015, the legal standard changes from clear and convincing evidence to preponderance of the evidence.

- **Regulation of Massage Schools.**

- Under both current law and the revised version of the law CAMTC has the authority to approve massage schools to ensure that they meet minimum standards for training and curriculum, and impose fees.
- Provisions related to CAMTC's authority to investigate whether an applicant actually has the education he or she claims remain unchanged.
- AB 1147 provides further direction to CAMTC in relation to the inspection and approval of massage schools and specifically provides that:
  - CAMTC shall develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools, including but not limited to:
    - Corrective action to return a school to approved status;
    - Acceptable curriculum;
    - Facility requirements;
    - Student-teacher ratios;
    - Clinical practice requirements; and
    - Acceptance of accreditation from other organizations.
  - CAMTC may charge a reasonable fee for the inspection or approval of schools, but the fee may not exceed the reasonable cost of the inspection or approval.

- **AB 1147 substantially changes CAMTC's existing Board structure.**

- Under current law, CAMTC's Board may be comprised of up to 20 members. Of those 20 members, eight members are chosen by four different professional massage associations (two each), one member is chosen by each statewide association of private postsecondary schools that meet the requirements in the law, one member is chosen by the League of California Cities, one member is chosen by the California State Association of Counties, one member is chosen by the Director of Consumer Affairs, one member is chosen by the Office of the Chancellor of the California Community colleges, and the remainder are appointed by the Board.
- As of September 15, 2015, a new Board will replace the existing Board. This new Board will be comprised of 13 members chosen in the following manner:
  - One member chosen by the League of California Cities;
  - One member chosen by the California Police Chiefs Association;
  - One member chosen by the California State Association of Counties;
  - One member chosen by a representative of an anti-human trafficking organization, with that organization being chosen by CAMTC;
  - One member chosen by the Office of the Chancellor of the California Community Colleges;
  - One public member chosen by the Director of the Department of Consumer Affairs;



- One member chosen by the California Association of Private Postsecondary Schools;
- One member who is a California resident, has been practicing massage for at least three years, and is CAMTC certified, chosen by the California Chapter of the American Massage Therapy Association;
- One member who is a California resident, has been practicing massage for at least three years, and is CAMTC certified, chosen in a rotating manner by the other three professional massage associations;
- One member who is a public health official representing a city, county, or state health department, chosen by CAMTC;
- One member who is a California licensed attorney, practicing for at least three years, who represents a California city, chosen by CAMTC;
- One member who represents a massage business entity operating in California for at least three years, chosen by CAMTC; and
- One member who brings needed knowledge and expertise to the Board, appointed by CAMTC.

[You can find the complete text of the Massage Therapy Act, codified at California Business and Professions Code sections 460, 4600-4621, and Government Code section 51034, here.](#)

If you have any questions about the new law, please email [BMay@camtc.org](mailto:BMay@camtc.org) with your questions.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

17. Certificate Holder  
handout regarding  
AB 1147.



## Summary of 2015 Changes to CAMTC's Law Applicable to Certificate Holders

The California Massage Therapy Council ("CAMTC") is pleased to inform you that on September 18, 2014, AB 1147, otherwise known as the Massage Therapy Act, was signed into law by Governor Jerry Brown. CAMTC supported this bill. The new Massage Therapy Act will go into effect on January 1, 2015. AB 1147 continues the existence of CAMTC until January 1, 2017, and makes other substantial changes to existing law.

Since you are a CAMTC certificate holder, all of the information in this document applies directly to you, therefore CAMTC strongly urges you to read the entire document.

### Certification Tiers

What you need to know if you are a **Certified Massage Therapist** ("CMT"):

If you are already certified as a CMT, you can continue to be certified as a CMT as long as you do not allow your certification to lapse for six months or more. Those whose certificates lapse for six months or longer will be treated as new applicants upon re-application and must meet the current certification requirements existing at the time the application is received.

Starting on January 1, 2015, new CMT applicants must have:

- Completed 500 hours of education at CAMTC approved schools, and
- Passed a CAMTC approved exam.

Currently the following exams are CAMTC approved: the Massage and Bodywork Licensing Exam (MBLEx) and the Board Certification Exam for Therapeutic Massage and Bodywork (BCTMB) if taken at any time; and the National Certification Exam for Therapeutic Massage (NCETM) and the National Certification Exam for Therapeutic Massage and Bodywork (NCETMB) if taken on or before February 1, 2015.

What you need to know if you are a **Certified Massage Practitioner** ("CMP"):

If you are already certified as a CMP, you can continue to be certified as a CMP as long as you do not allow your certification to lapse for six months or more. Those whose certificates lapse for six months or longer will be treated as new applicants upon re-application and must meet the current certification

requirements existing at the time the application is received. On January 1, 2015, the certification tier for CMP will close, and all new applicants must meet the CMT requirements for certification noted above.

If you are a CMP seeking to upgrade to CMT, please note that on January 1, 2015, the requirements for upgrading will change. As of January 1, 2015, applicants requesting upgrades from CMP to CMT must have completed 500 hours of education from approved schools and have passed a CAMTC approved exam. This means that as of January 1, 2015, CAMTC will no longer accept continuing education hours for upgrades.

**What you need to know if you are a Conditionally Certified Massage Practitioner ("CCMP"):**

If you are a CCMP, you can still continue to work towards certification as a CMP as long as you take and report 30 hours of continuing education every year (from approved schools or CAMTC approved continuing education providers) until a total of 250 hours of education are completed.

**Additions to Basis for Denial or Discipline**

In addition to the already existing bases for denial of applications and discipline of certificate holders, AB 1147 adds the following additional bases as of January 1, 2015 (some of these were previously imposed through CAMTC policy and are now clearly stated in the law):

- Engaging in sexually suggestive advertising related to massage services;
- Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
- Engaging in sexual activity while providing massage services for compensation;
- Practicing massage with a suspended certificate or practicing outside of the conditions of a restricted certificate;
- Providing massage of the genitals or anal region;
- Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California Health Care Provider;
- Attempting to procure a certificate by fraud, misrepresentation, or mistake;
- Failing to fully disclose all requested information on the application;
- Being inappropriately dressed while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
  - Attire that is transparent, see-through, or substantially exposes the person's undergarments;

- Swim attire if not providing a water-based massage modality approved by the council;
- In a manner that exposes breasts, buttocks, or genitals;
- In a manner that violates Penal Code section 314 (indecent exposure); or
- In a manner that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the massage profession in California.

The new law also specifically requires that CAMTC deny an application or revoke the certificate of a certificate holder if a person is required to register as a sex offender in California or another state.

### **Currently Existing Basis for Denial or Discipline**

The following bases for denial of applications or discipline of certificate holders existing in current law remain in the new Massage Therapy Act:

- Engaging in unprofessional conduct;
- Procuring a certificate by fraud, misrepresentation, or mistake;
- Impersonating an applicant or acting as a proxy for an applicant in an exam required for certification;
- Violating or attempting to violate or assisting or abetting in the violation of any provision of CAMTC's statute or any rule or bylaw;
- Committing a fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder;
- Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another government agency;
- Conviction of any felony, misdemeanor, infraction, or municipal code violation, or liability in an administrative or civil action for any act that is substantially related to the qualifications, functions, or duties of a certificate holder; or
- Committing an act punishable as a sexually related crime.

### **Authority of Local Government to Regulate Massage Businesses and Protections for Certificate Holders**

AB 1147 substantially expands the authority of cities and counties to impose land use regulations on **massage businesses**, but that authority is not unlimited. Cities and counties are also restricted in the regulations they can impose on individual CAMTC **certificate holders**.

Cities and counties are specifically **prohibited** from doing any of the following to a CAMTC **certificate holder**:

- Imposing a requirement that a certificate holder obtain any other license, permit, certificate, or other authorization to provide massage for compensation;
- Imposing a requirement that a certificate holder take any test, medical exam, background check, or comply with educational requirements beyond what is required for CAMTC certification;
- Imposing a dress code requirement on a certificate holder while that person is engaged in the practice of massage or visible to clients in a massage establishment in excess of the following:
  - Attire that is transparent, see-through, or substantially exposes the person's undergarments;
  - Swim attire if not providing a water-based massage modality approved by the council;
  - In a manner that exposes breasts, buttocks, or genitals;
  - In a manner that violates Penal Code section 314 (indecent exposure); or
  - In a manner that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the massage profession in California.
- Not allowing a certificate holder to perform massage for compensation on the gluteal muscles, not allowing specific massage techniques recognized by CAMTC as legitimate, or imposing any other specific restriction on professional practice beyond those set forth in CAMTC's statute as a basis for denial or discipline.

AB 1147 changes the ability of cities and counties to impose land use regulations on **massage businesses**. As of January 1, 2015, the law provides that:

- No city or county shall prohibit a person or group of persons certified by CAMTC from engaging in their business, occupation, or profession, or any portion of that business, occupation, or profession.
- No city or county shall prohibit a person certified by CAMTC from engaging in any act or performing any procedure that falls within their professionally recognized scope of practice.
- Cities and counties may adopt or enforce a local ordinance governing zoning, business licensing, or reasonable health and safety requirements for all massage establishments.
- Cities and counties may, by local ordinance, require that all **massage establishments** obtain a license, permit, certificate, or other authorization in order to operate lawfully in their jurisdiction.

AB 1147 specifically prohibits cities and counties from:

- Defining or regulating any massage establishment as adult entertainment, regardless of whether the establishment is using CAMTC certified individuals to provide massage for compensation or not.

- Requiring massage establishments to have windows or walls that don't extend from floor to ceiling or have other internal physical structures that interfere with a client's reasonable expectation of privacy.
- Requiring client draping that goes beyond the covering of genitalia and female breasts, or mandates that the client wear special clothing.
- Not allowing a massage establishment to lock its external doors if the establishment is a business entity owned by one individual with one or no employees or independent contractors.
- Requiring massage establishments to post any notices in an area that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraception devices.

[You can find the complete text of the Massage Therapy Act, codified at California Business and Professions Code sections 460, 4600-4621, and Government Code section 51034, here.](#)

If you have any questions about the new law, please email [BMay@camtc.org](mailto:BMay@camtc.org) with your questions.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 18. Bylaws.

a. Amended Bylaws, approved  
June 25, 2014.

b. Amended Bylaws, approved  
September 14, 2015.



**BYLAWS**  
**OF**  
**CALIFORNIA MASSAGE THERAPY COUNCIL**  
**(a nonprofit public benefit corporation)**

ARTICLE I.

NAME

Section 1. Name. The name of this corporation is CALIFORNIA MASSAGE THERAPY COUNCIL (hereinafter "Council" or "corporation").

ARTICLE II.

LOCATION OF PRINCIPAL OFFICE

Section 1. Principal Office. The principal office for the transaction of the activities and affairs of the corporation shall be located in California. The Board of Directors ("Board") may change the principal office from one location to another so long as the principal office remains in California.

Section 2. Other Offices. The Board may establish branch or subordinate offices at any place or places where the corporation is qualified to conduct its activities.

ARTICLE III.

PURPOSES AND LIMITATIONS

Section 1. General Purposes. This corporation is a California Nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes and to carry out the obligations described in California Business and Professions Code Sections 4600 et seq. (hereinafter "the Code").

Section 2. Specific Purposes. The specific purpose of this corporation is to provide certification for massage therapists and to advance public education regarding the massage therapy profession in California as a quasi-public body pursuant to the authority granted in the Code for the benefit of the public.

Section 3. Limitations. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this corporation is irrevocably dedicated to public and charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director or officer, or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit foundation, fund or corporation which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

#### ARTICLE IV.

#### NO MEMBERS

Section 1. Members. This corporation shall have no members. To the extent any person is referred to as a “member” in any corporate materials, it shall be understood that such person is not a statutory member as contemplated by the California Nonprofit Public Benefit law, and has no voting or other rights in the corporation.

#### ARTICLE V.

#### BOARD OF DIRECTORS

Section 1. Powers.

(a) General Corporate Powers. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and the Code, the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board.

(b) Specific Powers. Without prejudice to the general powers set forth in subsection (a) above, but subject to the same limitations, the directors shall have the right to do the following:

- (1) Policies. Adopt policies, rules and procedures for the management and operation of the corporation.
- (2) Certificates. Issue certificates as described in the Code. The Board may also discipline certificate holders and suspend or rescind certificates as authorized in the Code.
- (3) Fees. Annually establish initial and renewal fees for certificates which are reasonably related to the cost of providing services and carrying out the ongoing responsibilities and duties of the Council.
- (4) Administration. Retain an individual employee or consultant, or a management firm, or contract with another entity, to administer the day-to-day activities of the corporation. An individual retained pursuant to this authority, if any, shall be known as the Chief Executive Officer (“CEO”). The Board may

also employ, retain, or authorize the employment of such other employees, independent contractors, agents, accountants, and legal counsel as it from time to time deems necessary or advisable in the interest of the corporation, prescribe their duties and fix their compensation.

(5) Bonds. The Board may require officers, agents, and employees charged by the corporation with responsibility for the custody of any of its funds or negotiable instruments to give adequate bond.

(6) Borrowing money. Borrow money and incur indebtedness on behalf of the corporation and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, liens, and other evidences of debt and securities.

(7) Gifts. Receive and accept gifts, devises, bequests, donations, annuities, and endorsements of real and personal property, and use, hold and enjoy the same, both as to principal and income, and to invest and re-invest the same or any part thereof for the furtherance of any objects, interests or purposes of this corporation.

(8) Contributions. Make such contributions as the Board determines are necessary and advisable in furtherance of the interests and purposes of this corporation.

(9) Fiscal Year. Establish and change the fiscal year of the corporation.

(10) Contracts. Enter into contracts and agreements with individuals and with public and private entities for the advancement of the purposes for which the corporation is organized.

(11) Property. Acquire, construct and possess real, personal, and intellectual property.

(12) Bank Accounts and Special Funds. Establish one or more bank accounts and/or special funds in order to accomplish and further the purposes of the corporation.

(13) Committees. Appoint committees as provided in these bylaws.

(14) Start-up costs. Authorize the re-payment of the start-up costs for this organization to the individual(s) or organizations that provided such funds, including but not limited to attorney's and accountant's fees and costs, and filing fees for incorporation and for obtaining federal and state tax exempt status for the corporation.

(15) Other. Do and perform all acts and exercise all powers incidental to, or in connection with, or deemed reasonably necessary for the proper implementation of the purposes of the corporation.

## Section 2. Number and Qualification of Directors.

(a) Number. The Board shall consist of at least four (4) but not more than twenty (20) directors, as follows:

- 1) Two directors appointed by each professional society, association, or other entity, whose membership is comprised of massage therapists and that chooses to participate in the organization. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals for the last three years, and shall have bylaws that require its members to comply with a code of ethics;
- 2) One director appointed by each statewide association of private postsecondary schools incorporated on or before January 1, 2010, whose member schools have together had at least 1,000 graduates in each of the previous three years from massage therapy programs meeting the approval standards set forth in subdivision (a) of Section 4600, except from those qualifying associations that choose not to exercise this right of appointment.
- 3) One director appointed by the League of California Cities, unless that entity chooses not to exercise this right of appointment.
- 4) One director appointed by the California State Association of Counties, unless that entity chooses not to exercise this right of appointment.
- 5) One director appointed by the Director of Consumer Affairs, unless that entity chooses not to exercise this right of appointment.
- 6) One director appointed by the California Community College Chancellor's Office, unless that entity chooses not to exercise this right of appointment. The person appointed, if any, shall not be part of any massage therapy certificate or degree program.
- 7) Other directors appointed by a two-thirds (2/3) vote of the Board.

(b) Qualifications. All directors must be individuals who are dedicated to the purposes of this corporation as set forth above.

(c) Restriction on Interested Persons as Directors. No more than 49% of the persons serving on the Board may be "interested persons". An "interested person" is:

(1) any person compensated by the Council for services rendered to it within the previous twelve months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable reimbursement paid to an officer or director; and

(2) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of the provisions of this paragraph shall not affect the validity or enforceability of any transaction entered into by the corporation.

Section 3. Term of Office; Term limits. The term of office of each director shall be three (3) years and until a successor has been appointed and qualified. There shall be no limit on the number of terms a director may serve if he or she remains qualified and appointed to the Board. The Board may stagger the terms of the initial directors using any reasonable method.

Section 4. Removal of Directors. A director may be removed from the Board at any time, with or without cause, by the entity that appointed the director, or by a two-thirds (2/3) vote of all the other directors on the Board.

Section 5. Vacancies on Board.

(a) Events Causing Vacancy. The vacancy or vacancies on the Board shall exist on the occurrence of the following:

- (1) The death or resignation of any director;
- (2) The removal of a director by its appointing entity or the Board;
- (3) The declaration by resolution of the Board of a vacancy in the office of a director who has been declared of unsound mind by an order of court, convicted of a felony, or found by final order or judgment of any court to have breached a duty under Article 3 of Chapter 2 of the California Nonprofit Public Benefit Corporation Law; or
- (4) The increase of the authorized number of directors.

(b) Resignations. Except as provided below, any director may resign by giving written notice to the Chairperson of the Board, the CEO (if any), or the Secretary of the Board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. Except on notice to the Attorney General of California, no director may resign if the corporation would be left without a duly appointed director or directors.

(c) Filling Vacancies. Vacancies on the Board may be filled by the entity entitled to fill the seat, or by the Board, depending on how the seat was filled originally. The individual filling a vacant director position shall serve until the end of the term of the director whose vacancy he or she is filling.

(d) No Vacancy on Reduction of Number of directors. No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

Section 6. Board Meetings.

(a) Annual Meeting. The Board shall hold an annual meeting at a time and location determined by the Board for purposes of organization, election of officers, and transaction of other business. Notice of the annual meeting shall be given in accordance with subsection (d) below.

(b) Special Meetings. Special meetings of the Board for any purpose may be called at any time by the Chairperson, the CEO, if any, or any two directors. Notice of any special meeting shall be given in accordance with subsection (d) below.

(c) Bagley-Keene Open Meeting Act. Board meetings shall be subject to the rules of the Bagley-Keene Open Meeting Act ("Act") (California Government Code Section 11120 et seq.). Specifically, notice of meetings shall comply with subsection (d) below and all meetings shall be open to the public unless specifically noticed as a "closed session" in compliance with the Act.

(d) Notice. Notice of Board meetings, specifying the time and place of the meeting and a specific agenda for the meeting, shall be given to each director (and any other person who has requested, in writing, notice of meetings), at least ten (10) days before the meeting. The notice and agenda must also be posted on the Council's website at least 10 days before the meeting. Any notice/agenda sent on less than 10 days notice must be in accordance with the exceptions provided by the Act.

(e) Place of Meetings. Meetings of the Board shall be held at any place within California that has been designated in the notice of the meeting.

(f) Meetings by Telephone or Video Conference or by Electronic Transmission. Directors may participate in a meeting of the Board through use of conference telephone, electronic video screen communication, or electronic transmission by and to the corporation (Corporation Code Sections 20 and 21).

Participation in a meeting through use of conference telephone or electronic video screen communication constitutes presence in person at that meeting as long as all directors participating in the meeting are able to hear one another.

Participation in a meeting through use of electronic transmission by and to the corporation, other than conference telephone and electronic video screen communication, constitutes presence in person at that meeting if both of the following apply:

(1) Each director participating in the meeting can communicate with all of the other directors concurrently.

(2) Each director is provided the means of participating in all matters before the Board, including, without limitation, the capacity to propose, or to interpose an objection to, a specific action to be taken by the corporation.

(g) Quorum/Act of the Board. A majority of the voting directors shall constitute a quorum for the transaction of business, except to adjourn. Except as specifically provided in these bylaws or in the California Nonprofit Public Benefit Corporation Law, every action taken or decision made by a majority of the directors present at a duly held meeting at which a

quorum is present shall be the act of the Board. A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of directors, if any action taken or decision made is approved by at least a majority of the required quorum for that meeting.

(h) **Voting Power.** For all purposes, the voting power of each voting director shall be one vote.

(i) **Attendance.** Any director who misses three (3) consecutive Board meetings for any reason automatically loses his or her seat on the Council. Staff will immediately notify the director and the appointing entity via email regarding the removal after the third missed Board meeting. Special or emergency meetings held on less than 10 days' notice pursuant to Government Code Sections 11125.4 or 11125.5 do not count for purposes of this attendance rule.

The Board may waive this provision as to a particular director by majority vote. The Board's waiver of the automatic removal provision can be based on an excuse acceptable to the Board or any other justification deemed appropriate by the Board. Any vacancy created by this provision shall be filled in accordance with Article V, Section 5(c) above.

Section 7. **Compensation and Reimbursement.** Directors shall not receive compensation from the Council for their services on the Board. Directors may receive such reimbursement of expenses as the Board may determine by resolution to be fair and reasonable at the time that the resolution is adopted.

Section 8. **Property Rights.** No director shall have any property rights in any assets of the corporation.

## ARTICLE VI.

### OFFICERS

Section 1. **Officers of the Corporation.** The elected officers of the corporation shall be a Chairperson, Vice-Chairperson, Secretary, and Treasurer. The offices of Secretary and Treasurer may be combined and held by one director in the discretion of the Board. If combined, the office shall be known as the "Secretary/Treasurer". All officers must be directors. The CEO, if any, shall be an officer but not an elected officer.

Section 2. **Election of Officers.** The elected officers of the corporation shall be elected by the Board from among its directors at the annual meeting.

Section 3. **Terms of Office; Term Limits.** Officers shall serve at the pleasure of the Board for one-year terms. There is no limit on the number of terms an officer may serve if he or she is a director and continues to be elected to an officer position by the Board.

Section 4. **Removal of Officers.** Any elected officer may be removed at any time, with or without cause, by a majority vote of the Board at any properly called meeting where a quorum is present.

Section 5. Resignation of Officers. An officer may resign at any time by giving written notice to the Chairperson or the Secretary. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective.

Section 6. Vacancies in Office. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled by a majority vote of the directors present at any annual or special meeting of the Board where a quorum is present. The individual filling a vacant officer position shall serve until the end of the term of the officer whose vacancy he or she is filling.

Section 7. Responsibilities of Officers.

(a) Chairperson. The Chairperson of the Board shall preside at meetings of the Board and shall exercise and perform such other powers and duties as the Board may assign from time to time. If there is no CEO, the Chairperson of the Board shall also be the Chief Executive Officer and shall have the powers and duties of the CEO of the corporation prescribed by these Bylaws.

(b) Vice-Chairperson. If the Chairperson is absent or disabled, the Vice-Chairperson shall perform all duties of the Chairperson. When so acting, the Vice-Chairperson shall have all powers of and be subject to all restrictions on the Chairperson. The Vice-Chairperson shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(c) Secretary.

(i) Book of Minutes. The Secretary shall keep or cause to be kept, at the corporation's principal office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, and committees of the Board. The minutes of meetings shall include the time and place that the meeting was held, whether the meeting was annual or special, and, if special, how authorized, the notice given, and the names of those present at the Board and committee meetings. The Secretary shall keep or cause to be kept, at the principal office in California, a copy of the Articles of Incorporation and the Bylaws, as amended to date.

(ii) Notices, Seal, and Other Duties. The Secretary shall give, or cause to be given, notice of all meetings of the Board and of its committees required by these Bylaws. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(iii) If the Chairperson and Vice-Chairperson are both absent or unable to serve, the Secretary shall perform all the duties of the Chairperson. When so acting, the Secretary shall have all powers of and be subject to all restrictions on the Chairperson.

(d) Treasurer.

(i) Books of Account. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's



properties and transactions. The Treasurer shall send or cause to be given to the directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

(ii) Deposit and Disbursement of Money and Valuables. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board may designate, shall disperse the corporation's funds as the Board may order, shall render to the Chairperson, the CEO, if any, and the Board, when requested, an account of all transactions as Treasurer and of the financial condition of the corporation, and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(e) Chief Executive Officer. The CEO, if any, may be either an independent contractor/consultant or an at-will employee, as appropriate under law. The CEO, if any, shall be the chief executive officer and general manager of the Council and shall manage the corporation's day-to-day activities, affairs, and administration under the supervision of the Board. The CEO shall keep the Board apprised of significant matters relating to the operation of the corporation, its activities, employees, contractors, and financial condition. The CEO shall have such other powers and duties as the Board or the Bylaws may prescribe.

## ARTICLE VII.

### COMMITTEES

Section 1. Committees of the Board. The Board, by resolution, may create committees of the Board, each consisting of two or more directors *and no persons who are not directors*, to serve at the pleasure of the Board. The Board shall appoint a Chair for each committee of the Board from among the directors. The Chair of each committee shall appoint the members of the committee from among the directors. Any such committee, to the extent provided in the Board resolution, shall have all the authority of the Board, except that no committee, regardless of Board resolution, may:

(a) Fill vacancies on the Board or on any committee that has the authority of the Board;

(b) Authorize reimbursement of the directors for serving on the Board or on any committee;

(c) Amend or repeal Bylaws or adopt new Bylaws;

(d) Amend or repeal any resolution of the Board that by its express terms is not so amendable or repealable;

(e) Create any other committees of the Board or appoint the members of committees of the Board; or

(f) Approve any contract or transaction to which the corporation is a party and

in which one or more of its directors has a material financial interest, except as special approval is provided for in Section 5233(d)(3) of the California Corporations Code.

Section 2. Executive Committee.

The Executive Committee shall be a “standing advisory committee”. The Executive Committee shall be subject to the rules applicable to “advisory committees” described below except that the Executive Committee shall consist of the elected officers of the corporation – Chairperson, Vice-Chairperson, Secretary, and Treasurer – and the Chairperson of the Council shall be the Chair of the Executive Committee.

The Executive Committee may develop policies for Board approval, and may review and recommend to the Board changes to the bylaws and to other operating policies. The Executive Committee shall also have such authority as is delegated to it by the Board.

Section 3. Advisory Committees. The Board may also establish advisory committees composed of at least one director and any number of other interested persons who are not directors. The Board shall appoint a Chair for each advisory committee. The Chair of each advisory committee shall appoint the members of the committee. Advisory committees shall provide advice and recommendations to the Board but shall not have the authority of the Board or any final decision making authority, except as provided above in Section 2 of this Article.

Section 4. Notice Requirements for Committees. Committees shall comply with the Bagley-Keene Open Meeting Act. Written notice and agenda requirements for committee meetings shall be the same as for Board meetings. Committee meetings may be called by the Chairperson of the Council, the Chair of the committee, or by a majority of the members of the committee.

Section 5. Quorum for Committees. A majority of the voting members of any committee shall constitute a quorum, and the acts of a majority of the voting members present at a meeting at which a quorum is present shall constitute the act or recommendation of the committee.

Section 6. Meetings by Telephone or Video Conference or by Electronic Transmission. Any meeting of a committee may be held by telephone or video conference or by electronic transmission in the same manner provided for in Article V of these bylaws.

## ARTICLE VIII.

### LIABILITY, INDEMNIFICATION, AND INSURANCE

Section 1. Liability. No volunteer director or officer shall be liable to third parties if the volunteer director or officer has met the requirements for good faith performance of his or her duties prescribed by the California Nonprofit Public Benefit Corporation Law and the corporation has met its duties relative to insurance required by the California Nonprofit Public Benefit Corporation Law.

Section 2. Right of Indemnity. To the fullest extent permitted by law, this corporation shall indemnify its directors, officers, employees, and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding", as that term is used in that section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this Bylaw, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

Section 3. Approval of Indemnity. On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the Board shall authorize indemnification.

Section 4. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification pursuant to these Bylaws in defending any proceeding covered by such indemnification shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person, that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 5. Insurance. The Board shall authorize the purchase and maintenance of an insurance policy or policies on behalf of its directors, officers, and employees against any liabilities, other than for violating provisions against self-dealing, incurred by the director, officer, or employee in such capacity or arising out of their status as such. Such policy shall meet the requirements set forth in Corporations Code Section 5239.

## ARTICLE IX.

### RECORDS AND REPORTS

Section 1. Maintenance of Corporate Records. The corporation shall keep:

- (a) Adequate corporate books and records of account;
- (b) Written minutes of the proceeding of its Board and committees of the Board;  
and
- (c) A record of each director's name, address, telephone number, facsimile number, and electronic mail address, if any.

Section 2. Maintenance of Articles and Bylaws. The corporation shall keep at its principal office the original or a copy of the Articles of Incorporation and Bylaws, as amended to date.

Section 3. Inspection by Directors. Every director shall have the right to inspect the corporation's books, records, and documents to the extent allowed by the California Nonprofit Public Benefit Corporation Law.

Section 4. Annual Report. The Board shall cause an annual report to be sent to directors within 120 days after the end of the corporation's fiscal year. That report should contain the following information, in appropriate detail, for the fiscal year:

- (a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.
- (b) The principal changes in assets and liabilities, including trust funds.
- (c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes.
- (d) The expenses or disbursements of the corporation for both general and restricted purposes.
- (e) Any information required by Section 5 of this article.

The annual report shall be accompanied by any report of independent accountants or, if there is no such report, by the certificate of an authorized officer of the corporation that such statement were prepared without audit from the corporation's books and records.

This requirement of an annual report shall not apply if the corporation receives less than \$25,000 in gross receipts during the fiscal year, provided, however, that the information specified above for inclusion in an annual report must be furnished annually to all directors who request it in writing.

Section 5. Annual Statement of Certain Transactions and Indemnifications.

If any of the following types of transactions or indemnifications occurred during the previous fiscal year, then as part of the annual report to all directors, or as a separate document if no annual report is issued, the corporation shall prepare and mail or deliver to each director a statement of any such transaction or indemnification within 120 days after the end of the corporation's fiscal year:

- (a) Any transaction:
  - (i) in which the corporation, its parent or its subsidiary was a party,
  - (ii) in which an "interested person" had a direct or indirect material financial interest, and
  - (iii) which involved more than \$50,000, or was one of a number of transactions with the same "interested person" involving, in the aggregate, more than \$50,000.

The statement shall include a brief description of the transaction, the names of "interested persons" involved, their relationship to the corporation, the nature of their interest in the transaction and, if practicable, the amount of that interest, provided that if the transaction was

with a partnership in which the "interested person" is a partner, only the interest of the partnership need be stated.

(b) Any indemnifications or advances aggregating more than \$10,000 which were paid during the fiscal year to any officer or director of the corporation.

## ARTICLE X.

### MISCELLANEOUS

Section 1. Fiscal Year. Unless changed by the Board, the fiscal year of the corporation shall begin on the first day of January and end on the last day of December of each year.

Section 2. Conflicts of Interest. Board members and committee members must actively seek to avoid situations and activities that create an actual or potential conflict between the individual's personal interests and the interests of the corporation. If a Board member or committee member believes that a conflict exists relative to a particular issue being considered by the Board or any committee, he or she shall disclose the conflict to the Board or committee, as appropriate, and abstain from discussion or voting on the issue.

For purposes of this section and these bylaws, a "conflict of interest" means a situation in which a board or committee member is part of a discussion or decision by the board or a committee which has the potential to financially benefit that board or committee member or a member of that board or committee member's immediate family. "Immediate family" means, spouse or same-sex/domestic partner, children, parents, siblings, parents-in-law, or siblings-in-law.

Both the fact and the appearance of a conflict of interest should be avoided. Board members or committee members who are unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with the Chairperson, who will determine whether disclosure to the Board or the assistance of legal counsel is required.

Section 3. Intellectual Property. All intellectual property prepared or purchased by or on behalf of the corporation, including but not limited to newsletters, educational, promotional, and training materials, contracts, trade names, logos, service marks, and lists of certificate holders, shall be the exclusive property of the corporation and Board members agree to deal with it as such. Board members agree that they will not sell, transfer, publish, modify, distribute, or use for their own purposes, the intellectual property belonging to the corporation without the prior approval of the Board memorialized in a writing signed by the Chairperson.

Section 4. Required Filings and Disclosures. The Board shall ensure that the required filings are made at applicable state and federal agencies, including but not necessarily limited to filings required by the Secretary of State, the Attorney General's office, the Internal Revenue Service, and the Franchise Tax Board.

The Council shall also comply with the disclosure requirements of federal and state agencies to which it is subject. Requirements which are applicable to the Council include but are not

necessarily limited to making the corporation's annual exempt organization filing (IRS Form 990) available to the public, and registering with the Attorney General's office in California.

Section 5. Construction and Definitions. Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of this provision, the singular includes the plural, the plural includes the singular, the masculine includes the feminine and neuter, and the term "person" includes both an individual and an entity.

## ARTICLE XI.

### AMENDMENTS

Section 1. Amendments. Subject to any limitations in the law, these Bylaws may be initially adopted, and thereafter amended, or repealed and new bylaws adopted, by a majority vote of the Board at any properly called meeting where a quorum is present, so long as the amendments, proposed repeal, or new bylaws are provided to each director at least ten (10) days prior to the meeting at which such amendments, repeal, or new bylaws will be discussed and voted on.

## ARTICLE XII.

### DISSOLUTION

Section 1. Remaining Assets. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit organization which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

### **CERTIFICATE OF SECRETARY**

I certify that I am the duly elected and acting Secretary of the CALIFORNIA MASSAGE THERAPY COUNCIL, a California nonprofit public benefit corporation; that the above Bylaws, consisting of 15 typewritten pages including this page, are the Bylaws of this corporation as approved by the Board of Directors on June 25, 2014; and that they have not been amended or modified since that date.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at  
\_\_\_\_\_, California.

\_\_\_\_\_  
Roberta Rolnick, Secretary

**BYLAWS**  
**OF**  
**CALIFORNIA MASSAGE THERAPY COUNCIL**  
**(a nonprofit public benefit corporation)**

ARTICLE I.

NAME

Section 1. Name. The name of this corporation is CALIFORNIA MASSAGE THERAPY COUNCIL (hereinafter "Council" or "corporation").

ARTICLE II.

LOCATION OF PRINCIPAL OFFICE

Section 1. Principal Office. The principal office for the transaction of the activities and affairs of the corporation shall be located in California. The Board of Directors ("Board") may change the principal office from one location to another so long as the principal office remains in California.

Section 2. Other Offices. The Board may establish branch or subordinate offices at any place or places where the corporation is qualified to conduct its activities.

ARTICLE III.

PURPOSES AND LIMITATIONS

Section 1. General Purposes. This corporation is a California Nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes and to carry out the obligations described in California Business and Professions Code Sections 4600 et seq. (hereinafter "the Code").

Section 2. Specific Purposes. The specific purpose of this corporation is: 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 local governments and law enforcement in meeting their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders.



Section 3. Limitations. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this corporation is irrevocably dedicated to public and charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director or officer, or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit foundation, fund or corporation which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

#### ARTICLE IV.

##### NO MEMBERS

Section 1. Members. This corporation shall have no members. To the extent any person is referred to as a “member” in any corporate materials, it shall be understood that such person is not a statutory member as contemplated by the California Nonprofit Public Benefit law, and has no voting or other rights in the corporation.

#### ARTICLE V.

##### BOARD OF DIRECTORS

Section 1. Powers.

(a) General Corporate Powers. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and the Code, the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board.

(b) Specific Powers. Without prejudice to the general powers set forth in subsection (a) above, but subject to the same limitations, the directors shall have the right to do the following:

- (1) Policies. Adopt policies, rules and procedures for the management and operation of the corporation.
- (2) Certificates. Issue certificates as described in the Code. The Board may also discipline certificate holders and suspend or rescind certificates as authorized in the Code.
- (3) Fees. Annually establish initial and renewal fees for certificates which are reasonably related to the cost of providing services and carrying out the ongoing responsibilities and duties of the Council.

- (4) Administration. Retain an individual employee or consultant, or a management firm, or contract with another entity, to administer the day-to-day activities of the corporation. An individual retained pursuant to this authority, if any, shall be known as the Chief Executive Officer ("CEO"). The Board may also employ, retain, or authorize the employment of such other employees, independent contractors, agents, accountants, and legal counsel as it from time to time deems necessary or advisable in the interest of the corporation, prescribe their duties and fix their compensation.
- (5) Bonds. The Board may require officers, agents, and employees charged by the corporation with responsibility for the custody of any of its funds or negotiable instruments to give adequate bond.
- (6) Borrowing money. Borrow money and incur indebtedness on behalf of the corporation and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, liens, and other evidences of debt and securities.
- (7) Gifts. Receive and accept gifts, devises, bequests, donations, annuities, and endorsements of real and personal property, and use, hold and enjoy the same, both as to principal and income, and to invest and re-invest the same or any part thereof for the furtherance of any objects, interests or purposes of this corporation.
- (8) Contributions. Make such contributions as the Board determines are necessary and advisable in furtherance of the interests and purposes of this corporation.
- (9) Fiscal Year. Establish and change the fiscal year of the corporation.
- (10) Contracts. Enter into contracts and agreements with individuals and with public and private entities for the advancement of the purposes for which the corporation is organized.
- (11) Property. Acquire, construct and possess real, personal, and intellectual property.
- (12) Bank Accounts and Special Funds. Establish one or more bank accounts and/or special funds in order to accomplish and further the purposes of the corporation.
- (13) Committees. Appoint committees as provided in these bylaws.
- (14) Other. Do and perform all acts and exercise all powers incidental to, or in connection with, or deemed reasonably necessary for the proper implementation of the purposes of the corporation.

## Section 2. Number and Qualification of Directors.

(a) Number. The Board shall consist of thirteen (13) directors, as follows:

(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 subsections (1) to (10) above shall appoint three additional members at any duly held Board meeting in accordance with the following. One of the 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 the appointees shall represent a massage business entity that has been operating in the state for at least three years. One of the appointees shall be an individual who has knowledge of the massage industry or can bring needed expertise to the operation of the Council for purposes of complying with Section 4603 of the Code.

(b) Qualifications. All directors must be individuals who are dedicated to the purposes of this corporation as set forth above.

(c) Restriction on Interested Persons as Directors. No more than 49% of the persons serving on the Board may be "interested persons". An "interested person" is:

(1) any person compensated by the Council for services rendered to it within the previous twelve months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable reimbursement paid to an officer or director; and

(2) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of the provisions of this paragraph shall not affect the validity or enforceability of any transaction entered into by the corporation.

Section 3. Term of Office; Term limits. The term of office of each director shall be four (4) years and until a successor has been appointed and qualified. There shall be no limit on the number of terms a director may serve if he or she remains qualified and appointed to the Board.

Section 4. Removal of Directors. A director may be removed from the Board at any time, with or without cause, by the entity that appointed the director, or by a two-thirds (2/3) vote of all the other directors on the Board.

Section 5. Vacancies on Board.

(a) Events Causing Vacancy. The vacancy or vacancies on the Board shall exist on the occurrence of the following:

(1) The death or resignation of any director;

(2) The removal of a director by its appointing entity or the Board;

(3) The declaration by resolution of the Board of a vacancy in the office of a director who has been declared of unsound mind by an order of court, convicted of a felony, or found by final order or judgment of any court to have breached a duty under Article 3 of Chapter 2 of the California Nonprofit Public Benefit Corporation Law; or

(4) The increase of the authorized number of directors.

(b) Resignations. Except as provided below, any director may resign by giving written notice to the Chairperson of the Board, the CEO (if any), or the Secretary of the Board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. Except on notice to the Attorney General of California, no director may resign if the corporation would be left without a duly appointed director or directors.

(c) Filling Vacancies. Vacancies on the Board may be filled by the entity entitled to fill the seat, or by the Board, depending on how the seat was filled originally. The individual filling a vacant director position shall serve until the end of the term of the director whose vacancy he or she is filling.

(d) No Vacancy on Reduction of Number of Directors. No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

## Section 6. Board Meetings.

(a) Annual Meeting. The Board shall hold an annual meeting at a time and location determined by the Board for purposes of organization, election of officers, and transaction of other business. Notice of the annual meeting shall be given in accordance with subsection (d) below.

(b) Special Meetings. Special meetings of the Board for any purpose may be called at any time by the Chairperson, the CEO, if any, or any two directors. Notice of any special meeting shall be given in accordance with subsection (d) below.

(c) Bagley-Keene Open Meeting Act. Board meetings shall be subject to the rules of the Bagley-Keene Open Meeting Act ("Act") (California Government Code Section 11120 et seq.). Specifically, notice of meetings shall comply with subsection (d) below and all meetings shall be open to the public unless specifically noticed as a "closed session" in compliance with the Act.

(d) Notice. Notice of Board meetings, specifying the time and place of the meeting and a specific agenda for the meeting, shall be given to each director (and any other person who has requested, in writing, notice of meetings), at least ten (10) days before the meeting. The notice and agenda must also be posted on the Council's website at least 10 days before the meeting. Any notice/agenda sent on less than 10 days notice must be in accordance with the exceptions provided by the Act.

(e) Place of Meetings. Meetings of the Board shall be held at any place within California that has been designated in the notice of the meeting.

(f) Meetings by Telephone or Video Conference. Directors may participate in a meeting of the Board through use of conference telephone or electronic video screen communication but only if such meetings also comply with the Bagley-Keene Open Meeting Act.

Participation in a meeting through use of conference telephone or electronic video screen communication constitutes presence in person at that meeting as long as all directors participating in the meeting are able to hear one another.

(g) Quorum/Act of the Board. A majority of the voting directors shall constitute a quorum for the transaction of business, except to adjourn. Except as specifically provided in these bylaws or in the California Nonprofit Public Benefit Corporation Law, every action taken or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be the act of the Board. A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of directors, if any action taken or decision made is approved by at least a majority of the required quorum for that meeting.

(h) Voting Power. For all purposes, the voting power of each voting director shall be one vote.

(i) Attendance. Any director who misses three (3) consecutive Board meetings for any reason automatically loses his or her seat on the Council. Staff will immediately notify the director and the appointing entity via email regarding the removal after the third missed Board meeting. Special or emergency meetings held on less than 10 days' notice pursuant to Government Code Sections 11125.4 or 11125.5 do not count for purposes of this attendance rule.

The Board may waive this provision as to a particular director by majority vote. The Board's waiver of the automatic removal provision can be based on an excuse acceptable to the Board or any other justification deemed appropriate by the Board. Any vacancy created by this provision shall be filled in accordance with Article V, Section 5(c) above.

Section 7. Compensation and Reimbursement. Directors shall not receive compensation from the Council for their services on the Board. Directors may receive such reimbursement of expenses as the Board may determine by resolution to be fair and reasonable at the time that the resolution is adopted.

Section 8. Property Rights. No director shall have any property rights in any assets of the corporation.

## ARTICLE VI.

### OFFICERS

Section 1. Officers of the Corporation. The elected officers of the corporation shall be a Chairperson, Vice-Chairperson, Secretary, and Treasurer. The offices of Secretary and

Treasurer may be combined and held by one director in the discretion of the Board. If combined, the office shall be known as the "Secretary/Treasurer". All officers must be directors. The CEO, if any, shall be an officer but not an elected officer.

Section 2. Election of Officers. The elected officers of the corporation shall be elected annually by the Board from among its directors.

Section 3. Terms of Office; Term Limits. Officers shall serve at the pleasure of the Board for one-year terms. There is no limit on the number of terms an officer may serve if he or she is a director and continues to be elected to an officer position by the Board.

Section 4. Removal of Officers. Any elected officer may be removed at any time, with or without cause, by a majority vote of the Board at any properly called meeting where a quorum is present.

Section 5. Resignation of Officers. An officer may resign at any time by giving written notice to the Chairperson or the Secretary. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective.

Section 6. Vacancies in Office. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled by a majority vote of the directors present at any annual or special meeting of the Board where a quorum is present. The individual filling a vacant officer position shall serve until the end of the term of the officer whose vacancy he or she is filling.

Section 7. Responsibilities of Officers.

(a) Chairperson. The Chairperson of the Board shall preside at meetings of the Board and shall exercise and perform such other powers and duties as the Board may assign from time to time. If there is no CEO, the Chairperson of the Board shall also be the Chief Executive Officer and shall have the powers and duties of the CEO of the corporation prescribed by these Bylaws.

(b) Vice-Chairperson. If the Chairperson is absent or disabled, the Vice-Chairperson shall perform all duties of the Chairperson. When so acting, the Vice-Chairperson shall have all powers of and be subject to all restrictions on the Chairperson. The Vice-Chairperson shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(c) Secretary.

(i) Book of Minutes. The Secretary shall keep or cause to be kept, at the corporation's principal office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, and committees of the Board. The minutes of meetings shall include the time and place that the meeting was held, whether the meeting was annual or special, and, if special, how authorized, the notice given, and the names of those present at the Board and committee meetings. The Secretary shall keep or

cause to be kept, at the principal office in California, a copy of the Articles of Incorporation and the Bylaws, as amended to date.

(ii) Notices, Seal, and Other Duties. The Secretary shall give, or cause to be given, notice of all meetings of the Board and of its committees required by these Bylaws. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(iii) If the Chairperson and Vice-Chairperson are both absent or unable to serve, the Secretary shall perform all the duties of the Chairperson. When so acting, the Secretary shall have all powers of and be subject to all restrictions on the Chairperson.

(d) Treasurer.

(i) Books of Account. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's properties and transactions. The Treasurer shall send or cause to be given to the directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

(ii) Deposit and Disbursement of Money and Valuables. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board may designate, shall disperse the corporation's funds as the Board may order, shall render to the Chairperson, the CEO, if any, and the Board, when requested, an account of all transactions as Treasurer and of the financial condition of the corporation, and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(e) Chief Executive Officer. The CEO, if any, may be either an independent contractor/consultant or an at-will employee, as appropriate under law. The CEO, if any, shall be the chief executive officer and general manager of the Council and shall manage the corporation's day-to-day activities, affairs, and administration under the supervision of the Board. The CEO shall keep the Board apprised of significant matters relating to the operation of the corporation, its activities, employees, contractors, and financial condition. The CEO shall have such other powers and duties as the Board or the Bylaws may prescribe.

## ARTICLE VII.

### COMMITTEES

Section 1. Committees of the Board. The Board, by resolution, may create committees of the Board, each consisting of two or more directors *and no persons who are not directors*, to serve at the pleasure of the Board. The Board shall appoint a Chair for each committee of the Board from among the directors. The Chair of each committee shall appoint the members of the committee from among the directors. Any such committee, to the extent provided in the Board resolution, shall have all the authority of the Board, except that no committee, regardless of Board resolution, may:



- (a) Fill vacancies on the Board or on any committee that has the authority of the Board;
- (b) Authorize reimbursement of the directors for serving on the Board or on any committee;
- (c) Amend or repeal Bylaws or adopt new Bylaws;
- (d) Amend or repeal any resolution of the Board that by its express terms is not so amendable or repealable;
- (e) Create any other committees of the Board or appoint the members of committees of the Board; or
- (f) Approve any contract or transaction to which the corporation is a party and in which one or more of its directors has a material financial interest, except as special approval is provided for in Section 5233(d)(3) of the California Corporations Code.

Section 2. Executive Committee.

The Executive Committee shall be a “standing advisory committee”. The Executive Committee shall be subject to the rules applicable to “advisory committees” described below except that the Executive Committee shall consist of the elected officers of the corporation – Chairperson, Vice-Chairperson, Secretary, and Treasurer – and the Chairperson of the Council shall be the Chair of the Executive Committee.

The Executive Committee may develop policies for Board approval, and may review and recommend to the Board changes to the bylaws and to other operating policies. The Executive Committee shall also have such authority as is delegated to it by the Board.

Section 3. Advisory Committees. The Board may also establish advisory committees composed of at least one director and any number of other interested persons who are not directors. The Board shall appoint a Chair for each advisory committee. The Chair of each advisory committee shall appoint the members of the committee. Advisory committees shall provide advice and recommendations to the Board but shall not have the authority of the Board or any final decision making authority, except as provided above in Section 2 of this Article.

Section 4. Notice Requirements for Committees. Committees shall comply with the Bagley-Keene Open Meeting Act. Written notice and agenda requirements for committee meetings shall be the same as for Board meetings. Committee meetings may be called by the Chairperson of the Council, the Chair of the committee, or by a majority of the members of the committee.

Section 5. Quorum for Committees. A majority of the voting members of any committee shall constitute a quorum, and the acts of a majority of the voting members present at a meeting at which a quorum is present shall constitute the act or recommendation of the committee.

Section 6. Meetings by Telephone or Video Conference. Any meeting of a committee may be held by telephone or video conference in the same manner provided for in Article V of these bylaws.

## ARTICLE VIII.

### LIABILITY, INDEMNIFICATION, AND INSURANCE

Section 1. Liability. No volunteer director or officer shall be liable to third parties if the volunteer director or officer has met the requirements for good faith performance of his or her duties prescribed by the California Nonprofit Public Benefit Corporation Law and the corporation has met its duties relative to insurance required by the California Nonprofit Public Benefit Corporation Law.

Section 2. Right of Indemnity. To the fullest extent permitted by law, this corporation shall indemnify its directors, officers, employees, and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding", as that term is used in that section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this Bylaw, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

Section 3. Approval of Indemnity. On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the Board shall authorize indemnification.

Section 4. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification pursuant to these Bylaws in defending any proceeding covered by such indemnification shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person, that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 5. Insurance. The Board shall authorize the purchase and maintenance of an insurance policy or policies on behalf of its directors, officers, and employees against any liabilities, other than for violating provisions against self-dealing, incurred by the director, officer, or employee in such capacity or arising out of their status as such. Such policy shall meet the requirements set forth in Corporations Code Section 5239.

## ARTICLE IX.

### RECORDS AND REPORTS

Section 1. Maintenance of Corporate Records. The corporation shall keep:

- (a) Adequate corporate books and records of account;
  - (b) Written minutes of the proceeding of its Board and committees of the Board;
- and
- (c) A record of each director's name, address, telephone number, facsimile number, and electronic mail address, if any.

Section 2. Maintenance of Articles and Bylaws. The corporation shall keep at its principal office the original or a copy of the Articles of Incorporation and Bylaws, as amended to date.

Section 3. Inspection by Directors. Every director shall have the right to inspect the corporation's books, records, and documents to the extent allowed by the California Nonprofit Public Benefit Corporation Law.

Section 4. Annual Report. The Board shall cause an annual report to be sent to directors within 120 days after the end of the corporation's fiscal year. That report should contain the following information, in appropriate detail, for the fiscal year:

- (a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.
- (b) The principal changes in assets and liabilities, including trust funds.
- (c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes.
- (d) The expenses or disbursements of the corporation for both general and restricted purposes.
- (e) Any information required by Section 5 of this article.

The annual report shall be accompanied by any report of independent accountants or, if there is no such report, by the certificate of an authorized officer of the corporation that such statement were prepared without audit from the corporation's books and records.

This requirement of an annual report shall not apply if the corporation receives less than \$25,000 in gross receipts during the fiscal year, provided, however, that the information specified above for inclusion in an annual report must be furnished annually to all directors who request it in writing.

Section 5. Annual Statement of Certain Transactions and Indemnifications.

If any of the following types of transactions or indemnifications occurred during the previous fiscal year, then as part of the annual report to all directors, or as a separate document if no annual report is issued, the corporation shall prepare and mail or deliver to each director a statement of any such transaction or indemnification within 120 days after the end of the corporation's fiscal year:

- (a) Any transaction:
  - (i) in which the corporation, its parent or its subsidiary was a party,
  - (ii) in which an "interested person" had a direct or indirect material financial interest, and
  - (iii) which involved more than \$50,000, or was one of a number of transactions with the same "interested person" involving, in the aggregate, more than \$50,000.

The statement shall include a brief description of the transaction, the names of "interested persons" involved, their relationship to the corporation, the nature of their interest in the transaction and, if practicable, the amount of that interest, provided that if the transaction was with a partnership in which the "interested person" is a partner, only the interest of the partnership need be stated.

(b) Any indemnifications or advances aggregating more than \$10,000 which were paid during the fiscal year to any officer or director of the corporation.

## ARTICLE X.

### MISCELLANEOUS

Section 1. Fiscal Year. Unless changed by the Board, the fiscal year of the corporation shall begin on the first day of January and end on the last day of December of each year.

Section 2. Conflicts of Interest. Board members and committee members must actively seek to avoid situations and activities that create an actual or potential conflict between the individual's personal interests and the interests of the corporation. If a Board member or committee member believes that a conflict exists relative to a particular issue being considered by the Board or any committee, he or she shall disclose the conflict to the Board or committee, as appropriate, and abstain from discussion or voting on the issue.

For purposes of this section and these bylaws, a "conflict of interest" means a situation in which a board or committee member is part of a discussion or decision by the board or a committee which has the potential to financially benefit that board or committee member or a member of that board or committee member's immediate family. "Immediate family" means, spouse or same-sex/domestic partner, children, parents, siblings, parents-in-law, or siblings-in-law.

Both the fact and the appearance of a conflict of interest should be avoided. Board members or committee members who are unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with the Chairperson, who will determine whether disclosure to the Board or the assistance of legal counsel is required.

Section 3. Intellectual Property. All intellectual property prepared or purchased by or on behalf of the corporation, including but not limited to newsletters, educational, promotional, and training materials, contracts, trade names, logos, service marks, and lists of certificate

holders, shall be the exclusive property of the corporation and Board members agree to deal with it as such. Board members agree that they will not sell, transfer, publish, modify, distribute, or use for their own purposes, the intellectual property belonging to the corporation without the prior approval of the Board memorialized in a writing signed by the Chairperson.

Section 4. Required Filings and Disclosures. The Board shall ensure that the required filings are made at applicable state and federal agencies, including but not necessarily limited to filings required by the Secretary of State, the Attorney General's office, the Internal Revenue Service, and the Franchise Tax Board.

The Council shall also comply with the disclosure requirements of federal and state agencies to which it is subject. Requirements which are applicable to the Council include but are not necessarily limited to making the corporation's annual exempt organization filing (IRS Form 990) available to the public, and registering with the Attorney General's office in California.

Section 5. Construction and Definitions. Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of this provision, the singular includes the plural, the plural includes the singular, the masculine includes the feminine and neuter, and the term "person" includes both an individual and an entity.

## ARTICLE XI.

### AMENDMENTS

Section 1. Amendments. Subject to any limitations in the law, these Bylaws may be initially adopted, and thereafter amended, or repealed and new bylaws adopted, by a majority vote of the Board at any properly called meeting where a quorum is present, so long as the amendments, proposed repeal, or new bylaws are provided to each director at least ten (10) days prior to the meeting at which such amendments, repeal, or new bylaws will be discussed and voted on.

## ARTICLE XII.

### DISSOLUTION

Section 1. Remaining Assets. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit organization which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

## **CERTIFICATE OF SECRETARY**

I certify that I am the duly elected and acting Secretary of the CALIFORNIA MASSAGE THERAPY COUNCIL, a California nonprofit public benefit corporation; that the above Bylaws, consisting of 15 typewritten pages including this page, are the Bylaws of this corporation as approved by the Board of Directors on September 14, 2015; and that they have not been amended or modified since that date.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at  
\_\_\_\_\_, California.

\_\_\_\_\_  
Roberta Rolnick, Secretary



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 19. Form for Hearing Fee Waiver Request for Indigent Individuals.

**California Massage Therapy Council (CAMTC)**  
**Waiver of Filing Fee**

Applicants or certificate holders with gross monthly income of less than the specified Indigence Guidelines below are entitled to a waiver of filing fees. If you believe that you meet these requirements, please complete this form and submit it, along with all supporting documentation, by scanning and emailing this signed form and all supporting documentation to [camtc@amgroup.us](mailto:camtc@amgroup.us) or by mailing this signed form and all supporting documentation to One Capitol Mall, Suite 320, Sacramento, CA 95814.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Drivers License Number (or State ID): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

CAMTC ID or Certificate Number: \_\_\_\_\_

Number of Persons in Household: \_\_\_\_\_ Gross Monthly Income: \_\_\_\_\_

**I hereby swear under penalty of perjury under the laws of the State of California that the forgoing is a true and correct statement.**

\_\_\_\_\_  
**Signature of Applicant or Certificate Holder**

**Indigence Guidelines**

<b>Persons in household</b>	<b>Indigence guideline (per month)</b>
1	\$1,134.38
2	1,532.30
3	1,930.21
4	2,328.13
5	2,726.05
6	3,123.96
7	3,521.89
8	3,919.81
For families with more than 8 persons, contact CAMTC	

\*Individuals evidencing total amount of income for waiver of filing fees will need to submit tax returns such as 1099 or W2 form from the previous tax year. Please provide documents of government assistance if applicable.





**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 20. Procedures for Denial of Certification or Discipline/Revocation.

a.. Amended Procedures,  
approved December 11, 2014.

b. Amended Procedures,  
approved June 11, 2015.



Effective January 1, 2015

## PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCATION

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council (the "Council" or "CAMTC") hereby adopts the following procedures relative to the denial of certification or the discipline/revocation of a certificate issued pursuant to California Business and Professions Code sections 4600 et. seq. (hereinafter the "Law"):

1. Reasons for denial or discipline/revocation. Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:
  - a. Failure to meet and/or maintain the criteria for certification listed in sections 4604, 4604.1, or 4604.2.
  - b. Failure to obtain a positive fitness determination after fingerprinting pursuant to section 4606.
  - c. Unprofessional conduct, including, but not limited to, any of the following:
    1. Engaging in sexually suggestive advertising related to massage services;
    2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
    3. Engaging in sexual activity while providing massage services for compensation;
    4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
    5. Providing massage of the genitals or anal region; or
    6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.
  - d. Procuring or attempting to procure a certificate by fraud misrepresentation, or mistake.

- e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or any rule or bylaw adopted by the Council.
- f. Conviction 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 certificate holder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
- g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in the Massage Therapy Act for the issuance of a certificate.
- h. Impersonating a certificate holder or permitting or allowing a non-certified person to use a certificate.
- i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.
- j. Committing any act punishable as a sexually related crime or being 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 being required to register as a sex offender in another state.
- k. Failure to fully disclose all information requested on the application.
- l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder 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.
- m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:
  - 1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
  - 2. Swim attire, if not providing a water-based massage modality approved by the Council.
  - 3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
  - 4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
  - 5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.

- n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may “discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter for the conduct of all individuals providing massage for compensation on the business premises.”
- o. Failure to meet the requirements in Business and Professions Code section 4608:
  - 1. Failing to display an original CAMTC certificate wherever he or she provides massage for compensation.
  - 2. Failing to have his or her CAMTC identification card in his or her possession while providing massage services for compensation.
  - 3. Failing to provide his or her full name and certificate number upon the request of a member of the public, the Council, or a member of law enforcement or a local government agency that is responsible for regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
  - 4. Failing to include the name under which he or she is certified and certificate number in any and all advertising of massage for compensation.
  - 5. Failing to notify CAMTC within 30 days of any change in home address, address of massage establishment or other location where he or she provides massage for compensation (excluding those locations where massage is provided only on an out-call basis).
  - 6. Failing to notify CAMTC of primary email address, if any, or failure to notify CAMTC within 30 days of a change in primary email address.
- p. Engaging in an unfair business practice as defined in Business and Professions Code section 4611:
  - 1. Holding oneself out or using 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 CAMTC certified when he or she does not currently hold an active and valid CAMTC certificate.
  - 2. Falsely stating, or advertising, or putting 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 practitioner.

2. Investigations. Section 4615 of the Business and Professions Code provides:

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

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

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

If an applicant or certificate holder has been convicted of a felony, misdemeanor, infraction, or municipal code violation, whether expunged or not, CAMTC will conduct an investigation and review all convictions substantially related to the qualifications, functions or duties of a certified massage professional. Each application or certificate holder will be evaluated on a case-by-case basis. CAMTC will consider the factors identified in the Council’s Criteria for Proof of Rehabilitation when making a certification or disciplinary determination. CAMTC will make the determination for approval or denial of certification or discipline of a certificate holder by evaluating the entire application, all supporting documentation, and all other evidence and information in its possession.

3. Actions relative to applicants for certification. The Council may:
  - a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.
  - b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.
4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:
  - a. Placing the certificate holder on probation, which may include limitations or conditions on practice.
  - b. Suspending the certificate and the rights conferred by the Massage Therapy Act on a certificate holder for a period not to exceed one year.
  - c. Revoking the certificate.
  - d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.
  - e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.

- f. Notwithstanding any other law, if the Council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of section 647 of the Penal Code or any offense described in section 1.j. above, the Council shall take all of the following actions:
1. Immediately suspend, on an interim basis, the certificate of that certificate holder.
  2. Notify the certificate holder within 10 business days, at the address last filed with the Council, that the certificate has been suspended and the reasons for the suspension.
  3. Notify by email any establishment or employer that the Council has in its records as employing the certificate holder, that the certificate has been suspended, within 10 business days.
  4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

Upon notice to the Council that the charges described above in this subparagraph f. have resulted in a conviction, the Council shall permanently revoke the suspended certificate. The Council shall provide notice to the certificate holder, at the address last filed with the Council, by a method providing delivering confirmation, within 10 business days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days from the date of the Council's mailing of the letter that the conviction is either invalid or that the information is otherwise erroneous. If a certificate is permanently revoked pursuant to this provision, the certificate holder shall not be allowed to re-apply for certification.

Upon notice that the charges described above in this subparagraph f. have resulted in an acquittal, have otherwise been dismissed prior to conviction, or the certificate holder has been convicted of an offense other than 647(b) or an offense described in section 1.j. above, the certificate shall be immediately reinstated and the certificate holder and any establishment or employer that received notice pursuant to these procedures shall be notified of the reinstatement within 10 business days.

- g. Notwithstanding any other law, if the Council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder, the Council may immediately suspend the certificate of that certificate holder. A determination to immediately suspend a certificate pursuant to this subdivision shall be based on the preponderance of the evidence and the Council shall also consider any

available credible mitigating evidence before making a decision. Written statements by any person shall not be considered by the Council when determining whether to immediately suspend a certificate unless made under penalty of perjury. If the Council suspends a certificate in accordance with this subdivision, the Council shall take all of the following additional actions:

1. Notify the certificate holder, at the address last filed with the Council, within 10 business days by a method providing delivery confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph 3 below.
2. Notify by electronic mail or any other means consistent with the notice requirements of this chapter, within 10 business days, any business or employer that the Council has in its records as employing or contracting with the certificate holder for massage services, and the California city or county that has jurisdiction over that establishment or employer, that the certificate has been suspended.
3. A certificate holder whose certificate is suspended pursuant to this provision shall have the right to request, in writing, a hearing to challenge the factual basis for the suspension. If the holder of the suspended certificate requests a hearing on the suspension, the hearing shall be held within 30 days after receipt of the request. A certificate holder whose certificate is suspended based on this provision shall be subject to revocation or other discipline in accordance with paragraph 1 of these Denial Procedures.

5. Procedure for denial, suspension, revocation, or discipline of a certificate. Any denial or disciplinary decision shall be decided upon and imposed in good faith and in a fair and reasonable manner. Denial and disciplinary decisions shall be based on a preponderance of the evidence. In determining the basis for denial or discipline, the Council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.

All denials, suspensions, revocations, and other discipline required or allowed by the Massage Therapy Act and these Procedures shall be carried out by an employee of the Council known as the Division Director of the Professional Standards Division (hereinafter the "Division Director"). 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, along with any staff/employees under his/her supervision, shall be collectively known as the Professional Standards Division (the "PSD").

If Council staff determines that grounds appear to exist for denial of an application for certification or discipline of an existing certificate holder, staff shall forward the matter to the Division Director, or a PSD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed (except in cases where the specific procedures in section 4.f. above apply):

- a. The PSD shall be responsible for reviewing and making determinations regarding denials and discipline. The PSD shall ensure that the PSD employees making denial and discipline decisions do not have a conflict of interest relative to the affected applicant or certificate holder subject to denial or discipline.
- b. If after reviewing the matter, the PSD determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- c. The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. The hearing shall be held, or the written statement considered, by the Division Director (or his or her designee) and at least one other PSD employee (Hearing Officers), who together are authorized to determine whether the denial of certification or proposed discipline should occur. The decision of the Division Director/PSD/Hearing Officers shall be final.
- d. Notice of the PSD'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 certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- e. Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within one year after the effective date of the certificate denial or certificate holder discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.
- f. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to these procedures, except for permanent revocations as described in section 4.f. above, shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation.





## PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCATION

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council (the "Council" or "CAMTC") hereby adopts the following procedures relative to the denial of certification or the discipline/revocation of a certificate issued pursuant to California Business and Professions Code sections 4600 et. seq. (hereinafter the "Law"):

1. Reasons for denial or discipline/revocation. Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:
  - a. Failure to meet and/or maintain the criteria for certification listed in sections 4604, 4604.1, or 4604.2.
  - b. Failure to obtain a positive fitness determination after fingerprinting pursuant to section 4606.
  - c. Unprofessional conduct, including, but not limited to, any of the following:
    1. Engaging in sexually suggestive advertising related to massage services;
    2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
    3. Engaging in sexual activity while providing massage services for compensation;
    4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
    5. Providing massage of the genitals or anal region; or
    6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.
  - d. Procuring or attempting to procure a certificate by fraud misrepresentation, or mistake.
  - e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or any rule or bylaw adopted by the Council.

- f. Conviction 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 certificate holder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
- g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in the Massage Therapy Act for the issuance of a certificate.
- h. Impersonating a certificate holder or permitting or allowing a non-certified person to use a certificate.
- i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.
- j. Committing any act punishable as a sexually related crime or being 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 being required to register as a sex offender in another state.
- k. Failure to fully disclose all information requested on the application.
- l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder 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.
- m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:
  - 1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
  - 2. Swim attire, if not providing a water-based massage modality approved by the Council.
  - 3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
  - 4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
  - 5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.
- n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may "discipline an owner or operator of a massage business or establishment who is certified pursuant to this

chapter for the conduct of all individuals providing massage for compensation on the business premises.”

o. Failure to meet the requirements in Business and Professions Code section 4608:

1. Failing to display an original CAMTC certificate wherever he or she provides massage for compensation.
2. Failing to have his or her CAMTC identification card in his or her possession while providing massage services for compensation.
3. Failing to provide his or her full name and certificate number upon the request of a member of the public, the Council, or a member of law enforcement or a local government agency that is responsible for regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
4. Failing to include the name under which he or she is certified and certificate number in any and all advertising of massage for compensation.
5. Failing to notify CAMTC within 30 days of any change in home address, address of massage establishment or other location where he or she provides massage for compensation (excluding those locations where massage is provided only on an out-call basis).
6. Failing to notify CAMTC of primary email address, if any, or failure to notify CAMTC within 30 days of a change in primary email address.

p. Engaging in an unfair business practice as defined in Business and Professions Code section 4611:

1. Holding oneself out or using 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 CAMTC certified when he or she does not currently hold an active and valid CAMTC certificate.
2. Falsely stating, or advertising, or putting 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 practitioner.

2. Investigations. Section 4615 of the Business and Professions Code provides:

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

- (1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools

that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

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

If an applicant or certificate holder has been convicted of a felony, misdemeanor, infraction, or municipal code violation, whether expunged or not, CAMTC will conduct an investigation and review all convictions substantially related to the qualifications, functions or duties of a certified massage professional. Each application or certificate holder will be evaluated on a case-by-case basis. CAMTC will consider the factors identified in the Council's Criteria for Proof of Rehabilitation when making a certification or disciplinary determination. CAMTC will make the determination for approval or denial of certification or discipline of a certificate holder by evaluating the entire application, all supporting documentation, and all other evidence and information in its possession.

3. Actions relative to applicants for certification. The Council may:
  - a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.
  - b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.
4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:
  - a. Placing the certificate holder on probation, which may include limitations or conditions on practice.
  - b. Suspending the certificate and the rights conferred by the Massage Therapy Act on a certificate holder for a period not to exceed one year.
  - c. Revoking the certificate.
  - d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.
  - e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.
  - f. Notwithstanding any other law, if the Council receives notice that a certificate holder has been arrested and charges have been filed by the

appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of section 647 of the Penal Code or any offense described in section 1.j. above, the Council shall take all of the following actions:

1. Immediately suspend, on an interim basis, the certificate of that certificate holder.
2. Notify the certificate holder within 10 business days, at the address last filed with the Council, that the certificate has been suspended and the reasons for the suspension.
3. Notify by email any establishment or employer that the Council has in its records as employing the certificate holder, that the certificate has been suspended, within 10 business days.
4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

Upon notice to the Council that the charges described above in this subparagraph f. have resulted in a conviction, the Council shall permanently revoke the suspended certificate. The Council shall provide notice to the certificate holder, at the address last filed with the Council, by a method providing delivering confirmation, within 10 business days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days from the date of the Council's mailing of the letter that the conviction is either invalid or that the information is otherwise erroneous. If a certificate is permanently revoked pursuant to this provision, the certificate holder shall not be allowed to re-apply for certification.

Upon notice that the charges described above in this subparagraph f. have resulted in an acquittal, have otherwise been dismissed prior to conviction, or the certificate holder has been convicted of an offense other than 647(b) or an offense described in section 1.j. above, the certificate shall be immediately reinstated and the certificate holder and any establishment or employer that received notice pursuant to these procedures shall be notified of the reinstatement within 10 business days.

- g. Notwithstanding any other law, if the Council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder, the Council may immediately suspend the certificate of that certificate holder. A determination to immediately suspend a certificate pursuant to this subdivision shall be based on the preponderance of the evidence and the Council shall also consider any available credible mitigating evidence before making a decision. Written statements by any person shall not be considered by the Council when determining whether to immediately suspend a certificate unless made

under penalty of perjury. If the Council suspends a certificate in accordance with this subdivision, the Council shall take all of the following additional actions:

1. Notify the certificate holder, at the address last filed with the Council, within 10 business days by a method providing delivery confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph 3 below.
2. Notify by electronic mail or any other means consistent with the notice requirements of this chapter, within 10 business days, any business or employer that the Council has in its records as employing or contracting with the certificate holder for massage services, and the California city or county that has jurisdiction over that establishment or employer, that the certificate has been suspended.
3. A certificate holder whose certificate is suspended pursuant to this provision shall have the right to request, in writing, a hearing to challenge the factual basis for the suspension. If the holder of the suspended certificate requests a hearing on the suspension, the hearing shall be held within 30 days after receipt of the request. A certificate holder whose certificate is suspended based on this provision shall be subject to revocation or other discipline in accordance with paragraph 1 of these Denial Procedures.

5. Procedure for denial, suspension, revocation, or discipline of a certificate. Any denial or disciplinary decision shall be decided upon and imposed in good faith and in a fair and reasonable manner. Denial and disciplinary decisions shall be based on a preponderance of the evidence. In determining the basis for denial or discipline, the Council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.

All denials, suspensions, revocations, and other discipline required or allowed by the Massage Therapy Act and these Procedures shall be carried out by an employee of the Council known as the Division Director of the Professional Standards Division (hereinafter the "Division Director"). 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, along with any staff/employees under his/her supervision, shall be collectively known as the Professional Standards Division (the "PSD").

If Council staff determines that grounds appear to exist for denial of an application for certification or discipline of an existing certificate holder, staff shall forward the matter to the Division Director, or a PSD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed (except in cases where the specific procedures in section 4.f. above apply):

- a. The PSD shall be responsible for reviewing and making determinations regarding proposed denials and discipline, unless the Board acts in

accordance with CAMTC's Procedures for Un-Approval of Schools, in which case the Board shall be responsible for making determinations regarding proposed denials. The PSD shall ensure that the PSD employees making denial and discipline decisions do not have a conflict of interest relative to the affected applicant or certificate holder subject to denial or discipline.

- b. If after reviewing the matter, the PSD, or the Board when authorized by the Procedures for Un-Approval of Schools, determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- c. The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. The hearing shall be held, or the written statement considered, by the Division Director (or his or her designee) and at least one other PSD employee (Hearing Officers), who together are authorized to determine whether the denial of certification or proposed discipline should occur. The decision of the Division Director/PSD/Hearing Officers shall be final.
- d. Notice of the PSD'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 certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- e. Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within one year after the effective date of the certificate denial or certificate holder discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.
- f. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to these procedures, except for permanent revocations as described in section 4.f. above, shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

21. Rehabilitation  
Criteria, amended  
version approved  
December 11, 2014.



**CALIFORNIA MASSAGE THERAPY COUNCIL  
CRITERIA FOR PROOF OF REHABILITATION**

**Effective January 1, 2015**

Pursuant to California Business and Professions Code sections 480(b), 482, and 4610, the California Massage Therapy Council (the "Council") hereby adopts the following criteria for applicants and certificate holders to prove rehabilitation under California Business and Professions Code sections 4600 et. seq.

The Council evaluates each application or disciplinary action against a certificate holder on a case-by-case basis considering the totality, weight, and reliability of the evidence provided and uses the following criteria to determine satisfactory rehabilitation:

1. The nature and severity of the act(s) or crime(s);
2. Additional subsequent act(s) or crime(s);
3. The number of act(s) or crime(s);
4. How recent the act(s) or crime(s) were;
5. Compliance with terms of parole, probation, restitution, or other sanctions;
6. Credibility of the applicant or certificate holder;
7. Assessment of the overall propensity of the applicant or certificate holder to engage in the conduct again;
8. Applicant or certificate holder's acceptance of responsibility for the conduct;
9. Applicant or certificate holder's demonstrated remorse for the conduct;
10. Identification of changes made by the applicant or certificate holder to ensure that the conduct will not occur again; and
11. Other evidence of rehabilitation submitted by the applicant or certificate holder.

The burden of proof lies with the applicant or certificate holder to provide sufficient evidence of rehabilitation to allow for certification. The Council shall take into account all reliable evidence of rehabilitation furnished by the applicant or certificate holder.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 22. Procedures for Un-Approval of Schools

- a. Amended Procedures,  
approved December 11, 2014.
- b. Amended Procedures,  
approved September 14, 2015.



## PROCEDURES FOR UN-APPROVAL OF SCHOOLS

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the denial, un-approval, or action against schools and the requirement to provide additional proof of adequate education (beyond merely a transcript):

1. Reasons for denial of CAMTC application for school approval, un-approval, or action against a school.

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

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

- g. Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts.
- h. Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts.
- i. A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in these sections 1. a. - h.
- j. Failure of a school that has requested CAMTC approval to meet or maintain the requirements for approval set forth in CAMTC's Policies and Procedures for Approval of Schools.

## 2. Investigations.

Section 4615 of the Business and Professions Code provides:

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

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

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

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

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

school. If CAMTC decides to propose denial, un-approval, or action against a school, the procedures listed in section 3 below shall be followed.

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

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

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

Once the initial investigation is completed and CAMTC has made a decision to propose denial, un-approval, or action against a school, it shall notify the school of its intent to take such action, including placing it on the un-approved list. Additionally, if the school is seeking CAMTC approval or is already a CAMTC approved school, CAMTC shall also notify the school of its proposed decision to deny the school's application for approval or revoke or otherwise act against the school in relation to its status as a CAMTC approved school. It shall also take all of the following steps:

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

#### 4. Action Against a School.

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

- a. For schools that are seeking CAMTC approval or have been approved by CAMTC: Deny the application for approval, un-approve the school, or otherwise take action against the school, including but not limited to revoking its CAMTC approved school code or imposing probationary conditions.
- b. Un-approve the school and list the school as an un-approved school. If the school is listed as un-approved, a 90-day grace period will follow. During this 90-day grace period, the school's students who apply, and all of those whose application was previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students who apply after the 90-day grace period has expired will be told that, unless they have also supplied evidence of completion of required hours of massage education from one or more approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged;
- b. List the school as a school for which students will have to provide additional proof of education beyond just a transcript, rather than listing the school as "un-approved";
- c. Place the school on probation, with the specific probationary terms and conditions identified in the final decision letter, including but not limited to further inspection of school premises and documents.

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

#### 5. Rehabilitation.

##### A. Consideration of Rehabilitative Factors

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

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

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

## B. Procedures

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

All such requests by schools must be:

1. in writing, and
2. sent to the CAMTC offices at One Capital Mall, Suite 320, Sacramento, CA 95814 OR via email to [camtcreview@amgroup.us](mailto:camtcreview@amgroup.us).

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

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

- a. Requiring a school to submit periodic written progress reports identifying steps being taken to correct the unacceptable issues.
- b. Requiring a school to submit to unannounced CAMTC staff visits to the school

for inspection, including but not limited to inspection of facilities, personnel, classes, and records, and to monitor the school's activities.

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

Any school that has been denied CAMTC approval, has been un-approved, or has been placed on the list for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices may not request CAMTC approval or removal from the list of un-approved schools for a period of five (5) years from the date the school was denied, un-approved, or added to the list. All other schools may request CAMTC approval or removal from the list after a period of two (2) years from the date the school was denied, un-approved, or added to the list.

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





## PROCEDURES FOR UN-APPROVAL OF SCHOOLS

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the denial, un-approval, or action against schools and the requirement to provide additional proof of adequate education (beyond merely a transcript):

1. Reasons for denial of CAMTC application for school approval, un-approval, or action against a school.

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

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

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

## 2. Investigations.

Section 4615 of the Business and Professions Code provides:

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

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

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

If CAMTC receives information that a school has violated a provision of section 1 of these procedures, it will make a determination (in its sole discretion based on the nature of the information received) whether to investigate that claim or not. If CAMTC decides to investigate the claim and, after investigation, has credible evidence that a violation of a

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

provision of section 1 of these procedures has occurred, CAMTC will then make a determination whether or not to propose denial of an application to become a CAMTC approved school, un-approval of a school, or propose to otherwise take action against the school. If CAMTC decides to propose denial, un-approval, or action against a school, the procedures listed in section 3 below shall be followed.

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

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

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

Once the initial investigation is completed and CAMTC has made a decision to propose denial, un-approval, or action against a school, it shall notify the school of its intent to take such action, including placing it on the un-approved list. Additionally, if the school is seeking CAMTC approval or is already a CAMTC approved school, CAMTC shall also notify the school of its proposed decision to deny the school's application for approval or revoke or otherwise act against the school in relation to its status as a CAMTC approved school. It shall also take all of the following steps:

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

#### 4. Action Against a School.

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

- a. For schools that are seeking CAMTC approval or have been approved by CAMTC: Deny the application for approval, un-approve the school, or otherwise take action against the school, including but not limited to revoking its CAMTC approved school code or imposing probationary conditions.
- b. Un-approve the school and list the school as an un-approved school. If the school is listed as un-approved, a 90-day grace period will follow. During this 90-day grace period, the school's students who apply, and all of those whose application was previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students who apply after the 90-day grace period has expired will be told that, unless they have also supplied evidence of completion of required hours of massage education from one or more approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged;hh
- b. List the school as a school for which students will have to provide additional proof of education beyond just a transcript, rather than listing the school as "un-approved";
- c. Place the school on probation, with the specific probationary terms and conditions identified in the final decision letter, including but not limited to further inspection of school premises and documents.

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

#### 5. Rehabilitation.

##### A. Consideration of Rehabilitative Factors

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

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

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

## B. Procedures

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

All such requests by schools must be:

1. in writing, and
2. sent to the CAMTC offices at One Capital Mall, Suite 320, Sacramento, CA 95814 OR via email to [camtcreview@amgroup.us](mailto:camtcreview@amgroup.us).

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

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

- a. Requiring a school to submit periodic written progress reports identifying steps being taken to correct the unacceptable issues.
- b. Requiring a school to submit to unannounced CAMTC staff visits to the school

for inspection, including but not limited to inspection of facilities, personnel, classes, and records, and to monitor the school's activities.

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

Any school that has been denied CAMTC approval, has been un-approved, or has been placed on the list for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices may not request CAMTC approval or removal from the list of un-approved schools for a period of five (5) years from the date the school was denied, un-approved, or added to the list. All other schools may request CAMTC approval or removal from the list after a period of two (2) years from the date the school was denied, un-approved, or added to the list.

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



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## 23. Policy on Foreign Transcripts.



## **Policies Regarding Massage Education Received Outside the United States**

**Education and training received outside of California must be at least substantially equivalent to the requirements applied to California school programs.**

### ***How will my non-California education be evaluated?***

One important aspect of educational program equivalence is whether the educational institution attended has been approved by the national, regional, or state authority with responsibility for vocational program approvals. Such status can readily be ascertained by CAMTC for each of the 50 U.S. states, U.S. territories, and the Canadian provinces of Ontario, British Columbia, Nova Scotia, and Newfoundland and Labrador. Officially sealed transcripts from duly locally approved educational institutions located within those jurisdictions shall be sufficient school material for CAMTC to evaluate.

**Applicants who are presenting massage education secured elsewhere will, in addition to satisfying transcript requirements described below, need to supply to CAMTC a letter of certification from a governmental authority of the country or state in which the school is located stating that the school is/was duly licensed and approved.**

### ***Who is authorized to translate/evaluate my transcript?***

An applicant whose massage education occurred elsewhere outside the U.S. will need to arrange to have course hours on their transcript translated/evaluated by one of the following CAMTC approved evaluation/translation agencies. *NOTE: The costs associated with the evaluation/translation shall be incurred by applicant.* **Applicant must send sealed transcript from foreign massage school directly to one of the approved agencies below.**

International Education Research Foundation, Inc. (IERF)  
P.O. Box 3665  
Culver City, CA 90231  
Phone: 310.258.9451  
Fax: 310.342.7086  
[www.ierf.org](http://www.ierf.org)



World Education Services  
West Coast Director, Todd Rutkin  
trutkin@wes.org  
[www.wes.org](http://www.wes.org)

***What education material do I need to submit with my CAMTC application?***

- (a) An accurate evaluation, by a CAMTC-approved evaluation/translation agency, of the applicant's education and practical training that demonstrates to the satisfaction of the CAMTC that the applicant's education and training are at least substantially equivalent to California requirements .
- (b) An accurate translation of the education documents into English by a CAMTC-approved evaluation/translation agency.
- (c) A notarized affidavit certifying that the translator is competent in both the language of the original document(s) and the English language and stating that the translation provided to CAMTC is a true and complete English translation of the original document.

*NOTE: Notwithstanding the general instructions indicating that the original transcript be sent to CAMTC, CAMTC will not return any documents. DO NOT send CAMTC your only copy of any important documents.*

**The CAMTC does not give the authority to any other agency to determine whether or not an individual has met CAMTC certification requirements. CAMTC does, however, rely on information from the third-party evaluating agency in determining the semester credit hours received.**



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24. Letter to Schools  
from Director of ESD,  
sent on March 13, 2015.



# CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814  
tel 916.669.5336 fax 916.669.5337 [www.camtc.org](http://www.camtc.org)

March 13, 2015

## **VIA FIRST CLASS MAIL**

Dear California Massage School Owners & Administrators:

The application for CAMTC School Approval, and the most recent version of Policies and Procedures for Approval of Schools, will be available on CAMTC's website beginning April 1, 2015. The application itself will be relatively simple. What may take some time is gathering the supporting documentation for the application packet. A preliminary list of these items and related instructions may be found in the Policies and Procedures for Approval of Schools previously mailed to schools. However, please be aware that this document is subject to change and schools must comply with the most recent version of the Policies and Procedures for Approval of Schools found on CAMTC's website on or after April 1, 2015. Schools can get started on the application process by pulling together these items in advance.

**As of July 1, 2016, CAMTC will only accept education from CAMTC approved schools for the purposes of CAMTC certification.** While schools may apply at any time, if they so choose, we can only guarantee schools that apply by May 1, 2015, to have a site visit and opportunity for approval by the July 1, 2016, deadline. Thus, we encourage schools to apply sooner, rather than later.

CAMTC understands that certain school operations cannot change quickly. Therefore, we will work with schools that apply by May 1, but may not meet all of the requirements until later, so long as the school identifies these deficiencies and presents a plan and timeline for meeting them. CAMTC cannot, however, issue approval for a school until all requirements are met.

Please feel free to contact us. We are here to help schools through this process.

Sincerely,

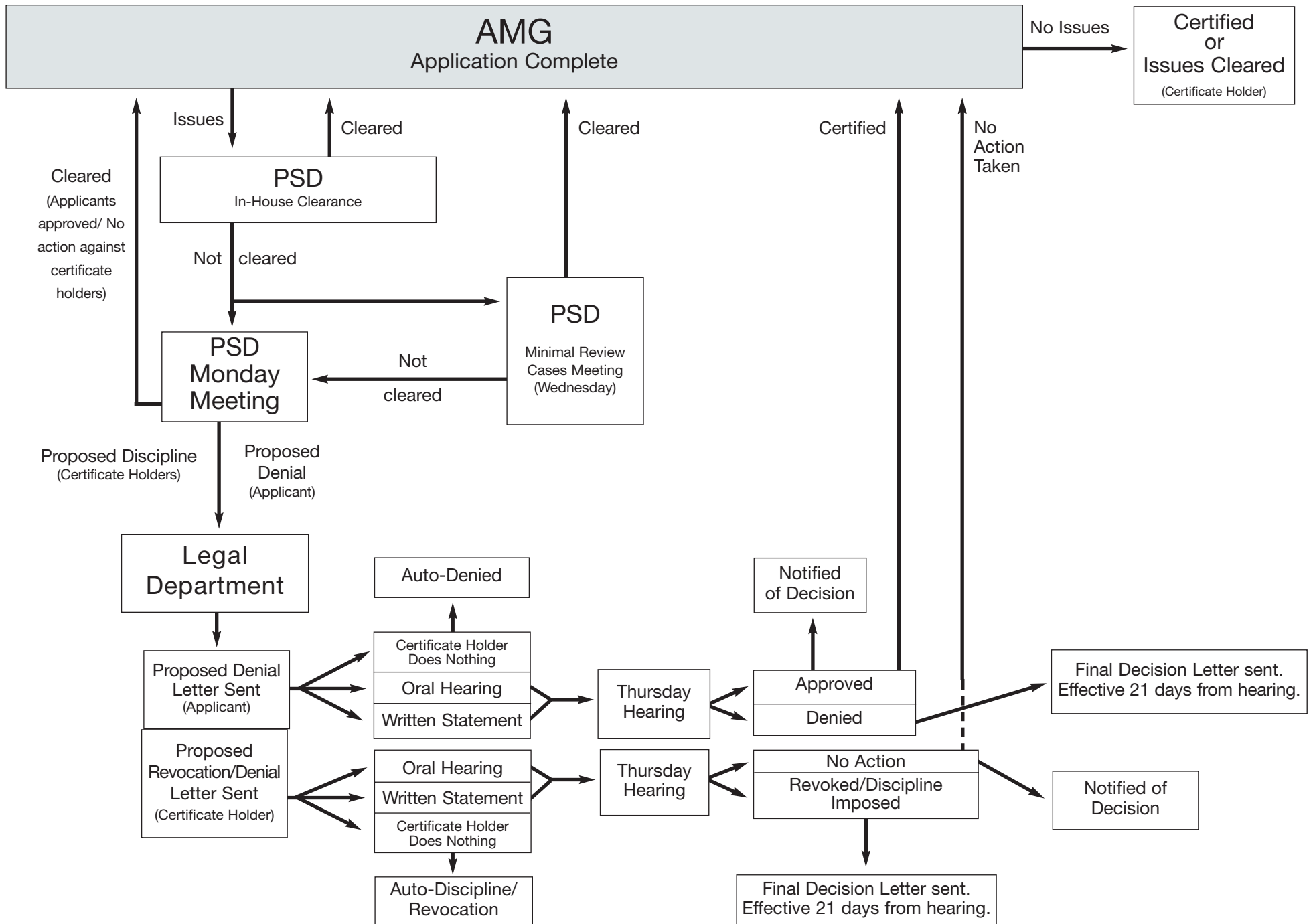
Joe Bob Smith, Director, Educational Standards Division  
California Massage Therapy Council  
[jbsmith@camtc.org](mailto:jbsmith@camtc.org)



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 25. PSD/Legal Flowchart.

# PSD/Legal Processing





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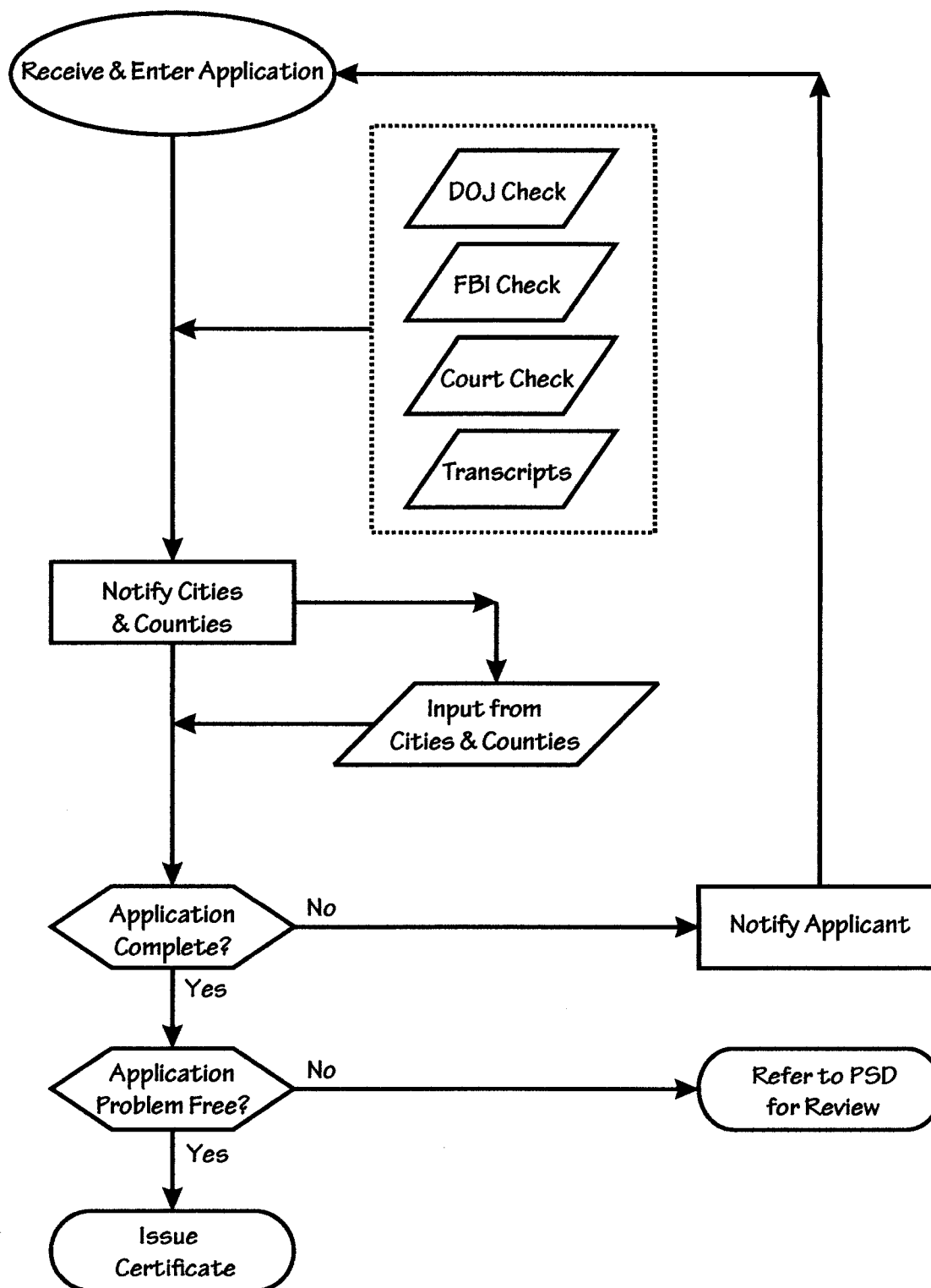
## 26. Flowchart for Application Processing.

# CAMTC Application Processing



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[www.camtc.org](http://www.camtc.org)





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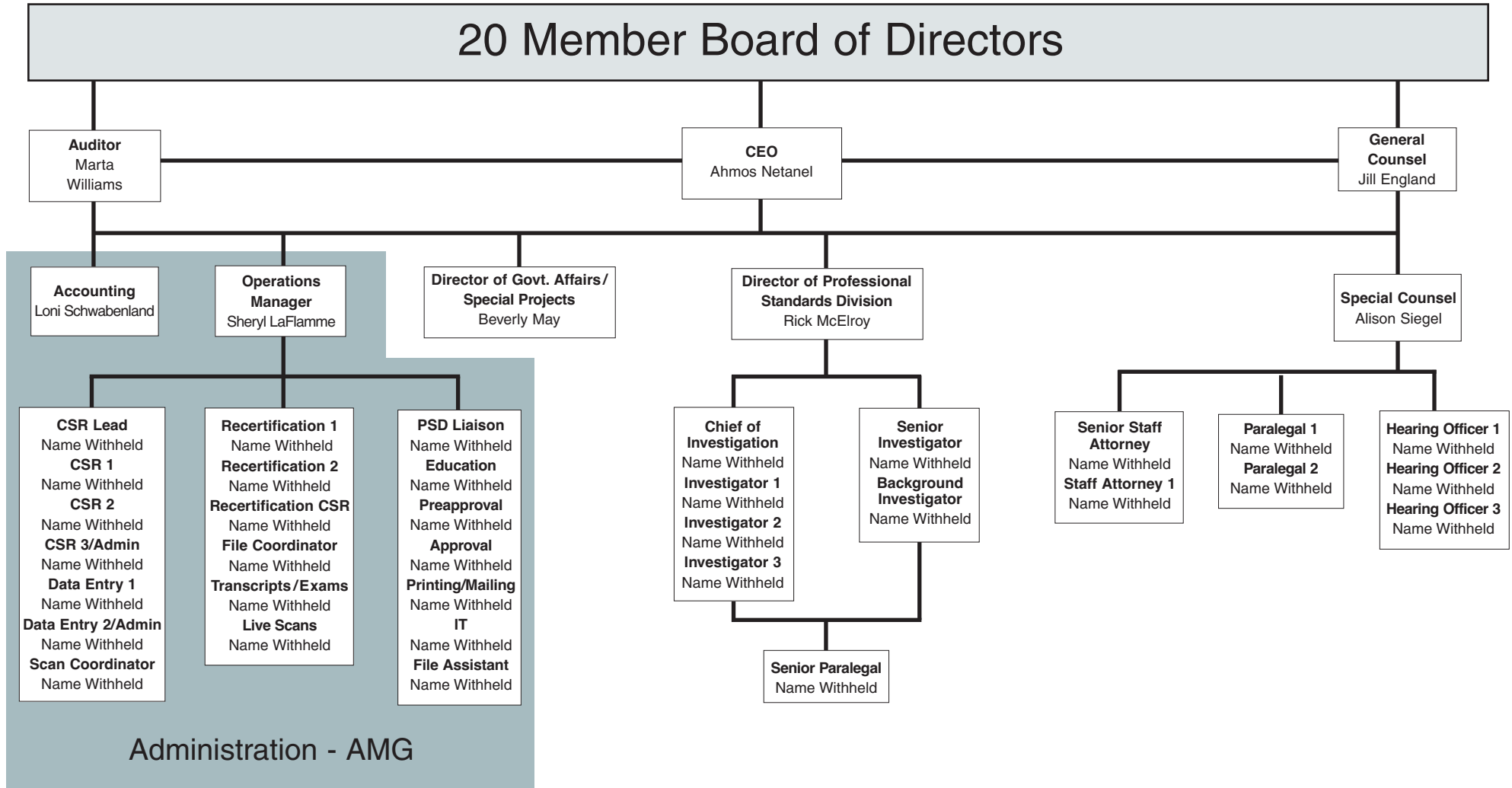
## 27. Organizational Charts.

a. 2014

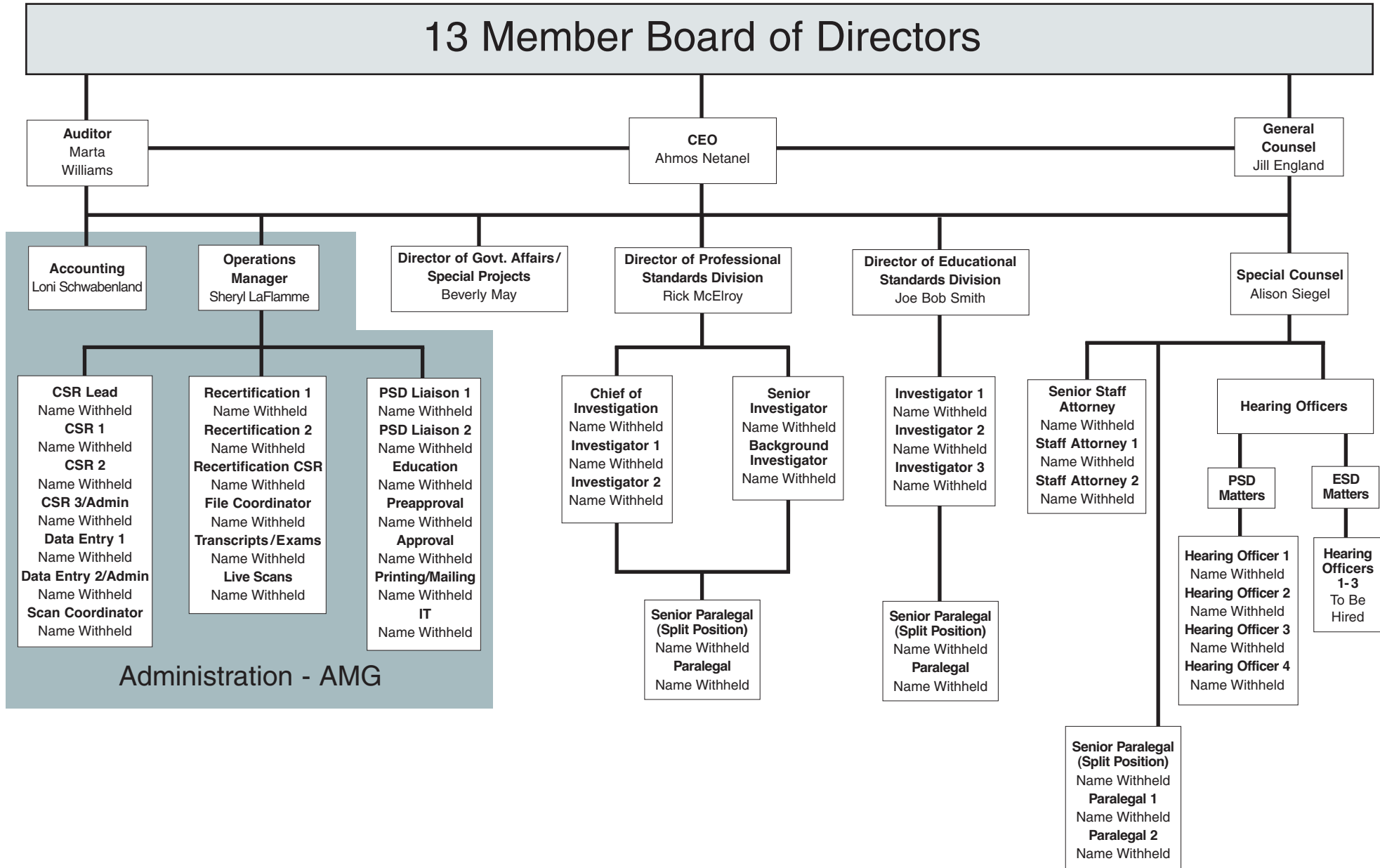
b. 2015



# CAMTC Organizational Chart as of December 31, 2014



# CAMTC Organizational Chart as of November 2015





**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

28. Redacted  
Sample Proposed  
Revocation Letter.



One Capitol Mall, Suite 800  
Sacramento, CA 95814  
[camtcreviewgeneral@camtc.org](mailto:camtcreviewgeneral@camtc.org)

[DATE]

**VIA FIRST CLASS MAIL**

To: CERTIFICATE HOLDER

From: California Massage Therapy Council  
Professional Standards Division

Re: Notice of Proposed Revocation of Certification

This is to inform you of the California Massage Therapy Council's ("CAMTC") proposed decision to revoke your certificate, effective DATE. You were initially certified on DATE. You were then recertified on DATE. New information has recently been received by CAMTC's Professional Standards Division ("PSD") in relation to your certificate. This new information has been thoroughly reviewed and considered, and the proposed decision to revoke your certificate was made pursuant to CAMTC's Procedures for Denial of Certification or Discipline/Revocation ("Procedures" – copy enclosed).

**Background:**

Your proposed revocation is based on the fact that you engaged in unprofessional conduct.

- CAMTC received a declaration, signed under penalty of perjury, from VICTIM, stating that you engaged in unprofessional conduct while you were performing a massage on her on DATE (copy enclosed).
- Pursuant to the declaration, VICTIM states that on DATE, you performed a massage on her at MESSAGE ESTABLISHMENT, located in the city of CITY, California.
- On the date in question, you led VICTIM to a massage room and she told you that she wanted you to focus the massage on a trapped nerve in her lower spine. You then left the room and VICTIM proceeded to disrobe but left her underwear and bra on, and laid face down on the massage table and unfastened her bra. You then returned and began the massage. Approximately halfway through the session, you instructed VICTIM to turn over and when she did, she held her bra in place. You then folded a towel, placed it over her breasts, removed her bra, and then placed her hands on top of the towel over each breast. You proceeded to massage her shoulders, across her chest, and between her breasts. You then moved VICTIM'S hands and began massaging her breasts. She was mortified and extremely uncomfortable. You continued massaging her legs and stomach and asked her if she wanted to be "really

relaxed.” When she answered yes, you slid your hand down her underwear and began rubbing her vagina. She immediately shouted at you and left the room. You were subsequently terminated from the spa.

### **Findings of the PSD after reviewing the facts:**

After careful review of your complete file, including but not limited to your Department of Justice record, the above noted declaration, your application for certification and attachments, your application for recertification and attachments, and recent notifications, the PSD finds, by clear and convincing evidence, that your certificate should be revoked. This is in order to protect the public safety in accordance with CAMTC’s Procedures.

The PSD finds by clear and convincing evidence that you engaged in unprofessional conduct on DATE, while providing a massage to VICTIM at MASSAGE ESTABLISHMENT, located in the city of CITY, California. During the massage, when VICTIM turned over halfway through, you placed a folded towel on her breasts, removed her bra, and then placed her hands on top of the towel over her breasts. You then moved her hands and began massaging her breasts. You then asked her if she wanted to be “really relaxed” and when she responded yes, you slid your hand down her underwear and began rubbing her vagina. She immediately shouted at you and left the room. You were subsequently terminated from MASSAGE ESTABLISHMENT. The PSD therefore finds by clear and convincing evidence that you engaged in unprofessional conduct when you engaged in the conduct noted above. The PSD further finds by clear and convincing evidence that you committed a fraudulent, dishonest, or corrupt act, and that you engaged in an act punishable as a sexually related crime by engaging in the conduct noted above under the guise of performing a massage.

Therefore, in accordance with CAMTC’s Procedures sections 1.c., 1.i. and 1.j., the PSD recommends that your certificate be revoked.

### **Proposed Decision:**

Based on the facts and findings, the PSD recommends revocation of your certificate.

### **Procedure:**

Pursuant to the Denial Procedures, you have the right to be heard, either orally by telephone or in writing, at least five (5) days before the effective date of the proposed revocation. If you choose to appear at the telephonic hearing or submit a written statement, we will consider any new facts and/or arguments you present and will then determine whether the decision to revoke your certificate shall be final.

If you would like a telephonic hearing, the filing fee is \$135.00. If you would like to submit a written statement, the filing fee is \$90.00. If you cannot afford to pay the filing fee, you may request a waiver of the fee.

To request a waiver of the filing fee, please submit a completed waiver request form (which can be found on our website at <https://search.camtc.org/filingfee/waiverform>) with copies of

all supporting documentation, to the address noted on the waiver request form. The completed waiver form must be received at the CAMTC office **no later than DATE**, in order to be considered. If we do not receive a completed waiver request form and all supporting documentation by **DATE**, you can still request a hearing or written statement by following the deadlines below, but you will have to pay the filing fee.

Whether or not you request a waiver of the fee, please notify us in writing to the email or address shown below (email preferred) by **DATE**, as to whether you are requesting a telephonic hearing or will be submitting a written statement instead. If you have not received a waiver, your payment of the applicable filing fee must be received by CAMTC **no later than DATE** by paying online at <https://search.camtc.org/filingfee/payment> or by mailing a check to the Sacramento address below.

[camtcreviewgeneral@camtc.org](mailto:camtcreviewgeneral@camtc.org)

or

California Massage Therapy Council  
Professional Standards Division  
c/o One Capitol Mall, Suite 800  
Sacramento, CA 95814

If you would like a hearing on this matter, the available date is **Thursday, DATE**, via teleconference at a time between 9:00 a.m. and 3:00 p.m. (if you select a hearing we will notify you of the exact time).

If you would like to submit a written statement instead of a hearing, or if you have documents you would like to submit for CAMTC's consideration, please submit your written statement and/or documents to CAMTC **no later than Tuesday, DATE**, and they will be considered on **DATE**.

**WRITTEN STATEMENTS AND DOCUMENTS RECEIVED BY CAMTC AFTER  
DATE WILL NOT BE CONSIDERED.**

If you do not request a telephonic hearing or submit a written statement/documents by the deadlines provided above, or if your proposed revocation is upheld after hearing, the proposed revocation of your certification will become final and effective on DATE. Revoked applicants must wait two years from the effective date of revocation before reapplying.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

29. Redacted  
Sample Final  
Decision Letter.



One Capitol Mall, Suite 800  
Sacramento, CA 95814  
[camtcreviewgeneral@camtc.org](mailto:camtcreviewgeneral@camtc.org)

[DATE]

**VIA FIRST CLASS MAIL**

To: CERTIFICATE HOLDER

From: California Massage Therapy Council  
Professional Standards Division

Re: Notice of Final Decision on Proposed Revocation of Certification

On DATE, the California Massage Therapy Council (hereafter "CAMTC") issued you a proposed revocation of certification letter. In accordance with CAMTC's procedures, you timely informed CAMTC that you were requesting an oral hearing. You appeared at the DATE, telephonic hearing with your translator, TRANSLATOR. You also submitted documents in support of your oral testimony. After your telephonic hearing, the Professional Standards Division (hereafter "PSD") met to consider the documents you submitted, your oral testimony, and all of the evidence in your case.

Your Proposed Revocation of Certification was based on the following:

- CAMTC received a declaration, signed under penalty of perjury from VICTIM, stating that you engaged in unprofessional conduct while you were performing a massage on her on DATE.
- Pursuant to the declaration, VICTIM states that on DATE, you performed a massage on her at the MESSAGE ESTABLISHMENT, located in the city of CITY, California.
- On the date in question, you led VICTIM to a massage room and she told you that she wanted you to focus the massage on a trapped nerve in her lower spine. You then left the room and VICTIM proceeded to disrobe but left her underwear and bra on, and laid face down on the massage table and unfastened her bra. You then returned and began the massage.
- Approximately halfway through the session, you instructed VICTIM to turn over and when she did, she held her bra in place. You then folded a towel, placed it over her breasts, removed her bra, and then placed her hands on top of the towel over each breast. You proceeded to massage her shoulders, across her chest, and between her



breasts. You then moved VICTIM'S hands and began massaging her breasts. She was mortified and extremely uncomfortable.

- You continued massaging VICTIM'S legs and stomach and asked her if she wanted to be "really relaxed." When she answered yes, you slid your hand down her underwear and began rubbing her vagina. She immediately shouted at you and left the room.
- You were subsequently terminated from the MASSAGE ESTABLISHMENT.

In opposition to your Proposed Revocation of Certification you submitted the following documents before the document deadline:

- Submissions from Certificate Holder, CERTIFICATE HOLDER
  - Request for Telephonic Hearing, dated DATE
  - Written Statement, dated DATE
    - Exhibit A: Answer of Certificate Holder to Second Amended Complaint
- City of CITY; Business Tax Certificate
- 2013 IRS Tax Information – 1040
  - Form W-2: "PLACE OF WORK"
- 2012 IRS Tax Information – 1040
- CAMTC Correspondence
  - Waiver of Filing Fee
- Email Correspondence

After careful consideration of all of the evidence in your case, the PSD finds by clear and convincing evidence that you engaged in unprofessional conduct on DATE, when you provided a massage to VICTIM at MASSAGE ESTABLISHMENT. The PSD received a sworn declaration made under penalty of perjury from VICTIM, stating that on the date in question, you massaged her breasts. You then asked her if she wanted to be "really relaxed." When VICTIM answered in the affirmative, you then slid your hand down her underwear and began rubbing her vagina. You continued to do this until VICTIM shouted at you and left the room. As a result of this incident you were terminated from your position at the MASSAGE ESTABLISHMENT.

In opposition to your proposed revocation of certification, you provided oral testimony at your hearing wherein you denied the conduct set forth in VICTIM'S declaration and provided your own account of what occurred during VICTIM'S massage on DATE. However, the PSD finds that your oral testimony was contradictory and not credible. The PSD finds that your testimony in regards to when you became aware of VICTIM'S allegations was contradictory and, therefore, not credible. You initially testified that you did not learn of VICTIM'S allegations until approximately one year after this incident, when you received a copy of the Complaint she filed against you in civil court. However, you later contradicted this testimony when you stated that you were aware of the allegations 2-3 days after the massage you performed on VICTIM. Specifically, you testified that 2-3 days after VICTIM'S massage, you were confronted by your manager and subsequently terminated from the spa for the "inappropriate touching" that occurred during the massage you performed on VICTIM. Therefore, it is clear that you were aware of VICTIM'S allegations much sooner than the one-

year timeframe you initially testified to during your oral hearing. The PSD finds that your testimony in this area was not truthful; and therefore, not credible.

Additionally, the PSD finds that your testimony in regards to your conversation with VICTIM during her massage was not credible. Specifically, in her declaration, VICTIM states that at a certain point during her massage you asked her if she wanted to be really relaxed. When the PSD questioned you as to whether you asked VICTIM this question, you testified that you did not ask her this question. Moreover, you testified that, in fact, you have never asked any client if they want to be relaxed. The PSD did not find this statement to be credible given that many massage clients would cite relaxation as one of the main priorities for his or her massage. Therefore it is a common question for a therapist to ask a client if one of their goals for the massage is to relax. The fact that you testified that you would never ask a client if they wanted to relax is not credible or believable to the PSD. Moreover, in this particular situation you later testified that VICTIM'S intake sheet indicated that she wanted to focus on the lower back and relaxation during the massage. You further testified that during your initial conversation with VICTIM she again mentioned that she wanted to relax. Based upon the statements in VICTIM'S declaration and your testimony during your oral hearing, the PSD finds that your testimony that you would never ask a client if they want to relax was self-serving, evasive, and not credible. The PSD further finds that, based upon VICTIM'S intake sheet and your testimony about your conversation with her prior to the massage, the statement in VICTIM'S declaration that you asked her if she wanted to relax was credible; whereas your testimony on this topic was not.

Furthermore, the PSD finds that during your oral hearing you provided contradictory and self-serving testimony in regards to what type of massage you performed on VICTIM on DATE. You initially testified that you performed a full-body Swedish massage on VICTIM. However, when the PSD began to question you in regards to what specific areas of the body you massaged, you then changed your testimony and stated that you actually provided VICTIM with a reflexology massage. You testified that as part of the reflexology massage you massaged VICTIM'S feet, hands, shoulder, and neck. You testified that you never massaged VICTIM'S lower back. When asked about your previous testimony that VICTIM had specifically asked you to focus on her lower back, you then testified that you did not remember that. The PSD does not find your testimony in regards to the type of massage you provided, and as to the areas of VICTIM'S body that you massaged, to be credible. First, the PSD notes that you testified that the massage you performed on VICTIM was approximately 70-75 minutes in duration. The PSD notes that this length of massage is not typical for reflexology (which is typically much shorter), and is more typical of a full-body Swedish massage. Moreover, the PSD finds that your testimony that you performed a reflexology massage on VICTIM was self-serving in that the performance of a reflexology massage is less likely to include massage in any area of the body that could be perceived as a sensitive, inappropriate or private area. Therefore, the PSD finds that your testimony that you performed a reflexology massage was not credible and simply an attempt to counter VICTIM's declaration that you massaged her breasts and touched her vagina during her massage. The PSD therefore finds that your testimony on the type of massage you performed on VICTIM, and the body parts you massaged, was not credible, but was instead contradictory and self-serving.

Additionally, the PSD finds that your testimony in regards to whether you massaged VICTIM'S chest was contradictory and not credible. In her declaration, VICTIM states that you massaged her entire breasts. During your oral hearing you were asked whether you massaged any of VICTIM'S chest area. You initially testified that you did not massage any portion of VICTIM'S chest area because it is not permitted by spa policy. However, later in your oral hearing, when you were asked about this again, you then changed your testimony and stated that you did massage VICTIM'S chest area, but that you did not come into contact with her breasts during this portion of the massage. The PSD finds that your testimony in regards to your massage of VICTIM'S chest to be contradictory and not credible.

Furthermore, the PSD finds that you corroborated VICTIM'S declaration in that you admitted to violating spa policy and admitted to engaging in unprofessional conduct. Specifically, during your oral hearing you testified that when VICTIM initially laid on the massage table, she was laying on top of the sheet and was, as a result, uncovered during her massage. You testified that you failed to cover VICTIM because she was wearing her bra and underwear and was therefore not exposed. Moreover, you testified that you were unable to cover her because she was lying on top of the sheet. The PSD did not find this to be a credible reason for your failure to cover VICTIM. Simply because she was lying on the sheet did not prevent you from asking her to move off the sheet so that you could cover her. Moreover, you were not prevented from using a towel or another sheet to cover her instead. You further testified that when VICTIM turned over onto her back, she was still not covered but, again, because she had her bra and underwear on, you did not cover her. When asked if it was spa policy to always use draping with a client, you testified that it was spa policy. When you were then asked if you violated spa policy when you failed to drape VICTIM, you initially testified that you did violate that policy. However, you then changed your testimony and stated that you did not violate spa policy because later during the massage VICTIM got under the sheet. When asked how she did so, you testified that towards the end of the massage, VICTIM got up off the table and repositioned herself under the sheet. The PSD did not find it to be credible that VICTIM suddenly got up from the table during the middle of her massage and then repositioned herself under the sheet. Moreover, the PSD finds that even if this had occurred, it would still have been unprofessional conduct, and a violation of the spa's policy, to fail to drape VICTIM during the initial portion of her massage.

Additionally, during your oral hearing you admitted that, in addition to being terminated from MESSAGE ESTABLISHMENT for inappropriate touching, you were also terminated for inappropriate touching from PREVIOUS MESSAGE ESTABLISHMENT, which was another spa where you were working at the same time that you worked at MESSAGE ESTABLISHMENT. When asked about the specific allegations made by the client at the PREVIOUS MESSAGE ESTABLISHMENT and whether they were true, the PSD heard whispering in the background, which sounded like you were being coached on how to respond to this line of questioning. The PSD did not find it credible that you were being truthful in your responses given the whispering that was heard between yourself and your translator. However, in response you testified that you did not know if the allegations against you were true because you were not informed of who made the allegations or what the specific allegations were. The PSD did not find this response to be credible had you not

actually engaged in inappropriate touching with the client at the PREVIOUS MESSAGE ESTABLISHMENT. Specifically, had you not engaged in inappropriate touching with a client at the PREVIOUS MESSAGE ESTABLISHMENT, the PSD would have expected you to vehemently deny those allegations and staunchly oppose your termination from that establishment. Instead, the response you provided was evasive and not a denial of your conduct. Additionally, the PSD finds that the fact that you were terminated from two massage therapist positions, from separate establishments in a short span of time shows that you engaged in a pattern of conduct that involved inappropriate touching of clients under the guise of providing a massage. The PSD further finds that this additional termination for inappropriate touching strengthens the credibility of the conduct described in VICTIM'S declaration.

Finally, during your oral hearing you asserted that VICTIM was lying in her declaration and that VICTIM'S motivation for making these allegations against you was money. You testified that because your spa was located in Beverly Hills, which is a wealthy area, it is likely that VICTIM made up the conduct set forth in her declaration so that she could collect a settlement from either yourself or the spa. You supported this argument by providing a copy of VICTIM'S Complaint that she has filed against you in civil court. However, the PSD did not find the fact that VICTIM has filed a civil Complaint against you to be evidence that the conduct set forth in her declaration did not occur. You did not provide any evidence that VICTIM is not telling the truth, and your testimony during your oral hearing regarding what you claim happened during the course of the massage was contradictory, evasive, and not credible. Therefore, the PSD did not find your arguments in regards to VICTIM'S motive to be credible.

As the trier of fact, the PSD is charged with weighing the evidence before it, assessing credibility, and making findings of fact. In her declaration, signed under the penalty of perjury, VICTIM states that you engaged in unprofessional conduct on DATE while performing a massage at MESSAGE ESTABLISHMENT. In opposition to this declaration, you provided testimony during your oral hearing. However, as discussed above, the PSD finds that, overall, your testimony was contradictory, evasive, self-serving and not credible. Moreover, based upon your termination from MESSAGE ESTABLISHMENT, as well as your termination from PREVIOUS MESSAGE ESTABLISHMENT for the same conduct (inappropriate touching of clients); the PSD finds that you have engaged in a consistent pattern of unprofessional conduct. The PSD further finds that your termination from two establishments for the same conduct strengthens the veracity of the statements made by VICTIM describing your conduct in her declaration. Further, the PSD finds that the declaration of VICTIM was credible, made under penalty of perjury, and contained sufficient detail to have additional indicia of reliability. Additionally, the PSD finds no evidence that VICTIM was untruthful in her declaration. The PSD therefore finds that the declaration of VICTIM was credible, made under penalty of perjury, and contained sufficient detail to have additional indicia of reliability.

The PSD therefore finds based upon clear and convincing evidence that you engaged in unprofessional conduct during the course of providing a massage to VICTIM on DATE. Specifically, the PSD finds that you massaged VICTIM'S breasts. Further, you then asked

VICTIM if she wanted to be “really relaxed.” When VICTIM answered in the affirmative you then slid your hand down her underwear and began rubbing her vagina. You continued to do this until VICTIM shouted at you and left the room. As a result of this incident you were terminated from your position at the spa. The PSD therefore finds by clear and convincing evidence that you engaged in unprofessional conduct when you engaged in the conduct noted above under the guise of providing a massage. The PSD further finds by clear and convincing evidence that you committed a fraudulent, dishonest, or corrupt act, and that you engaged in an act punishable as a sexually related crime by engaging in the conduct noted above under the guise of performing a massage.

The PSD next considered whether you presented sufficient evidence of rehabilitation in opposition to the proposed revocation to allow you to maintain your certification. The PSD finds that your unprofessional conduct is from DATE, which is fairly recent. During your oral hearing, you failed to admit to your unprofessional conduct and failed to take responsibility for your actions on DATE. Without an admission of your conduct, there can be no rehabilitation. You also failed to present evidence of specific steps you have taken or will take in the future to ensure that this conduct will not occur again. The PSD therefore finds by clear and convincing evidence that you have failed to submit sufficient proof of rehabilitation to allow you to maintain your certification.

Therefore, based on clear and convincing evidence, the PSD finds that your certificate should be revoked. The PSD has decided to uphold its proposed decision to revoke your certificate in accordance with CAMTC’s Procedures for Denial of Certification or Discipline/Revocation sections 1.c., 1.i., and 1.j. The decision of the PSD is final. The revocation of your certification is effective on DATE. Please return your CAMTC certificate and ID card to the address noted above immediately. In accordance with CAMTC policy, revoked applicants must wait two years from the effective date of revocation before re-applying.



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 30. Consumer Outreach Brochure.

The California Massage Therapy Council (CAMTC) is a non-profit organization established in 2009 to protect the public by certifying qualified massage professionals in California.

Report Questionable and/or Unprofessional Conduct of Massage Providers:

[www.camtc.org/Complaints.aspx](http://www.camtc.org/Complaints.aspx)



California Massage Therapy Council  
One Capitol Mall, Suite 320  
Sacramento, CA. 95814

[www.camtc.org](http://www.camtc.org)

Phone (916) 669-5336

Fax (916) 669-5337



Is your massage provider certified?



## What is the law?

California law provides for the voluntary certification of massage professionals by CAMTC. It is against the law for a massage provider to hold themselves out as, or otherwise imply, that they are certified when they are not certified by CAMTC.

Certificate holders found to have engaged in unprofessional or illegal conduct may have their certificates suspended or revoked, or may be subject to other discipline by CAMTC.



## Local Regulations

A growing number of California cities and counties are requiring CAMTC certification for massage professionals. If CAMTC certification is not required in a specific city or county, and a massage provider practicing in that city or county is not CAMTC certified, then the city or county may require massage providers to obtain and maintain a local permit or license.

## What Is a CMT, CMP or CCMP?

In order to be certified as a massage professional by CAMTC, an applicant must pass a background check that includes review by the California Department of Justice and FBI, and meet the educational standards established by California State Law. Massage professionals may be certified as either:



### CMT - Certified Massage Therapist

- 500 hours of approved education or 250 hours of approved education and passage of a CAMTC approved exam; or



### CMP - Certified Massage Practitioner

- 250 hours of approved education; or



### CCMP - Conditional Certified Massage Practitioner

- Applied on or before January 1 of 2012, with 100 hours of approved education, and completed a minimum of 30 hours per year of approved continuing education until 250 hours are reached within 5 years.

## Beware of massage providers who...

- Do not display their CAMTC certificate number in their advertising
- Are not listed as holders of a valid CAMTC certificate at: [www.CAMTC.org/VerifyCertification.aspx](http://www.CAMTC.org/VerifyCertification.aspx)
- Fail to provide you with their true legal name
- Fail to display their CAMTC certificate at their place of work
- Refuse to provide you with their CAMTC identification card when requested to do so
- Use the phrases “certified massage therapist” or “certified massage practitioner” or hold themselves out as CAMTC certified when they are not CAMTC certified
- Do not provide you with a clean, safe, and comfortable environment before, during, and after the massage
- Fail to treat you with respect, courtesy, confidentiality, and dignity
- Do not provide you with privacy while changing and do not provide you with the right to remove your clothing only to your own level of comfort for the massage
- Do not drape you appropriately with a sheet, towel or blanket that leaves only the area being massaged exposed
- Do not provide an explanation of the nature of the massage and techniques to be used in advance of starting the massage
- Do not provide you with the opportunity to consent to the massage techniques and approaches, including pressure, used in the massage
- Behave unprofessionally and commit sexual misconduct





**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

## 31. San Rafael Staff Report.



Agenda Item No: 5.a

Meeting Date: October 5, 2015

## SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Prepared by: Raffi Boloyan, Planning Manager

City Manager Approval: 

**TOPIC:** Consideration of the Temporary Moratorium on Massage Establishments and whether to Terminate the Moratorium.

**SUBJECT:** Adoption of an Urgency Ordinance terminating the temporary Moratorium on the establishment and operation of new massage establishments within the City of San Rafael.

### EXECUTIVE SUMMARY:

Since the temporary Moratorium on massage establishments was enacted in January 2015, staff has researched other communities as well as researched potential zoning options to address the proliferation of massage establishments (especially illicit ones). Based on the research, staff recommends that zoning changes would not be an effective tool to significantly address the issue. The issue with massage is related to people who own, work and run a business, not the land use itself. In this case, zoning is not the best tool to regulate those issues. Zoning is meant to regulate land uses, not people or business operations. Zoning is meant to address land use impacts (i.e. light, noise, hours of operation, traffic, parking, land use compatibility). The issue with regulating massage uses is that if you place two massage establishments, a legitimate one next to one that performs illegal activities, zoning would consider them the same. The issues are how the operators run their business and whether they follow sound business practices.

Continued implementation and enforcement of the regulations governing massage establishments in San Rafael Municipal Code Chapter 10.90 ("the Massage Ordinance") is a more effective tool to continue to regulate these businesses and ensure that businesses are operating in a legal and safe manner, consistent with all local and state laws. The City's enforcement efforts for the past 2 years has proven that implementation of the Massage Ordinance, which includes registration, regular inspections and enforcement has addressed many of the issues expressed by the Council, the public and the legitimate massage establishments. In conclusion, staff recommends that based on the study of zoning options, zoning is not an appropriate tool for the city to use for this specific matter and therefore, recommends that the temporary moratorium be terminated.

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### FOR CITY CLERK ONLY

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

**RECOMMENDATION:**

Adopt the Urgency Ordinance terminating the temporary moratorium on the establishment and operation of new massage establishments within the City of San Rafael.

**BACKGROUND:**

At its regular meeting on January 5, 2015, the City Council adopted Ordinance No. 1928, an urgency Ordinance temporarily enacting a moratorium on the establishment and operation of new massage establishments in any zoning district within the City. A massage establishment is a business that offers massage therapy in exchange for compensation. By its terms, the moratorium did not apply to massage establishments that were open and operating with required permits prior to the adoption of the moratorium, to the transfer of such a business to a new owner, or to a new business that had submitted a complete application to the City prior to adoption of the moratorium.

The moratorium was enacted due to recent changes in State law. With the enactment of Senate Bill 731 (Massage Therapy Act) in 2008, the Legislature attempted to address a concern among massage professionals about patchwork regulations for massage practitioners and establishments throughout the State. Prior to enactment of the Massage Therapy Act, local governments in California had broad authority to regulate massage businesses and massage practitioners operating within their jurisdictions, including the power under their zoning ordinances to limit the location of massage establishments to certain zoning districts, and/or to require a conditional use permit to operate. Senate Bill 731 created a program of voluntary certification of massage practitioners by a State-authorized organization, the California Massage Therapy Council (CAMTC), and additionally imposed limits on the ability of cities and counties to regulate those practitioners and businesses, in particular by mandating that local zoning regulations could not distinguish between massage establishments and other personal and professional services.

After the enactment of the Massage Therapy Act, many communities throughout the state experienced problems with implementation of the Act, including a significant and unregulated increase in new massage establishments. The Legislature responded by enacting Assembly Bill 1147, effective as of January 1, 2015, which extended the Massage Therapy Act but also amended it to once again permit cities and counties to use their land use and zoning powers to regulate massage establishments differently than other personal or professional services establishments located within their jurisdictions.

Based on these changes in State law, and ongoing issues in the City with the proliferation of massage establishments, including illicit establishments, in the downtown area, the City Council determined that it was prudent to enact a temporary moratorium on the establishment of new massage establishments, to allow the City to study potential changes to zoning and land use regulations without new massage establishments opening up that might not be allowed if new zoning rules were ultimately to be adopted.

Therefore, Ordinance No. 1928 was adopted on January 5, 2015 as an Urgency Ordinance, imposing a moratorium pursuant to the authority of Government Code section 65858. The moratorium was to allow City planning and legal staff a measured period of time in which to:

- Conduct a thorough review of the impacts of existing massage establishments in various zoning districts,
- Understand the extensive state law governing the regulation of this use,
- Review the applicability of the City's existing zoning regulations to the use,
- Evaluate regulatory schemes studied and enacted by many other California cities, and
- Evaluate the need for any additional zoning ordinance amendments.

Ordinance No. 1928 was effective for 45 days and was set to expire on February 19, 2015. On February 17, 2015, the City Council conducted a noticed public hearing to receive a report describing Staff's work on the issues being studied during the moratorium, and to consider extending the moratorium for an additional period of time as permitted under Government Code section 65858. At this hearing, the Council received input from many massage practitioners and business operators, who testified about the impacts of the moratorium on legitimate massage establishments and asked that the City not extend the moratorium, but instead continue to focus its efforts on enforcement of the City's Massage Ordinance.

Although the City Council was extremely sympathetic to the massage community, it determined that it would be best to continue the moratorium to allow Staff to complete its work, and therefore adopted Ordinance No. 1929, which extended the moratorium for an additional 10 months and 15 days, or until December 31, 2015. However, the Council also directed Staff to report back to the Council at an earlier date should Staff conclude its research before the December 31, 2015 termination of the moratorium.

Through separate action, the City also adopted changes to the Massage Ordinance (SRMC 10.90) in December 2014, modifying certain operating and registration standards and requirements. Also through separate action, the City established fees to cover City staff time for registering and inspecting massage establishments.

#### **ANALYSIS:**

Within the initial 45 days of the moratorium, staff identified the potential zoning options that could be studied, and reported those to the Council. Since the enactment of the extension of the temporary moratorium on February 17, 2015, staff has conducted additional research and analysis on potential options for Zoning Ordinance amendments, and whether any zoning ordinance amendments are feasible to address the issue of the proliferation of massage establishments and the issue of illicit establishments.

Staff has reviewed five other similar communities and what they are doing about massage establishments from a zoning perspective (Attachment B). Additionally, Staff has analyzed 6 different options for changes to the City's zoning regulations. (Attachment C). Results of these studies are summarized below and detailed in the attached tables

#### **1. Comparison of Similar Communities**

The cities Staff selected to find out about their massage issues and regulations are San Gabriel, Huntington Beach, Palo Alto, San Mateo, and Redwood City. These jurisdictions were chosen for several reasons. San Gabriel is known to have been experiencing a problem with illicit massage establishments, and recently considered zoning amendments to address massage, therefore Staff wished to study the changes that city has made to its regulations. The other cities were chosen because they have demographics similar to San Rafael's in terms of population size, a good mix of land uses, and thriving downtowns.

Staff's conversations with the five jurisdictions noted above, as well as with the CAMTC, revealed that most cities have some massage establishments conducting illicit activities. However, most cities have not expanded their massage regulations beyond statewide requirements, and as the State Legislature is likely to update these requirements again by the end of 2016, they are waiting until then to decide whether or not they will adopt revised massage regulations.

Throughout the state, very few communities have modified their zoning ordinances to require more restrictive land use regulations associated with massage establishments, as they want to remain business friendly and do not want to discourage legitimate massage businesses. Furthermore, most of these communities have also concluded that zoning is a means to address land use compatibility, and not problematic business practices or operators. San Gabriel was the only City in California where zoning changes have been made to date.

Lastly, the study of the 5 communities has revealed that most programs are working reasonably well and usually provide for the enforcement of complaints and violations by massage business either through the Police Department and/or Building Department.

The attached table (Attachment B) illustrates the results of the survey of other communities. Most of the communities are not considering zoning options to address this issue. San Gabriel was having significant problems with massage businesses and adopted a conditional use permit requirement in March 2015. Their staff indicated that the use permit requirement has addressed their proliferation issues by reducing the number of new massage establishments due to the use permit requirement creating financial and time barriers for new massage businesses seeking to open. However, that requirement has also affected all massage businesses, both legitimate and illicit establishments, through the creation of additional process and time required for application for a Use Permit.

San Gabriel also considered a spacing requirement, but found it was too difficult to enforce and would create an impact on legitimate establishments. Huntington Beach did establish a 1,000-foot separation requirement for massage establishments, to spread them out throughout the city rather than concentrate the businesses. Redwood City, San Mateo, and Huntington Beach have not adopted a use permit requirement.

Overall, the general consensus of the other five communities studied is that, zoning does not provide a better tool than an ordinance setting business standards, health and safety standards and requiring registration and inspections ensure that a business is a legitimate massage therapy practice. Zoning is meant to regulate land use (i.e. noise, traffic, smell, hours of operation, parking and compatibility with surrounding uses), not specific business practices. Therefore, in this case, zoning is not the best tool to regulate business practices or illicit activities. What a zoning amendment to require Use Permits for all massage establishments would provide is an additional process and expense for all massage establishments (both legitimate and illicit) to open and operate in a community. Although the additional process would have the side effect of discouraging illicit massage establishments from locating in the City, it would also discourage and impact legitimate operations. The additional Use Permits that would be submitted if a Use Permit requirement were adopted, would also impact the workload of planning division staff, and slow down processing of all planning applications.

## **2. Consideration of Zoning Options**

Staff researched six zoning options that could be considered in San Rafael, as noted below (Attachment C). Each option is described and is followed by a staff summary of the effectiveness of each:

- a. **Require Use Permit for all Massage Establishments** – Use Permits could be required for massage establishments in some or all zoning districts to allow the City to evaluate land use compatibility, hours of operation and concentration/spacing issues. This is not a new tool. At one time, the City required a Use Permit for all massage establishments.

Staff Analysis – Requiring Use Permits for all massage establishments would allow for review of spacing and concentration and allow for additional regulation and oversight. However, this type of regulation and oversight would be geared towards land use matters (noise, hours of operation, traffic and land use compatibility) only, and would not directly regulate or prevent illicit activities, which are more effectively controlled with vigorous enforcement of the City's Massage Ordinance.

The Use Permit requirement would also place additional cost and time requirements on all massage establishments. From a staffing perspective, requiring Use Permits for all massage establishments would further strain the capacity of Planning Division staff, which is already extremely busy, and would therefore impact the timing of processing of all planning applications, affecting many homeowners and businesses in the City seeking permits for their projects.

In addition, Use Permits are a land use entitlement, meaning that once issued, the entitlement runs with the land, irrespective of changes in business ownership. Revoking a Use Permit is a lengthy process that requires making findings of detriment to public health, safety and welfare. The revocation process itself does not provide an easier mechanism to close an illicit business than the current procedure established by the City's Massage Ordinance of revoking the establishment certificate.

Staff's conclusion is that additional control over land use aspects of massage establishments through addition of a Use Permit requirement will not substantially advance the City's primary goal of eliminating illicit massage establishments and practitioners, and therefore would not justify the substantially increased costs this option would impose on all massage practitioners and businesses, and City staff.

- b. **Spacing/Separation requirements for Massage Establishments** – Spacing or separation requirements could be imposed prohibiting new massage establishments from locating within a certain distance of another massage establishment (e.g., 500 or 1,000 ft separation). Recently, the City of San Gabriel in Southern California considered an ordinance establishing spacing requirements, but ultimately did not adopt the standard.

Staff Analysis – This option would reduce the concentration of massage establishments, limiting both legitimate and illicit operations. However, such a regulation would be difficult to implement, requiring constant updating of the inventory of massage establishments. Furthermore, there would be an issue with how to deal with multi-tenant office buildings, where many massage establishments are commonly located. This option would also have the high likelihood of opposition from legitimate practitioners and business operators. From a staffing perspective, this option would create some additional workload for planning staff to map and monitor all massage establishments in the City.

- c. **Modify Zoning district land use tables to limit or prohibit massage establishments in certain zoning districts** – Massage establishments could be limited, or prohibited from certain zoning districts within the City.

Staff Analysis – This option would reduce the areas in which new massage establishments could operate. However, such a regulation would likely result in concentrating a large number of massage establishments into certain areas of the City, and might also hamper enforcement against illicit establishments by putting them in areas that have less visibility and oversight from public view. Like all other options, this option would not distinguish

between legitimate and illicit establishments, but would apply to all. Staffing implications of this option would not be extensive -- mainly the time required to prepare the draft amendments -- and is estimated to be 20-40 hours.

Staff has concluded that this option would not result in a clear improvement over the status quo and could produce additional undesirable impacts on legitimate practitioners and on the City's code enforcement efforts.

- d. **Consider exemption from zoning changes for Sole Providers** - Any of the zoning options noted here could be coupled with an exemption for sole proprietors/sole providers from Use Permit or spacing requirements.

Staff Analysis – This option would simplify the permitting process for sole providers. This option could lead to more businesses being formed as sole providers, so as to avert the land use regulations. This option may face more opposition from legitimate, non-sole provider establishments.

- e. **Combination of options above** – A likely combination would be to require a Use Permit for all Downtown massage establishments, including spacing requirements for establishments not located in multi-tenant office buildings, but not elsewhere in the City.

Staff Analysis – This option would provide an increased level of local control over land use aspects of a massage establishment, with less risk of concentrating massage establishments in discrete areas of the City. However, this option would require additional processing time and application fees. More significantly, as noted above, Use Permits do not control poor business operations or illicit activities. Although it would create an additional permit type that the City could revoke, the City already holds the ability to revoke the massage registration through our existing Massage Ordinance and this would be duplicative. This option would also impact Planning Division staff time in order to process Use Permits.

- f. **Status Quo with primary reliance on enforcement of existing Massage Ordinance** - No change to the current zoning regulations or maps, which allow massage establishments as a permitted use in nearly all commercial and mixed use zoning districts. In some downtown zoning districts, massage establishments are allowed only on a 2<sup>nd</sup> floor or above or rear ground level. The status quo also includes on-going implementation and enforcement of the City's Massage Ordinance.

Staff Analysis – This option would continue the current zoning schemes and regulation of massage establishments primarily through enforcement of the regulations and procedures in the Massage Ordinance. The Status Quo option may not completely address neighborhood or business concerns, and there remains a potential for proliferation. However, during the moratorium period, efforts to enforce the City's existing massage regulations have proven effective in addressing the issue of massage establishments that undertake illicit activities, and have resulted in the closure of 14 establishments that were found to be repeatedly in violation of the Massage Ordinance.

**Status of On-Going Implementation/Enforcement of Massage Ordinance:**

The Council will recall that in June, 2013, implementation of the Massage Ordinance was assigned to the Community Development Department's Code Enforcement Division (from the Police Department). Given that Community Development did not have the staffing to provide this new service, an outside

contractor was hired (CSG Consultants) to create and implement the Massage Ordinance registration and inspection program. This contract was set for a one year trial basis. After the first year, the program was extended for an additional two years (ending in June 2016). A summary of the program to date (through September 10, 2015) is provided in Attachment D and summarized as follows.

The City's enforcement efforts began with staff creating an entire program (forms, process, database, procedures, etc), then inventory all the establishments, and register all existing businesses. However, once up and running, the City's efforts became effective and regular inspections were conducted. Since the Code Enforcement Division, through its contractor, has taken over the implementation of the Massage Ordinance, the City has performed 978 inspections, observed 618 violations of the ordinance, and issued 218 citations in the amount of \$134,564 (\$127,094 of which has been collected). To date, the City has revoked the required massage establishment certificate or operator permit for 3 massage establishments and closed their operations, and suspended the permit for a fourth, which recently turned into a full revocation and closure. Overall, City enforcement has resulted, through revocation or voluntary cessation, in the closure of 14 massage establishments consistently operating in violation of the City's Massage Ordinance. At this time, the program is continuing and is funded through the end of this fiscal year (June 30, 2016). Prior to the end of this contract, staff will return to the Council to seek direction on the future of the program.

Based on Staff's analysis of the zoning options described above, and the results of the enforcement program, Staff believes that continued enforcement of the City's Massage Ordinance is the more effective way to prevent illicit operations and that zoning modifications would not be of benefit to the City.

**CONCLUSION:**

There have been significant changes in State law in recent years, including the restoration of the City's powers to impose land use regulations on massage establishments under Assembly Bill 1147. Moreover, the City's Zoning Ordinance permits the City to foster harmonious and workable relationships among land uses and reduce or remove negative impacts caused by inappropriate location of uses. Therefore, the City had a responsibility to all interested persons, including the operators of existing and proposed massage establishments, potentially affected surrounding residents and businesses, and the public at large, to conduct a comprehensive study of current massage establishment land use regulations, and the City's options and feasibility for improving the effectiveness of those regulations.

The Council adopted this temporary moratorium knowing that, after study, Staff might recommend that no changes to the City's zoning regulations should be made. As detailed in the report and analysis above, the research has revealed that zoning is not a beneficial tool in regulating massage establishments, and that it would be more effective for the City to continue to address the issues related to massage through the on-going enforcement of the City's Massage Ordinance.

Therefore, staff has prepared, and recommends that the Council adopt, an urgency ordinance terminating the temporary moratorium on the establishment and operation of new massage establishments. As an urgency Ordinance, the Ordinance must be approved by a 4/5 vote of the Council, and would become effective immediately upon adoption.

**COMMUNITY OUTREACH:**

Throughout the temporary moratorium, and even beforehand, staff has periodically met with the massage professionals organized as the Massage Ordinance Advisory Committee (MOAC), to answer their questions, listen to their comments and concerns and to provide updates. Most recently, staff met with the leadership of MOAC and the Executive Director of the Downtown Business Improvement



District (BID) on September 9<sup>th</sup>, and provided them with the results of the staff research on Zoning options and an update on the plans for the City Council presentation on September 21<sup>st</sup> as well as this hearing.

Notice of this meeting was provided in the City Manager's "Snap Shot" email list, and posted on the City's web pages related to the massage moratorium. In addition, notice of this public hearing to consider terminating the temporary moratorium was provided by a notice in the Marin IJ on Saturday September 26, 2015 (Attachment E) and mailing of public hearing notice to all existing massage establishments, the Downtown BID, Chamber of Commerce and other interested parties on Friday, September 25, 2015.

Staff has not received any written or verbal comments as a result of the noticing for this hearing. Any communication that may be received after the reproduction of the report will be forwarded to the Council under separate cover.

**FISCAL IMPACT:**

There will be no direct fiscal impact of the Council's adoption of the ordinance terminating the massage moratorium. The only fiscal impact related to the moratorium is the staff time to conduct the research and analysis and prepare the reports on the matter. It is estimated that 75 hours of staff time have been used through the moratorium research and analysis and reporting, Fiscal impact of the city's current and on-going enforcement efforts or future enforcement efforts are or will be addressed through the staff reports related to those items.

**OPTIONS:**

The City Council has the following options:

1. Adopt the Urgency Ordinance terminating the moratorium effective immediately (*staff recommendation*)
2. Do not adopt the Urgency Ordinance and direct staff to return to the Council prior to the current expiration date (December 31, 2015) with additional information or analysis.
3. Do not adopt the Urgency Ordinance and direct staff to return with a revised Ordinance extending the temporary moratorium for 1-additional year past the current expiration date of December 31, 2015.

**RECOMMENDED ACTION:**

By at least a 4/5 vote, adopt an Urgency Ordinance, terminating the temporary moratorium on the establishment and operation of new massage establishments.

**ATTACHMENTS:**

	Page # (Stamped)
A. Draft Ordinance Extinguishing the Temporary Moratorium	9
B. Table - Comparison of Cities Massage Enforcement	13
C. Table - Review of Options (Alternative Zoning Options)	17
D. Status Report on Massage Inspection Program	20
E. Proof of Publication of Public Hearing Notice	22

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADOPTED AS AN URGENCY MEASURE TERMINATING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW MASSAGE ESTABLISHMENTS WITHIN THE CITY OF SAN RAFAEL**

**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL, DOES ORDAIN AS FOLLOWS:**

**WHEREAS**, the City Council has broad discretion pursuant to Article III, Sections 16 and 59 of the City Charter; California Constitution Article XI, Section 5; and the general law of the state, including but not limited to the California Planning and Zoning Law (Gov. Code §§65000 et seq.), to legislate for public purposes and for the general welfare, including but not limited to matters of public health and safety; and

**WHEREAS**, since the 1970's, California Government Code section 51030 has authorized California cities and counties to adopt ordinances to regulate the business of massage through a licensing process, and pursuant to such authority, the City of San Rafael historically has imposed various regulations on massage and/or bodywork offices or establishments (hereafter "massage establishments") operating within the City. Those regulations are currently codified as Chapter 10.90 of the San Rafael Municipal Code entitled "Massage Therapy"; and

**WHEREAS**, in 2008 the State Legislature adopted Senate Bill 731, the Massage Therapy Act, establishing a new statutory scheme for a voluntary certification program for massage professionals that would entitle them to rely on a uniform statewide set of occupational regulations and that would, for massage establishments where all the massage practitioners are so certified, prohibit cities from imposing special zoning and land use requirements not applicable to other personal and professional services; and

**WHEREAS**, since 2010, the City has been regulating massage professionals and massage establishments in compliance with the Massage Therapy Act, but has nevertheless continued to receive complaints from members of the public about the growth in the number of massage establishments within the City, including complaints of their over-concentration and adverse impacts in the Downtown area; and

**WHEREAS**, Assembly Bill 1147, which became effective on January 1, 2015, amended the Massage Therapy Act to restore to cities the authority to use their land use powers to regulate massage establishments differently than other personal or professional services establishments located within their jurisdictions; and

**WHEREAS**, with the restoration of the City's ability to regulate massage establishments through its zoning powers, the City Council determined on January 5, 2015 that it was timely and important for City staff to undertake a comprehensive study of the City's massage establishment

regulations, and the City's options for improving the effectiveness of those regulations through new or modified zoning regulations; and by a four-fifths (4/5) affirmative vote of its members pursuant to Government Code section 65858, adopted Ordinance No. 1928, a 45-day moratorium on the establishment of new massage establishments within the City. The Council adopted the moratorium to allow City Staff to undertake a comprehensive study to: (1) determine the number and location of existing massage establishments within the City; (2) review and analyze the provisions of the Zoning Ordinance and other laws and regulations applicable to massage establishments; (3) study and research options for alternative land use regulations; and (4) draft any recommended new or amended land use regulations governing massage establishments for consideration by the City Council; and

**WHEREAS**, on February 17, 2015, the City Council found that, despite testimony from massage establishment owners and practitioners that the temporary moratorium was imposing a substantial burden on their ability to practice their profession in San Rafael, additional time was required for City staff to thoroughly study the issues related to regulation of massage establishments and to draft any appropriate amendments to the City's Municipal Code for consideration by the City Council, and the Council therefore adopted Ordinance No. 1929, extending the temporary moratorium adopted in Ordinance No. 1928 through December 31, 2015; and

**WHEREAS**, City staff has now completed the comprehensive study of possible changes to the City's Municipal Code as required under Ordinance Nos. 1928 and 1929, and has recommended to the City Council that no changes be made to the City's Zoning Ordinance or other land use regulations; and

**WHEREAS**, City staff has recommended that the temporary moratorium imposed by Ordinance No. 1928 and extended by Ordinance No. 1929 be terminated as an urgency measure, in order to eliminate immediately any burdens imposed by that moratorium on persons wishing to practice massage therapy in San Rafael; and

**WHEREAS**, the City Council hereby finds that this ordinance effects a minor alteration to land use limitations and adoption of the ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of Title 14 of the California Code of Regulations.

**NOW, THEREFORE**, the City Council of the City of San Rafael does hereby ordain as follows:

#### **DIVISION 1. FINDINGS.**

Pursuant to the provisions of Government code section 65858, the City Council of the City of San Rafael hereby finds as follows:

1. The above recitals are true and correct and are incorporated herein by reference.

2. Based on the recitals above, the City Council hereby finds and determines that the immediate termination of the temporary moratorium on the establishment and operation of new massage establishments in San Rafael, adopted by Ordinance No. 1928 and extended by Ordinance No. 1929, is appropriate and necessary.

3. This ordinance is necessary as an urgency measure to preserve the public peace, health or safety.

#### **DIVISION 2. TERMINATION OF MORATORIUM.**

The temporary moratorium adopted by City of San Rafael Ordinance No. 1928 and extended by City of San Rafael Ordinance No. 1929, is hereby terminated, effective immediately upon adoption of this Ordinance.

#### **DIVISION 3. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid.

#### **DIVISION 5. EFFECTIVE DATE.**

This ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption by an affirmative vote of at least four-fifths (4/5) of the members of the City Council pursuant to Government Code section 65858. The City Clerk is directed to publish forthwith a copy of this Ordinance, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

---

GARY O. PHILLIPS, Mayor

ATTEST:

---

ESTHER C. BEIRNE, City Clerk

I, ESTHER C. BEIRNE, City Clerk of the City of San Rafael, certify that the foregoing Ordinance was passed by the City Council of the City of San Rafael, California, by a vote of at least four-fifths (4/5) of the members thereof, at a regular meeting held on Monday, the 5th day of October, 2015, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

---

ESTHER C. BEIRNE, City Clerk

**COMPARISON OF CITIES - MASSAGE ESTABLISHMENTS**  
**September 2015**

CRITERIA	SAN RAFAEL	SAN GABRIEL	SAN MATEO	PALO ALTO	REDWOOD CITY
<b>Population Size (2013 census)</b>	~ 59,000	~ 40,275	~ 101,000	~ 67,000 – City ~ 13,809 – <u>Stanford</u> ~ 80,809 Total	85,000 persons
<b># of Massage Establishments</b>	79	59	51	30	22
<b>Zoning Districts Permitted</b>	GC, NC, O, C/O, R/O, 4SRC, HO, CSMU 2/3MUE, 2/3MUW, WEV*, 5/M R/O	Commercial C1 & C3 zoning districts only.**	Commercial zoning districts only.	Commercial downtown zoning districts only.	Central Business District (CB), Commercial Office District (CO), Mixed-Use Neighborhood District (MUN), Mixed-Use Corridor District (MUC), Mixed-Use Live-Work (MULW)
<b>Spacing Requirement</b>	None. However, on primary downtown street, massage uses are only permitted on Fourth Street frontage, if located in a rear ground level demised space behind a separate retail demised space with separate entrance or on the 2 <sup>nd</sup> floor or above.	None – considered spacing requirements and found it was too difficult to enforce as well would receive opposing feedback from legitimate establishments.	None.	None.	No
<b>When was Massage Ordinance last revised?</b>	December 2014 Massage ordinance was updated to reflect changes in state law governing massage as well as address loopholes and	March 2015	2012 – To meet State requirements.	2012 – To meet State requirements.	2011 (to match State reqts) & 2014

**COMPARISON OF CITIES - MASSAGE ESTABLISHMENTS**  
**September 2015**

CRITERIA	SAN RAFAEL	SAN GABRIEL	SAN MATEO	PALO ALTO	REDWOOD CITY
	<p>gaps discovered during 1.5 years of implementation</p> <p>In addition, a 45-day moratorium was enacted on January 5, 2015 due to recent State Law (Massage Therapy Act) so that the City may study potential changes to zoning and land use regulations. On February 17, 2015, City Council adopted Ordinance No. 1929 to extend the moratorium until December 31, 2015 prohibiting any new massage establishments, including sole proprietors, within any zoning district. There are a few exemptions to this.</p>				
<b>Issues with Illegal Activities Occurring in Massage Establishments?</b>	Yes.	They did prior to revising Massage Ordinance 3/18/15. Revised Ordinance requires a CUP which makes it a bit more difficult to obtain and start the business. Since adopting the revised Massage Ordinance, only 1 establishment has applied for CUP. The	No evidence of illegal activities occurring in massage establishments.	No evidence of illegal activities occurring in massage establishments.	Yes, evidence of commercial sex

**COMPARISON OF CITIES - MASSAGE ESTABLISHMENTS**  
**September 2015**

CRITERIA	SAN RAFAEL	SAN GABRIEL	SAN MATEO	PALO ALTO	REDWOOD CITY
		cost and time of a Use Permit has discouraged all massage to apply			
<b>Code Enforcement Dedicated to Issue</b>	Yes. Currently/temporarily. To continue would be a budget cost issue to City. How does City want to spend taxpayer's money.	No.	No.	No. Not regulating as there aren't any specific problems.	Building Dept for health & safety, and Police Dept for prostitution
<b>Which Department Enforces Massage Establishments?</b>	CDD – Code Enforcement	Police Dept enforces criminal activity at massage businesses. Code enforcement handles civil matters.	Police Dept	Police Dept	Building Dept & Police Dept

**Notes:**

\*Permitted on Fourth Street frontage, allowed in a rear ground level demised space behind a separate retail demised space with separate entrance or on the 2<sup>nd</sup> floor or above.

City of San Gabriel: Additional note about discussions with their City Staff: Since the March 2015 revised Ordinance was adopted, only one massage establishment has applied for a CUP.

The California Massage Therapy Council stated that in general, most jurisdictions adopted a revised Massage Ordinance to match State regulations and are waiting for new ones to be adopted which is expected next year (2016) and then may modify their own and may or may not include Zoning changes. 145 cities within California require certification of their massage therapists. Some jurisdictions believe that imposing Zoning requirements and/or CUP is applying a temporary solution to a problem that will manifest itself in others ways down the road.

City and County of San Francisco has amended both their Massage Ordinance and Zoning Ordinance (requiring CUP on all massage establishments), and has never required CAMTC State Certification. San Francisco is allowing “legitimization” for existing businesses that were fully compliant on February 28, 2015. However, many therapeutic massage therapy businesses went through extensive permitting processes prior to SB-731 but after CAMTC exemptions to local ordinances went into effect, their permits, CUP's, etc. Businesses that perform illegal activities have no problem paying fines, CUP's, etc. However, individual massage therapists are unable to establish, or continue to establish, a massage



## **COMPARISON OF CITIES - MASSAGE ESTABLISHMENTS**

### **September 2015**

business as it becomes too expensive due to fees associated with CUP's (which take 6 or more months to be approved), inspections, occupancy, and any permits associated with it.

County of San Mateo and cities within the county: Not imposing a Use Permit requirement. Require a revocable registration on businesses and require that all massage therapists be certified. Revocable for cause to get rid of problem establishments.

City of Huntington Beach: Established a 1,000' spatial limit between massage establishments in order to cap the number of massage businesses in the city. They felt spreading out the massage establishments throughout the city rather than concentrate in one area.

**ZONING ORDINANCE AMENDMENTS – MASSAGE ESTABLISHMENTS**  
**Review of Options (Alternatives)**  
September 2015

OPTION (ALTERNATIVE)	ADVANTAGE – PRO	DISADVANTAGE – CON	STAFF IMPLICATIONS
<p><b>OPTION 1</b>  <u>No new regulation</u>  Status quo with continued contractual code enforcement</p>	<ul style="list-style-type: none"> <li>• No change to current zoning regulations or maps</li> <li>• Permitted in most commercial and mixed use zoning district, although require them to be on 2<sup>nd</sup> floor or above or rear ground level in some downtown zoning districts.</li> <li>• During moratorium, the enforcement program has proven to be an effective tool in regulating massage businesses and resulted in closure of 14 troublesome sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address neighborhood/resident concerns.</li> <li>• Potential for proliferation of use.</li> <li>• Continued challenges for code enforcement and Police.</li> </ul>	<ul style="list-style-type: none"> <li>• Budget costs for staff implementation of current massage ordinance code enforcement and Police.</li> </ul>
<p><b>OPTION 2</b>  <u>Discretionary Review</u>  Require Use Permit for all massage establishments</p> <p>Use Permits could be required for all massage establishments in some or all zoning districts to allow the City to evaluate land use compatibility, hours of operation and concentration/spacing issues.</p>	<ul style="list-style-type: none"> <li>• Use Permits could be required for all massage establishments in some or all zoning districts to allow the City to evaluate land use compatibility, hours of operation and concentration/spacing issues.</li> <li>• This is not a new tool. At one time, the City required a Use Permit for all massage establishments.</li> <li>• Would allow review of spacing and concentration of establishments through process.</li> <li>• Additional regulation and oversight through more local control over the establishment and may impose specific conditions catered to the said business.</li> <li>• May revoke the CUP if establishment becomes a problem.</li> </ul>	<ul style="list-style-type: none"> <li>• Creates additional cost and permitting time for therapeutic massage businesses owners/operators.</li> <li>• Likelihood of opposition by massage businesses to more restrictive regulations.</li> <li>• Creates additional process time (6-12 weeks) and costs (\$1,420 for Admin level UP or \$2,476 for Zoning Admin level Use Permit) for all massage businesses.</li> <li>• Issues with the massage establishments that perform illegal activities are not land use matters.</li> <li>• Need to evaluate which existing businesses to grandfather or amortize.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff time unknown at this time, except that action will require:</li> <li>• Contact all known Massage Establishment operators to initiate review. (est. 2 hrs/each)</li> <li>• Processing individual Use Permit, as required (est avg of. 10-15hrs/each)</li> <li>• Will slow down processing of all other planning applications, with additional workload and no additional staff, effecting other businesses and homeowners and their planning permits or inquiries.</li> </ul>

<p><b>OPTION 3</b>  <u>Spacing/Separation Requirements</u>          Require for all massage establishments</p>	<ul style="list-style-type: none"> <li>• Impose spacing or separation requirements on massage establishments to not locate within a certain distance of another massage establishment (e.g., 500 or 1,000 linear foot separation).</li> <li>• Would reduce concentration of massage establishments as time goes on.</li> </ul>	<ul style="list-style-type: none"> <li>• May prohibit massage business for some that would otherwise be allowed.</li> <li>• Likelihood of opposition to more restrictive regulations.</li> <li>• Difficult to deal with how separation would work in a multi-tenant office building, in which massage establishments are common.</li> <li>• Since spacing would be a development standard, it would apply to therapeutic massage establishments and businesses where illegal activities occur.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff time continuously keeping track of all massage establishments and identifying locations on a graphic and maintaining data.</li> </ul>
<p><b>OPTION 4</b>  <u>Modify Zoning District Land Use Tables</u>          Limit or prohibit massage establishments from certain zoning districts within the City.</p>	<ul style="list-style-type: none"> <li>• Would reduce the areas in which new massage establishments could operate.</li> <li>• Tables could be modified so as to focus massage uses on areas deemed more appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• May prohibit massage business for some that would otherwise be allowed.</li> <li>• Likelihood of opposition to more restrictive regulations.</li> <li>• This is a land use regulation and would not allow for differentiation between therapeutic massage businesses and businesses performing illegal activities. All massage establishments would be subject to the land use limitations.</li> <li>• Would concentrate massage uses and push into business into smaller areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff time to prepare staff report recommendation, and ordinance(s) for modified Zoning District Land Use Tables.</li> </ul>
<p><b>OPTION 5</b>  <u>Exemption from Zoning</u>          An addition to any option # 2-4 above, where sole proprietors/sole providers.          Could be made exempt from the regulation</p>	<ul style="list-style-type: none"> <li>• Simplifies process for sole proprietors/sole providers.</li> </ul>	<ul style="list-style-type: none"> <li>• May prohibit massage business for some that would otherwise be allowed.</li> <li>• Could lead to more businesses being formed as sole provider/proprietor, so as to avert the new land use regulation.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff time to prepare staff report recommendation, and ordinance(s) for modified Zoning District Land Use Tables.</li> </ul>
<p><b>OPTION 6</b>  <u>Combination of Options Above</u></p>	<ul style="list-style-type: none"> <li>• More local control over the establishment and may impose specific conditions catered to the said business.</li> </ul>	<ul style="list-style-type: none"> <li>• May prohibit massage business for some that would otherwise be allowed.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff time unknown at this time, except that action will require:</li> </ul>

Use Permit requirements for all massage establishments with spacing requirements in Downtown districts only, other than multi-tenant medical office buildings.	<ul style="list-style-type: none"> <li>• May revoke the CUP if establishment becomes a problem.</li> </ul>	<ul style="list-style-type: none"> <li>• Likelihood of opposition to more restrictive regulations.</li> <li>• Creates additional process time (6-12 weeks) and costs (\$1,420 for Admin level UP or \$2,476 for Zoning Admin level Use Permit) for all massage businesses.</li> <li>• Issues with the massage establishments that conduct illegal activities are not land use matters.</li> <li>• Since spacing would be a development standard, it would apply to legitimate or illegitimate massage establishments.</li> <li>• Zoning is intended to evaluate land use matter, not business operators, or business practices or illegal activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Contact all known Massage Establishment operators to initiate review. (est. 2 hrs/each)</li> <li>• Processing individual Use Permit, as required (est avg of. 10-15hrs/each)</li> <li>• Will slow down processing of all planning applications, with additional workload and no additional staff, affecting other businesses and homeowners and their planning permits or inquiries.</li> <li>• Staff time continuously keeping track of all massage establishments and identifying locations on a graphic.</li> </ul>
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## Massage Inspection Program (MIP) Data Summary

For Date Range: 2/17/2015 to 9/24/2015

Since Program Inception

Businesses Registered	20
Businesses Pending	0
Businesses Closed	6
Businesses Revoked	2
Businesses Closed due to City Action	5
Businesses Suspended (Current)	0
Inspections Performed	334
Violations Observed (see below)	105
Citations Issued	21
Citations Issued \$	\$16,437.50
Citations Paid \$	\$29,266.65
Citation Late Fees Paid \$	\$0.00

Businesses Registered	79
Businesses Pending	3
Businesses Closed	32
Businesses Revoked	3
Businesses Closed due to City Action	11
Businesses Suspended	
Ever	1
Current Suspended	0
Inspections Performed	978
Violations Observed	618
Citations Issued	218
Citations Issued \$	\$134,564.06
Citations Paid \$	\$127,094.06
Citation Late Fees Paid \$	\$1,224.44

Current Registered CMPs: 189

Violations from 2/17/2015 to 9/24/2015

### Violations -CITED

Beds; Residential use; Sleeping; Prohibited	11
Employee Attire: Transparent, See-through	5
Exposure Prohibited	5
Patron Genitals; Draping Required; Contact Prohibited	5
Display of Permit/Cert. & I.D. on CMT & Rec. Area; Req.	3
Interior Doors; Locks prohibited	3
Main Entry Door, Reception Area & Unlocked Entry; Req.	3
Rooms, tubs, showers, sanitized after each use	3
Services & Costs; Posting Required	3
Employment of Non-Certified Practitioner	2
Patron & Visitor clothing; Nudity, underclothing intimate apparel; prohibited	2
Visitors in areas other than Reception Area or toilets; Prohibited	2
Certification by California Massage Therapy Council required for practitioners	1
Certification by CMTTC required for practitioners.	1
Employment of Non-Listed practitioner	1
Exterior Windows; Obstructions Prohibited	1
Operation of Establishment without Valid Certificate or Permit; Prohibited	1
Sanitary Towels; Closed Receptacles & Cabinets Required	1

### Violations -NO STATUS SELECTED

Exposure Prohibited	1
Patron Genitals; Draping Required; Contact Prohibited	1
Services & Costs; Posting Required	1

### Violations -Non-Compliance

Beds; Residential use; Sleeping; Prohibited	1
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### Violations -WARNED

Display of Permit/Cert. & I.D. on CMT & Rec. Area; Req.	8
Beds; Residential use; Sleeping; Prohibited	5
Visitors in areas other than Reception Area or toilets; Prohibited	5
Compliance w/Building & Fire Codes Required	3
Containers; Contamination; Labeling; Closed	3
Lighting in Massage Rooms; equivalent to at least one (1) 40-watt light; requi	3
Cleanliness; Proper Disinfecting	2
Combs; Disinfecting Required	2
Display of Permit & Certification – On-person & Reception Area	2
Employment of Non-Certified Practitioner	2
Main Entry Door, Reception Area & Unlocked Entry; Req.	2
Services & Costs; Posting Required	2

NOTE: Business Closed # includes Revoked and Closures due to City Action

Thursday, Septen

MIPDataByDate.rpt

**Violations -WARNED**

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Employment of Non-Listed practitioner	1
Front Door/Reception Area Required; One patron-entry Door Allowed	1
Interior Doors; Locks prohibited	1
Laundering requirements; 140 degrees fahrenheit, etc	1
Liquids and creams: clean, uncontaminated, closed, containers; required	1
Patron & Visitor clothing; Nudity, underclothing intimate apparel; prohibited	1
Patron Genitals; Draping Required; Contact Prohibited	1
Sanitary Towels; Closed Receptacles & Cabinets Required	1
Shower Footwear, and Disinfecting Required	1

**CITY OF SAN RAFAEL  
NOTICE OF PUBLIC HEARING**

You are invited to attend the City Council hearing on the following project:

**PROJECT:** Termination of Temporary Moratorium on New Massage Establishments - Consideration of an Urgency Ordinance Terminating a Temporary Moratorium on the establishment and operation of new massage establishments within the City of San Rafael; File No.: P14-018

*As required by state law, the project's potential environmental impacts have been assessed. This urgency ordinance terminating the temporary moratorium will not have a significant effect on the environment since the ordinance effects a minor alteration to land use limitations; therefore adoption of the ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305.*

**HEARING DATE:** Monday, October 5, 2015 at 7:00 P.M.

**LOCATION:** San Rafael City Hall – City Council Chambers  
1400 Fifth Avenue at "D" Street  
San Rafael, California

**WHAT WILL HAPPEN:** You can comment on the project. The City Council will consider all public testimony and decide whether to adopt the urgency ordinance terminating the temporary moratorium.

**IF YOU CANNOT ATTEND:** You can send a letter to the Community Development Department, Planning Division, City of San Rafael, 1400 Fifth Avenue, San Rafael, CA 94901. You can also hand deliver it prior to the meeting.

**FOR MORE INFORMATION:** You can view the staff report after 5:00 p.m. on the Thursday before the meeting at <http://www.cityofsanrafael.org/meetings>. More information on the current moratorium can be found at [www.cityofsanrafael.org/massage](http://www.cityofsanrafael.org/massage)

**SAN RAFAEL CITY COUNCIL**

/s/ Esther Beirne  
Esther Beirne  
CITY CLERK

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At the above time and place, all letters received will be noted and all interested parties will be heard. If you challenge in court the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the above referenced public hearing (Government Code Section 65009 (b) (2)).

Judicial review of an administrative decision of the City Council must be filed with the Court not later than the 90<sup>th</sup> day following the date of the Council's decision. (Code of Civil Procedure Section 1094.6)

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*Sign Language and interpretation and assistive listening devices may be requested by calling (415) 485-3085 (voice) or (415) 485-3198 (TDD) at least 72 hours in advance. Copies of documents are available in accessible formats upon request.*

*Public transportation to City Hall is available through Golden Gate Transit, Line 22 or 23. Para-transit is available by calling Whistlestop Wheels at (415) 454-0964.*

*To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.*



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

32. Amended Articles  
of Incorporation,  
approved September 14,  
2015.



3185658

A0774951

FILED

SEP 17 2015

RESTATED ARTICLES OF INCORPORATION

Secretary of State  
State of California

SEP 17 2015

1cc

The undersigned certify that:

1. They are the president and the secretary, respectively, of CALIFORNIA MASSAGE THERAPY COUNCIL, a California corporation.
2. The Articles of Incorporation of this corporation are amended and restated to read as follows:

ARTICLES OF INCORPORATION  
OF  
CALIFORNIA MASSAGE THERAPY COUNCIL

Article I

The name of this corporation is CALIFORNIA MASSAGE THERAPY COUNCIL.

Article II

A. This corporation is a nonprofit PUBLIC BENEFIT CORPORATION and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.

B. The specific purpose of this corporation is: 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 local governments and law enforcement in meeting their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders.

Article III

A. This corporation is organized and operated exclusively for public and charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

Article IV

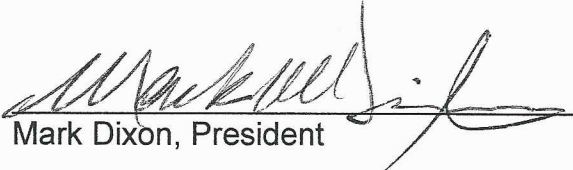
The property of this corporation is irrevocably dedicated to public and charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3), Internal Revenue Code.

3. The foregoing amendment and restatement of Articles of Incorporation has been duly approved by the board of directors.

4. The corporation has no members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Dated: 9/14/15

  
Mark Dixon, President

Dated: 9-14-15

  
Roberta Rolnick, Secretary

Original notary seal removed  
(s) \_\_\_\_\_ in presence  
of \_\_\_\_\_ and \_\_\_\_\_  
and to good record has been filed in the  
office of the Secretary of State of the  
State of California on \_\_\_\_\_ 2015.



SEP 18 2015



I hereby certify that the foregoing  
transcript of 2 page(s)  
is a full, true and correct copy of the  
original record in the custody of the  
California Secretary of State's office.

SEP 18 2015

Date: \_\_\_\_\_

*Alex Padilla*

ALEX PADILLA, Secretary of State



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

33. Duty of Loyalty  
Resolution, adopted  
on September 30,  
2014.

RESOLUTION OF THE BOARD OF DIRECTORS  
CALIFORNIA MASSAGE THERAPY COUNCIL

September 30, 2014

WHEREAS, CAMTC welcomes vigorous debate and a wide variety of opinions and positions during the orderly conduct of its activities in the framework of duly scheduled meetings;

WHEREAS, challenges to decisions of the Board from persons or entities outside the organization are accepted as healthy and a vital part of the normal course of events in any active organization;

WHEREAS, however, Board members' public undermining of positions already taken by CAMTC are viewed as serious violations of the duty of loyalty to the organization and its commitment to protect the public;

WHEREAS, two sitting Board members directly solicited thousands of customers/members, as well as certificate holders, current and former students, school owners and directors, asking them to take positions contrary to actions previously taken by the CAMTC Board; and

WHEREAS, because two sitting Board members publicly undermined existing positions of CAMTC during 2014, serious harm was done to CAMTC during the most difficult legislative period of its history resulting in increased and unexpected demands upon legal counsel and staff at every level, and significant expense and uncertainty about CAMTC's future.

NOW THEREFORE, be it resolved:

That the CAMTC Board of Directors views any action by a sitting director that publicly opposes a position already taken by the CAMTC Board as a violation of the duty of loyalty and as a valid reason for immediate removal from the Board.

This Resolution passed by vote of the CAMTC Board of Directors at its September 30, 2014 meeting in Redondo Beach, California.

IN WITNESS WHEREOF, the undersigned has executed and certified this Resolution, this 30<sup>th</sup> day of September, 2014.

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Mark Dixon, Chairman



California Massage Therapy Council  
One Capitol Mall, Suite 800  
Sacramento, CA 95814

[www.camtc.org](http://www.camtc.org)