



CALIFORNIA
MASSAGE THERAPY
COUNCIL

Board of Directors Meeting

AGENDA

September 26 & 27, 2018

Portofino Hotel & Marina

Redondo Beach, CA



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MISSION STATEMENT

California Massage Therapy Council's mission is to protect the public by certifying massage professionals in California that meet the requirements in the law and approving massage programs that meet the minimum standards for training and curriculum.

California Massage Therapy Council

Board Members

Mark Dixon, Chairman, Appointed by American Massage Therapy Association, California Chapter

Jeff Forman, Vice Chair, Appointed by the Office of the Chancellor of the California Community Colleges

Michael Marylander, Treasurer, Appointed by Board

Allison Budlong, Secretary, Appointed by California Association of Private Postsecondary Schools

Ronald Bates, Appointed by League of California Cities

Michael Callagy, Appointed by Board

Shana Faber, Appointed by Board

Heather Forshey, Appointed by San Mateo County Department of Health

Minouche Kandel, Appointed by Department of Consumer Affairs

Stephany Powell, Appointed by Journey Out, Anti-Human Trafficking Organization

Sean Thuilliez, Appointed by California Police Chiefs Association

Dixie Wall, Appointed by American Massage Council



RULES OF DEBATE AND DISCUSSION

1. Only one item, the item on the floor, is discussed at a time.
2. Only one person speaks at a time:
 - The person introducing the item;
 - The person speaking for or against the item;
 - Or the person asking or answering a question or raising a point of order.
3. Side conversations will be ruled out of order.
4. Directors debating a motion will have two minutes to speak, once on each motion, with three each from supporting and opposing sides, at which time the motion will go to a vote. The board may vote to extend time for debate.
5. When you want to speak, raise your hand and wait to be called on by the Chair.
6. A question is not an occasion to make an argument.

See accompanying Parliamentary Procedures At-A-Glance

Parliamentary Procedures At-A-Glance

To Do This (1)	You Say This	May You Interrupt Speaker?	Must You Be Seconded?	Is the Motion Debatable?	Is the Motion Amendable?	What Vote is Required?
Adjourn the meeting (before all business is complete)	“I move that we adjourn.”	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote
Recess the meeting	“I move that we recess until...”	May not interrupt speaker	Must be seconded	Not debatable	Amendable	Majority vote
Complain about noise, room temperature, etc.	“Point of privilege”	May interrupt speaker	No second needed	Not debatable (2)	Not amendable	None (3)
End debate	“I move the previous question”	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote
Amend a motion	“I move that this motion be amended by...”	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote
Object to a procedure or to a personal affront	“Point of Order”	May interrupt the speaker	No second needed	Not debatable	Not amendable	None (3)
Request information	“Point of information”	If urgent, may interrupt speaker	No second needed	Not debatable	Not amendable	None

Notes:

- These motions or points are listed in established order of precedence. When any one of them is pending, you may not introduce another that’s listed below it. But you may introduce another that’s listed above it.
- In this case, any resulting motion is debatable.
- Moderator decides.



CALIFORNIA MASSAGE THERAPY COUNCIL

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

Sent and Posted: September 14, 2018

NOTICE OF PUBLIC MEETING

Wednesday, September 26, 2018 - 1:30 p.m.

Thursday, September 27, 2018 – 8:30 a.m.

Portofino Hotel and Marina

260 Portofino Way
Redondo Beach, CA 90045
Meeting Room:
Bayside

AGENDA

1. Call to order, roll call, and establish quorum
2. Chair's comments
 - Welcome/Introductions
 - Rules of Debate
3. Approval of minutes from May 31, 2018 meeting
4. Election of officers
5. Schools Advisory Committee update and recommendations
6. Reconsider policy for purging school approval applications and instituting grace period for students
7. Proposed amendments to the Policies and Procedures for Approval of Schools
8. Closed session with CAMTC legal counsel pursuant to California Government Code Section 11126(e) – litigation update
9. Director of ESD's report
 - School Statuses
 - ESD Communication
 - Looking Forward
10. Chief Executive Officer's report
 - Legislative Update
 - Update on 2018 strategic priorities

- FSMTB
- Operations
- Finance
- Outreach

11. Closed Session regarding the appointment, employment, evaluation of performance, or dismissal of an employee pursuant to California Government Code Section 11126(a) - CEO performance review
12. Return to open session and announce action taken in closed session, if any, under item 11
13. 2019 Strategic Priorities
14. CEO contract
15. Records Retention Policy
16. Director of Governmental Affairs and Special Projects' report
 - Local government update
 - Human Trafficking
 - Legislative updates
 - Certification and Management System (CAMS)
 - Other activities
17. Treasurer's report
 - Applications Received
 - Financial Statements
 - Conclusions
 - Comments/Discussion on Financial Reports
18. Director of Operations' report
 - 2019 Preparations
 - Application Processing
 - Customer Service
19. Director of PSD's report
 - Interaction with Law Enforcement Agencies
 - Training
20. Outreach Director's report
 - Upcoming Events
 - ESD Outreach
 - PSD Outreach
 - GA Outreach
21. Amendments to Staff Expense Reimbursement Policy

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

All agenda items are subject to discussion and possible action. All interested parties are invited to attend the meeting. Time will be allowed for members of the public to make comments on each agenda item (up to 2 minutes). 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 Jon Walters at (916) 669-5336 or One Capitol Mall, Suite 800 Sacramento CA 95814 or via email at info@camtc.org. 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

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

Sent and posted 9/14/18

NOTICE OF PUBLIC MEETING Schools Advisory Committee

Wednesday September 26, 2018
8:30 AM
The Portofino Hotel & Marina
260 Portofino Way
Redondo Beach, CA 90277
Marina Room

AGENDA

1. Call to order, roll call, and establish quorum
2. Chair's comments
 - Welcome/Introductions
 - Rules of Debate
3. Approval of minutes from May 30, 2018 meeting
4. Reconsider policy for purging school approval applications and instituting grace period for students
5. Proposed amendments to the Policies and Procedures for Approval of Schools
6. School Survey results
7. ESD Director's report
8. School web site update/status
9. Proposed amendments to improve CAMTC Certification Application
10. Status of the bill terminating the MBLEX requirement - what happens if it is signed into law
11. If MBLEX isn't terminated - what is the status of the content and sources update so students are studying the correct material

12. Status of whether students can have individual classes approved for their CAMTC certification (as long as the classes are included in a program), without enrolling in an entire program. How to report these students to BPPE
13. Adding a continuing education requirement for certified therapists - particularly ethics
14. Public comments regarding issues not in this agenda/suggested agenda items for future meetings
15. Items/suggestions from Committee members for future meeting agendas
16. Adjourn

All agenda items are subject to discussion and possible action. All interested parties are invited to attend the meeting. Time will be allowed for members of the public to make comments on each agenda item (up to 2 minutes). 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 Jon Walters at (916) 669-5336 or One Capitol Mall, Suite 800 Sacramento CA 95814 or via email at info@camtc.org. 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

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September 18, 2018

TO: BOARD OF DIRECTORS, CALIFORNIA MASSAGE THERAPY COUNCIL
FROM: JOE BOB SMITH, DIRECTOR, EDUCATIONAL STANDARDS DIVISION
RE: REASONS FOR CHANGING POLICY FOR PURGING SCHOOL APPLICATIONS FOR APPROVAL AND INSTITUTING GRACE PERIOD FOR STUDENTS

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

The language of the current policy and when the policy was adopted:

See attached policy adopted May 31, 2018.

A short description of why the policy should be changed.

While the Board generously provided a one-time only option for students from purged schools to be able to use their education by passing an education hearing, some of these students may not be able to complete their applications for certification because they cannot sit for the MBLEx, since their school is not approved by CAMTC. Legislation has passed and will likely become law that removes the exam requirement from January 1, 2019, until December 31, 2020. By extending the grace period from 90 days to 120 days, the purged school grace period will overlap with the removal of the exam requirement, which should allow the opportunity for additional students from this group of purged schools to qualify for certification.

The language of related statutes that may have an impact on the decision:

Current Business and Professions Code section 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: . . .

(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.

Proposed amendments to Business and Professions Code section 4604(a)(3) (new language in bold italics) that may become operative on January 1, 2019:

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. ***This paragraph shall be inoperative commencing on January 1, 2019, and shall become operative on January 1, 2021.***

The fiscal impact the proposed changes may have on CAMTC and certificate holders and applicants:

While revenue may be generated from additional applications submitted by students of purged schools, these amounts will be more than offset by the additional expenses incurred for education hearings. Therefore, this policy will result in an increase in operating expenses overall. It is unknown how many additional education hearings will be required, but it is estimated that the number will not be too significant.

Potential pros and cons if the new policy is adopted:

Pros – Allows students from these purged schools to move forward with their applications for certification without having to pass an examination.

Cons – Increase in operating expenses.

The impact on current certificate holders and applicants.

Potentially allows more applicants from purged schools to apply for certification.
No impact on certificate holders.

A suggested date for the change to be implemented.

Effective immediately.



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September 18, 2018

TO: BOARD OF DIRECTORS, CALIFORNIA MASSAGE THERAPY COUNCIL

FROM: JOE BOB SMITH, DIRECTOR, EDUCATIONAL STANDARDS DIVISION

RE: PROPOSED AMENDMENT TO POLICY FOR PURGING SCHOOL APPLICATIONS FOR APPROVAL AND INSTITUTING GRACE PERIOD FOR STUDENTS

CAMTC ESD staff proposes that the Board amend the policy previously adopted on May 31, 2018, as follows:

1. CAMTC ESD staff shall create a list of all pending schools with incomplete applications that have been pending for one year or longer;
2. For all schools on this list, staff shall send a letter notifying them that their applications will be purged if the school does not complete its application within 30 days; and
3. Staff will purge incomplete school approval applications 30 days after the notice has been sent.
4. For students who have attended one of the purged schools on the list, a ~~90~~ 120-day grace period from the effective date of purging will be provided for acceptance of individual certification applications. During this ~~90~~ 120-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) by passing an education hearing in order to prove their education. Students whose applications are received after the ~~90~~ 120-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged.

This grace period for acceptance of education from a purged school and the opportunity for applicants to come to an education hearing is a one-time only policy that CAMTC is instituting to assist both schools and students through this final phase of the initial CAMTC School Approval process.

For schools that are not on the list created pursuant to this policy, CAMTC will purge school applications that are not completed within one year of receipt, and students will NOT be able to use education from these purged schools for certification purposes and will not be given the opportunity to come to an education hearing.



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September 18, 2018

TO: BOARD OF DIRECTORS, CALIFORNIA MASSAGE THERAPY COUNCIL

FROM: JOE BOB SMITH, DIRECTOR, EDUCATIONAL STANDARDS DIVISION

RE: REASONS FOR PROPOSED CHANGES TO POLICIES AND
PROCEDURES FOR APPROVAL OF SCHOOLS

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

The language of the current policy and when the policy was adopted:

See attached current Policies and Procedures as revised February 22, 2018.

A short description of why the policy should be changed.

1. Section 2.A. Adds language to include applications for re-approval in addition to applications for approval.
2. Section 2.B. Updates fee to correspond with the Fee Schedule adopted by the Board on May 31, 2018.
3. Section 2.D. Reiterates site visit requirements for schools applying for approval and re-approval.
4. Section 3.A. Clarifies that CAMTC will consider accepting hours for individual certification from partially completed programs so long as those hours are a part of a CAMTC approved program.
5. Section 3.A.a., all revised sections. Clarifies that closed schools and closed programs are to be treated in the same manner.
6. Section 3.A.c. Adds "expired" as a possible status for previously approved schools and programs.
7. Section 3.A.d. Reiterates that any applicant for CAMTC Certification may be required to pass an education hearing to provide additional proof of adequate

education.

8. Section 3.D. Clarifies that CAMTC may accept hours completed at a school that submitted an application for school approval and was ultimately approved, if those hours were completed on or after the date of submission of the application and the date of school approval for schools that apply for approval on or after July 1, 2016.
9. Section 3.E. Adds language to correspond with the 1-year purge policy that was already stated on the applications for school approval and re-approval.
10. Section 7.a.2. Clarifies actions to be taken in relation to students when CAMTC decides to impose discipline, deny approval, revoke approval, suspend approval, place a school under investigation, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school.
11. Section 7.a.2.(c) Clarifies hearing process, reiterates conflict of interest policy for Hearing Officers, and updates fees to correspond with Fee Schedule adopted by the Board on May 31, 2018.
12. Section 7.c.1. Clarifies language that Procedures Related to Students applies to complete individual application packets and that students can't use education from a denied school for certification after the grace period ends.
13. Section 7.c.2. Adds language identifying the process for applicants for certification from CAMTC approved schools that are under investigation or CAMTC has proposed to revoke, suspend, deny re-approval or discipline and adds a 90-day grace period for students to apply for individual certification if an approved school is revoked or disciplined.

The language of related statutes that may have an impact on the decision:

Not applicable

The fiscal impact the proposed changes may have on CAMTC and certificate holders and applicants:

Likely minimal

Potential pros and cons if the new policy is adopted:

Pros – Adds clarifying language, more clearly describing processes. Allows CAMTC to accept hours completed as part of an approved program without students having to register for or complete the entire program – this has been a concern to a number of approved schools. Institutes 90-day grace period for

students who attend an approved school that ultimately has its approval revoked or the school is disciplined. Limits hold placed on student applications to no more than 60 days from the date a school is notified that it has been placed under investigation and after this time frame allows students from schools under investigation or proposed to be disciplined to still apply for certification with the additional condition that they must pass an education hearing.

Cons – Unknown

The impact on current certificate holders and applicants.

Better clarification of processes. Shorter hold times for applicants. Ability for applicants from approved schools under investigation or proposed to be disciplined to come to hearing without having to wait for a final outcome on the school. Institutes a 90-day grace period for students who attended CAMTC approved schools that have their approval revoked or disciplined to still get certified with the additional condition that they must pass an education hearing.

A suggested date for the change to be implemented.

Effective October 1, 2018.



POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS
Effective October 1, 2018

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 school approval, a massage school, and any CAMTC approved satellite and branch locations, shall meet ALL of the following requirements:

- A. The school must offer at least one eligible 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.
 - a. For programs qualifying at a college or university of the state higher education system, as defined in Section 100850 of the Education Code, units must be for academic credit and appear on an official college transcript. Certificates from non-credit adult education classes and programs are inapplicable. Community College degrees and certificates must be approved by the California Community Colleges Chancellor's Office.
- 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 the Law and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.
- E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval and Re-Approval Process.

- A. Complete ~~the either the~~ application for school approval or application for school re-approval packet entirely and submit all requested documents.
- B. Pay the initial application fee of ~~\$3,01,500~~ and any required background check fees. All fees are non-refundable. If approved, the initial application 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 these Procedures. A school that has been continuously approved for the full 2-year initial approval period, with no disciplinary action taken against it by CAMTC and no break in the approval period, may apply for re-approval. The re-approval fee shall be \$3,000 and provides for 4 full years of CAMTC approval, so long

as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. Schools with a break in the approval period, or who have had disciplinary action taken against them by CAMTC, must apply and meet the requirements of a new applicant, including paying the initial application fee, which shall provide for 2 full years of CAMTC approval if approval is obtained.

- C. From the date an application for school approval is received by CAMTC, through and until the date that a decision on the application becomes final and effective, the school shall distribute Notice (in a form determined by CAMTC) to all prospective students before they enroll in the program and to all students currently enrolled in the program regarding the implications of attending a school that is not yet approved by CAMTC.
- D. Schools applying for initial approval shall 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. Schools applying for re-approval may also be required to 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, at CAMTC's discretion. Unscheduled site visits may also occur at any time for both approved schools and applicants for approval or re-approval.
- E. Within 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.
 - a. Provisional School Approval for New Schools and/or New Massage Programs. For new schools and new massage programs, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.
 - b. 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. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

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 completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures. The 500 hours required for CAMTC Certification may be completed at more than one approved school and/or more than one approved massage program. Students do not have to register for or complete an entire CAMTC approved program for CAMTC to consider the education sufficient to meet the requirements in the Massage Therapy Act; CAMTC will consider hours from a partially completed program for certification so long as those hours are part of a CAMTC approved massage program.
- a. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, with either no lawful custodian of records or a lawful custodian of records that is not a CAMTC approved school as long as all of the following conditions are met:
 - 1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
 - 2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities;
 - 3) The applicant for CAMTC certification provides verifiable proof that the education received at the closed school or program meets minimum standards for training and curriculum and the statutory education requirements for certification; and
 - 4) The individual application for CAMTC CMT certification is received in the CAMTC office on or before December 31, 2018. Applicants whose applications are received after this date may still use education from closed schools or programs described in this section 3.A.a. for CAMTC certification purposes as long as they either provide proof of current and continuous city and/or county permit(s) to provide massage for compensation or they pass a CAMTC education hearing (oral telephonic hearing or consideration of a written statement).
 - b. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, that have a CAMTC approved school as their lawful custodian of records as long as all of the following conditions are met:
 - 1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
 - 2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities;

- 3) The CAMTC approved school identified as lawful custodian of records remains approved by CAMTC; and
- 4) The CAMTC approved school identified as lawful custodian of records adheres to the following requirements:
 - A. Submits transcripts from closed school(s) or program(s) in accordance with these Procedures, noting either on the transcript or in an attached letter that the transcript is being submitted by the lawful custodian of records;
 - B. When education is completed at multiple schools, submits either 1) one transcript listing education from all schools clearly identifying when and at which school specific education was received, or 2) provides a separate transcript for each school identifying when and at which school specific education was received;
 - C. Maintains detailed information including, but not limited to, attendance records, syllabi, instructor names, and course catalogs for the programs and curriculum from the closed school(s) or program(s) as they are listed on transcripts for CAMTC review; and
 - D. Maintains detailed information on the purchase, merger, or other legal transaction that resulted in the CAMTC approved school becoming the lawful custodian of records for the closed school or program for CAMTC review.
- c. CAMTC approved schools or programs that are closed, expired, or merged with a CAMTC approved school on or after July 1, 2016 and are in good standing with CAMTC at the time of closure, expiration, or merger: Education will be accepted from the lawful custodian of records as long as the closed, expired, or merged school or program is or was not subject to any disciplinary action or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities.
- d. CAMTC reserves the right to review and accept or deny all or part of any education submitted or require individual applicants for CAMTC certification to provide additional proof of adequate education by passing a CAMTC education hearing for individual CAMTC certification purposes from any school or program including, but not limited to approved, -closed, expired, sold, or merged school or program described herein.
- e. For schools that have been un-approved by CAMTC, and who had an effective un-approval date on or after April 2, 2016, a 90-day grace period from the date of the adoption of this provision (March 9, 2017), or from the effective date of un-approval, which ever is later, will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were 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 whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete

their education and provide an acceptable transcript to CAMTC before their applications are purged.

- B. 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 denial, 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 starting on July 1, 2016. Approval shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures. 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 or provisionally approved after July 1, 2016, will have an effective date of approval starting on the date of approval or provisional approval. For purposes of individual CAMTC Certification, if CAMTC ultimately approves a school whose application for school approval is or was received on or after July 1, 2016, CAMTC may consider education completed at the school on or after the date CAMTC initially received the school's application for school approval as education completed at a CAMTC approved school.
- D-E. If a school does not complete its portion of the application for school approval, including, but not limited to, all supporting documentation and background checks within one year of the date that CAMTC received the application, the application may be purged. Once an application is purged, the school will need to start the entire application process over, including paying the application fee and meeting all of the requirements for program approval that exist at the time, and applying as a new applicant for school approval. Once a school completes its portion of the application for school approval, the application may not be withdrawn.

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 with matching organization:

A. Application

- a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by the non-refundable application fee. Employees of public colleges or universities of the California state higher education system, as defined in section

100850 of the Education Code, may use campus ID number in lieu of social security number, campus ID as a form of government issued photographic identification, and may omit home address.

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 all 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) Administrator Qualification form (included with application) and copy of a current valid government issued photographic identification for 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, advisory boards, and administrative personnel.
 - (4) 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.
 - (5) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.
- b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

- (1) Organizational chart showing all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage department operations, including but not limited to department management, staff, faculty members, advisory boards, and administrative personnel.

D. Transcripts

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

E. Enrollment Agreement

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

F. Course Catalog

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

G. Curriculum

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

H. Faculty

- a. Massage program faculty list worksheet (included with application).
- b. 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 and management evaluations of faculty), 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 programs submitted for approval.

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 CAMTC approved locations 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) -Name of CAMTC approved program attended by student.
 - (5) Date student started CAMTC approved program and date student completed CAMTC approved program or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.
 - (6) 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).
 - (7) Total number of supervised clock hours completed for CAMTC approved program.

- (8) At least one authorized, personally handwritten signature in ink with printed name, title, and date.
 - (9) Official school seal affixed, embossed, or otherwise attached to transcript.
 - (10) Sufficient security measures that uniquely identify the school's transcripts.
- b. Transcripts from public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education shall meet or exceed standards as determined by governing laws and regulations.
 - c. Only sealed transcripts sent directly from the school or an authorized transcript provider 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.
- (1) CAMTC will consider up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a college or university of the state higher education system, as defined in Section 100850 of the Education Code, as meeting the definition of a CAMTC approved school.
 - (2) CAMTC reserves the right, in its sole discretion, to not accept any or all 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. 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 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

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

D. 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 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

E. Curriculum

All 500 hours of education must be provided under active and 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 active and direct supervision of qualified instructors and on school premises.
 - (2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.
 - (3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.
 - (4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.
 - (5) Provide for written client feedback.
 - (6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.
 - (7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.
 - (8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls,

and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

- (9) Schools should carefully weigh and be prepared to support the purpose, duration, and effectiveness of student clinic hours in terms of educational value to the student. CAMTC reserves the right, in its sole discretion, to not accept clinic hours.
- d. Students may not be credited more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.
- e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:
 - (1) Name of course or subject.
 - (2) Detailed description.
 - (3) Learning objectives.
 - (4) Prerequisites.
 - (5) Total number of hours.
 - (6) Instructional material(s) to be used.
 - (7) Required assessments and assignments for successful completion.
- f. Maintain current daily lesson plans for each course that support syllabi. Daily lesson plans should include, at minimum: educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments with assessment criteria, if any, for each class.
- g. Maintain policies for creating, reviewing, and updating curriculum.

F. 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 and management evaluations of faculty), and disciplining faculty.
- c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.
- d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

G. 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.

H. 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.

I. 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, which includes but is not limited to the following:
 - (1) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school;

- (2) Failure to require students to attend all of the classes listed on the transcript;
- (3) Failure to require students to attend all of the hours listed on the transcript;
- (4) Engaging in fraudulent practices, including but not limited to, the creation of false 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;
- (5) Denial, suspension, revocation, or otherwise being acted against by the National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code;
- (6) Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts;
- (7) 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;
- (8) 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 this section 6;
- (9) Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).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 the school, 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 a state or territory of the United States, by a 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.
- k. Failure to update CAMTC and notify of any changes that might affect a school's eligibility for approval or result in disciplinary action against the school.

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(s)), 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, suspend approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall: i) hold all complete application packets from students who have submitted transcripts from the school if the school has applied for CAMTC school approval; ii) if the school is a CAMTC approved school, the school shall be placed under investigation and the Procedures identified in section 7.c.2. of this document shall be followed; and iii) in all cases Council 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 mail 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. Schools must request an oral telephonic conference or consideration of a written statement in writing (email is sufficient), and pay the appropriate hearing fee, a minimum of 21 days before the date scheduled for their matter to be considered in order for their request to be timely. Failure to request an oral hearing or consideration of a written statement and pay the required hearing fee in a timely manner shall result in the proposed action against the school becoming final and effective on the date noted in the letter, unless appealed as provided herein. Any documentary evidence to be considered by the Hearing Officers must be received by CAMTC a minimum of 21 days before the hearing/consideration date in order for it to be considered. 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 ESD shall ensure that the Hearing Officers making final denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school. The decision of the Hearing Officers shall be final as of the date noted in the Final Decision Letter, unless appealed as provided herein. The fee for an oral telephone conference shall be \$1,8900.00 and the fee for consideration of a written statement shall be \$1,4700.00.

Appeals

- (1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.
- (2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.
- (3) After considering a timely appeal, the Board shall either: uphold the decision previously made; impose lesser or more discipline; remand the matter back to ESD for further processing and consideration; or approve a school that has applied for CAMTC school approval or determine that the discipline not be imposed on a school that is a CAMTC approved school. The decision of the Board shall be final.

- (d) Notice of a 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 mail 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 90 days 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 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, shall not be allowed to re-apply for CAMTC school approval- for a period of five years from the effective date of the denial or revocation. All other schools whose application for CAMTC approval is denied or whose CAMTC school approval is revoked shall not be allowed to re-apply for CAMTC school approval for a period of two years from 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.

c. Procedures Related to Students.

1. 4. CAMTC will hold all complete individual application packets from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, but for whom a final decision has not been rendered as to school approval ~~on or before June 30, 2016.~~

(a) If the school ultimately receives CAMTC school approval, the hold on the students' applications for certification will be lifted and the applications will be processed in accordance with CAMTC's standard procedures.

(b) -If the school is ultimately denied CAMTC school approval, a 90-day grace period from the effective date of denial will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were 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 whose applications are received after the 90-day grace period has expired will be notified that, unless they

have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they ~~have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged~~ cannot use education from the school for certification purposes.

2. All complete individual application packets for CAMTC certification submitted with transcripts from CAMTC a-approved schools that are under investigation or CAMTC has proposed to revoke, suspend, deny re-approval or discipline, and that cannot be otherwise certified, will be placed on hold. CAMTC will make a determination within 60 days of notifying a school that it is under investigation whether the investigation will continue or not, and notify the school of this determination.
 - (a) If the decision is made not to pursue further investigation or that denial or disciplinary action is not necessary, the hold on the individual application packets will be lifted and the applications will be processed in accordance with CAMTC's standard procedures.
 - (b) If CAMTC determines that further investigation is necessary or that denial or disciplinary action against the school is necessary, CAMTC will lift the hold and process complete application packets from individuals with education from the school, but the individuals shall be required to provide additional proof of adequate education (beyond just a transcript) by passing a CAMTC education hearing. This requirement to provide additional proof of adequate education will remain in place until one of the following occurs: 1) the investigation concludes and it is determined that no denial or disciplinary action will be taken; 2) a final decision to revoke, deny, or discipline the school is made (in which case the 90-day grace period shall apply); or 3) this requirement is lifted.
 - (c) If the school ultimately has its approval revoked, suspended, re-approval denied, or is otherwise disciplined, a 90-day grace period from the effective date of denial or discipline will be provided for individual certification applications received during this time. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were 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 whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they cannot use education from the school for certification purposes.



CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814
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To: CAMTC Board of Directors
From: Joe Bob Smith, Director of Educational Standards Division
For: Board Meeting – September 26 & 27, 2018

School Statutes (as of September 9/17/2018)

Since the May Board meeting, ESD has received 3 new applications for approval, processed the lion's share of applications for re-approval, denied one school, and purged all incomplete applications received more than 1 year ago.

As ESD transitions out of its start-up phase, in which all schools were newly approved, to its current phase, in which the majority of schools are subject to re-approval, here is an updated accounting of all initial applications for approval received since May 1, 2015:

170 Total Applications Received

93	<u>Total Approved</u>
21	Still Under Initial Approval
2	Still Under Initial Approval (disciplinary action)
50	Re-Approved
2	Re-Approved (disciplinary action)
18	Closed/Expired While Approved
7	Denied
4	Ineligible (Un-approved)
30	Pending
35	Purged*

**Purged schools are those schools whose applications were not completed within 1 year after being received and were subject to the purge policy passed by the board on May 31, 2018.*

ESD Communication

In May, CAMTC surveyed approved schools to ascertain feedback in regard to school related policies and programs. As one might anticipate, the results contained both affirmative and constructive feedback. Over 61% rated CAMTC's school related policies and programs excellent or good with another 15% rating fair and 23% rating poor. As CAMTC's mission is to "protect the public," which involves enforcing standards and often delivering news people don't want to hear, ESD expects to have its detractors. Nonetheless, ESD believes it is important to have the best

possible relationship with approved schools. After all, schools need CAMTC to certify their students, and CAMTC needs schools to properly educate applicants. It's a two-way street. There was one word that stuck out in the survey results: "communication." The Schools Advisory Committee and the quarterly School Newsletter have been great tools to improve communication, but this survey tells us we need more.

In response, ESD will host a regularly scheduled monthly conference call beginning in November. This easily accessible forum will allow any school to receive current CAMTC/ESD information, ask questions, explain information, and make recommendations. When ESD staff makes a site visit to a school, we often find that such face-to-face outreach with school owners and administrators help to answer questions, clarify hearsay, and simplify processes. It is, however, impractical to regularly visit all schools in person. These monthly conference calls will allow the ESD Director to communicate regularly and directly with all schools. We will distribute call-in details to schools over the next few weeks.

Looking Forward

Exam Requirement – as of the writing of this report, legislation has been sent to the Governor, but not yet signed, that suspends the exam requirement for CAMTC Certification applicants for two years. Thus, for applications received from January 1, 2019, through December 31, 2020, applicants for CAMTC Certification will not have to pass an exam. However, they will still be required to meet all other requirements including the completion of 500 hours from a CAMTC Approved Program and passing a background check. Should this legislation become law, ESD will review its effect on approved schools and their students and act accordingly.

BPPE MOU – ESD continues to work with BPPE on a memo of understanding between our two organizations. BPPE has recently responded to our latest draft of the MOU and we will answer accordingly.

School Fees – In May, the Board voted to increase all school-related fees starting October 1, 2018 (except for the re-approval application fee which increases January 1, 2020). The new fee schedule has been posted on the website since shortly after the previous board meeting and ESD is updating forms and information to comply.

Baby J – Assuming I'm not present at the Board meeting, it's because my wife has given birth to ESD's newest addition. His resume may be lacking, but his demands are numerous: short work day, multiple naps, several meals, plentiful bathroom breaks, and lots of cuddling.



CEO Report

September 18, 2018

Legislation

Three different bills, with various proposed amendments to the Massage Therapy Act, were introduced in 2018. CAMTC engaged the authors and sponsors of this bill throughout the year. Out of the three, only SB 1480 (Hill, Low) passed the Legislature and was presented to the Governor on September 12, 2018. SB 1480 is an omnibus bill. Unless the Governor vetoes this bill by September 30, 2018 (unlikely), the amendments to the Massage Therapy Act will become effective on January 1, 2019.

SB 1480 requires CAMTC to accept 500 hours of education from any applicant if, at the time all of the hours were completed, the school or schools were approved and stipulates that the 500 hours may be completed at more than one approved school. This bill also pauses (from January 1, 2019 until January 1, 2021), the requirement that an applicant for CAMTC certification takes and passes a CAMTC-approved examination.

SB 1480 received support from The Royal Thai Consulate-General and Nuad Thai & SPA Association of America.

The League of California Cities, San Francisco, The American Massage Therapy Association, and The Federation of State Massage Therapy Boards (FSMTB) opposed the bill. CAMTC communicated to the Legislature our concerns regarding the language of SB 1480.

As part of the discussions regarding some challenges relating to the exam requirement, CAMTC, FSMTB and the Legislature engaged in numerous exchanges (please see attached correspondence). These conversations are ongoing.

Public Safety

CAMTC is continuing to work with the California Police Chiefs Association ("CPCA") to devise a system that will deliver important information about CAMTC's protocols (such as the use declarations) to officers. Various elements of our strategic partnership are being implemented.

CAMTC is inviting all code compliance officers to CAMTC's law enforcement training, which will be held on October 10, 2018 as part of the annual California Association of Code Enforcement Officers convention. CAMTC is a Sponsor and a Platinum Exhibitor at the four-day event (attached).

As part of our effort to educate local government officials on the use of revocable registration as a tool to eradicate illicit establishments in their jurisdiction, CAMTC invited San Mateo's County's Assistant County Counsel, David Silberman, to present to city attorneys at the League of California Cities' annual conference in Long Beach on September 13, 2018. In this well attended presentation, Mr. Silberman repeatedly mentioned that the partnership with CAMTC was one of the main reasons for his county's success in shutting down all the 11-illicit massage establishments in the county (PowerPoint presentation and published paper attached).

On the same day, San Diego city councilmember Chris Cate presented a proposal for a new massage ordinance to do so to the Public Safety Committee with revocable registration as its centerpiece, to stop massage businesses from being a front for sex trafficking and prostitution. Cates' staff reached out to CAMTC for assistance after CAMTC sent letters to San Diego's Mayor, city council members, city manager and police chief in 2017 and is continuing to work closely with our senior staff (see attached article).

Customer Service

Under the capable leadership of Jon Walters at AMG, our application processing and customer service staff is continuing to make significant improvements. The team's dedication and expertise were put to the test last month when 10 days' worth of application data was lost because of a backup error made by the database vendor. While the lost data was being recovered we deployed additional assets to maintain smooth operational continuity. On August 14, 2018 I sent a termination letter to the database project manager. Please see additional information regarding application processing and database development in senior staff reports in this packet.

Legal Team

After extensive negotiations, we were able to secure the employment of a fourth staff attorney who started her full-time employment on August 27, 2018. In addition to CAMTC's two outside attorneys and four in-house attorneys, we currently employ three paralegals. We are looking to replace a fourth paralegal who recently retired, which will bring CAMTC's internal legal team to a total of eight professionals.

Schools

CAMTC continues to foster close relationships with schools by enhancing communication and the accessibility of relevant information. We are actively seeking feedback from schools, and to that end a schools' survey was sent out on June 30, 2018 and the complete results were submitted to the Schools Advisory Committee to review. I find the responses to be very helpful and my main two takeaways are:

1. When asked to rate CAMTC's school related policies and program 62% responded with "excellent" or "good" and 38% responded with "fair" or "poor". I'm not satisfied with having two out of three schools give us a positive rating, but I would not be surprised to see more

favorable numbers when we repeat this survey next year.

2. The single most common recommendation had to do with improving communications between CAMTC and schools. To that end, we are initiating a monthly conference call that will facilitate a more dynamic public exchange of information between CAMTC and schools. Joe Bob Smith will lead the calls which will be open to anybody who wishes to participate and will be held on the first Wednesday of each month at 2:00 p.m., commencing on November 6, 2018. As soon as we finalize logistics we will make a formal announcement.

Disciplinary Performance Measures

Attached are CAMTC's Disciplinary Performance Metrics for the last two quarters of 2017 and first two quarters of 2018. To ensure that all stakeholders can review CAMTC's progress in meeting its public protection mission, CAMTC regularly tracks these measures and makes them easily available by prominently posting them on the website. While we exceeded our goals in all four categories, the most significant measure is the average number of days to complete formal discipline against a certificate holder (PM4).

Finances

As of July 31, 2018:

Actual cash position was \$2,942,345 (budgeted was \$1,882,710)

Actual YTD net deficit was -\$202,896 (budgeted deficit was -\$1,097,134)

Outreach to key stakeholders

CAMTC' senior staff is in constant communications with a wide array of diverse stakeholders. Since June 1, 2018 these included the following meetings:

- June 19, 2018 - Board members of Massage Envy California Franchisees Association
- July 26, 2018 - Assemblymember Ed Chau, owners and students of two schools in the district
- August 1, 2018 - Consul-General of Thailand and President of Nuad Thai & SPA Association of America
- August 6, 2018 - Senator Richard Pan, member of Senate Committee on Business, Professions and Economic Development
- August 6, 2018 - Assemblymember Evan Low, Chairman of The Assembly Committee on Business and Professions
- August 9, 2018 - President of the Federation of State Massage Therapy Boards
- August 10, 2018 - Leadership of American Massage Therapy Association
- August 20, 2018 - Senate Committee on Business, Professions and Economic Development
- August 20, 2018- Assembly Committee on Business and Professions



CALIFORNIA MASSAGE THERAPY COUNCIL

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VIA First Class and Electronic Mail

May 9, 2018

The Honorable Jerry Hill
Chair, Senate Business, Professions, and Economic Development Committee
State Capitol, Room 5035
Sacramento, CA 95814

Re: Additional Information Requested at April 30, 2018, Informational Hearing

Dear Chair Hill:

Thank you for allowing the California Massage Therapy Council ("CAMTC") to provide information to you and the Senate Business, Professions, and Economic Development Committee at the April 30, 2018, informational hearing. At this hearing, the Committee requested certain additional information. CAMTC is pleased to provide you with the following additionally requested information.

School Approval Process Timelines

CAMTC began its new school approval process as a direct response to the Legislature's request to do so. CAMTC's previous school process focused on the identification and un-approval of schools engaged in inappropriate practices. As of January 1, 2015, the Massage Therapy Act changed to require CAMTC to approve schools.

CAMTC created the Educational Standards Division ("ESD"), hired staff, and created a new school approval process from the ground up. The first Policies and Procedures for Approval of Schools ("Procedures") were approved by the Board in February of 2015. Pursuant to the Procedures, CAMTC began accepting the first applications for school approval on April 1, 2015, and notified schools that if they would like to have the chance of having their applications approved by July 1, 2016 (the date by which CAMTC would switch to only accepting education from approved schools), their applications would have to be submitted by May 1, 2015. CAMTC therefore created an ambitious timeline for itself from the outset. ESD has been working tirelessly to get a large number of

schools, all of which applied over a short span of time, approved within approximately 14-months. Currently there are 94 approved schools and campuses. It has been a phenomenal achievement to accomplish so much in such a short period time.

The school approval process generally requires (but is not limited to): review of a detailed application with forms for the school itself and all owners, instructors, and administrators; at least one (and in most cases more than one) in person site visit; review of course catalogs, curriculum, syllabi, daily lesson plans, attendance records, enrollment agreements, and student and faculty files; student, faculty, and administrator interviews and passage of background checks; review of the physical location where classes occur; and interaction with other massage or school related entities such as BPPE, NCBTMB, and other accreditation agencies, and cities and counties. While the vast majority of schools applied in 2015, CAMTC still continues to receive applications for approval of massage programs in California.

In relation to the timelines for approval, the initial applicants were impacted by the fact that a large number of schools all applied at the same time, slowing down the progress of the group through the system. CAMTC currently has 94 approved schools and campuses. Merely traveling to all of the locations around the State to perform in person site visits took some time.

Because of the large number of applications received early on in the process, CAMTC is providing data for all schools analyzed together, as well as a smaller subset of school applications received more recently. The data therefore is for the following: 1) all schools (average and median times); and 2) a smaller subset of schools that have applied on or after July 1, 2016 (average and median times). Schools currently applying for approval are seeing wait times along the lines of those in the "Post 7/1/16" group. The number of days for approval is calculated from the date the application was initially received until the date ESD decided that a school should be approved. Contained within this number, therefore, is time spent waiting for schools to submit all of the required information so that a final decision of approval can be made.

Timelines for Approval of Schools:

<u>ALL SCHOOLS</u>	<u>DAYS</u>	<u>MONTHS</u>
AVG Approve Time	329	10.8
MED Approve Time	295	9.7
<u>POST 7/1/16</u>		
AVG Approve Time	174	5.7
MED Approve Time	93	3.1

CAMTC also notes that the "Post 7/1/16" timelines have been negatively affected by one school that applied for school approval while it was waiting for its campus to be built out. This one school has weighed down the "Post 7/1/16" numbers and if it is removed

from the group, the “Post 7/1/16” average is 121 days (4 months) with a median time of 83 days (2.7 months). As can be seen by this data, CAMTC’s school approval process is currently moving at a very quick rate, and even its numbers upon inception of the program were shorter than initially anticipated and planned for.

Pending Schools

CAMTC is also pleased to provide you with the following information in relation to pending schools. These schools are listed on CAMTC’s website as “Application Received” schools and represent those schools who have applied for approval but no final decision has been rendered. While the website lists 56 schools in this status, the majority are schools who technically meet the requirements for purging but haven’t been purged. CAMTC has been reluctant to purge these schools without having a Board approved process in place for addressing their students. A new policy will be proposed at the May Board meeting and it is anticipated that if this policy passes, CAMTC will quickly move forward with purging these outstanding applications for school approval. In accordance with the soon to be proposed policy, students who have attended one of the 30 schools that are currently pending and which are eligible to be purged will have the opportunity to come to an education hearing and prove their education during a 90 day grace period.

Following please find a chart addressing the status of all schools in this category:

<u>Number of Schools/ Campuses</u>	<u>Reason for Pending Status</u>	<u>Currently Eligible for Purging?</u>
13	Incomplete application	Yes
13	Inactive	Yes
2	Application withdrawn	Yes
1	Closed school	Yes
1	Discipline imposed from previous proposal to un-approve	Yes
5	Active Applications (newly received)	No
3	Corrective Action Requested	No
3	Proposed denial letter sent and CAMTC has granted continuance request, but hearing has not yet occurred	No
3 (2 schools, one with 2 campuses)	Proposed denial letter sent and hearing has occurred –school is waiting for final decision letter	No
12	Under Investigation	No

As you can see from the chart above, 30 of the 56 pending schools are eligible for purging and will be shortly purged if the Board adopts the new proposed policy. 3 schools are waiting for their hearing date to occur since they requested continuances that CAMTC granted. 5 applications are newly received and are actively in the process of being evaluated for approval. Of those schools remaining: 2 schools (representing 3 campuses) have been proposed for denial, had hearings on their matters, and are waiting for their final decision letters; 3 schools have been sent corrective action letters but haven't responded; and the remaining 12 schools are currently under investigation.

Certification Pathway for Students Who Completed Their Education at Advance Beauty College before July 1, 2016

AB 314 changed the Massage Therapy Act as of January 1, 2018, to provide an exclusion to the requirement that CAMTC only accept education from CAMTC approved schools for applications received on or after July 1, 2016. Contrary to what the author stated during the April 30, 2018 hearing, she did not meet with CAMTC or request its input prior to proposing amendments to the Massage Therapy Act. In fact, CAMTC was the party that reached out to the author after the proposed amendments to the Massage Therapy Act had already been made. CAMTC offered to work with the author on amendments to the bill and once they were implemented, formally supported the legislation both by testimony and a letter of support. The bill purported to address the acceptance of education from a group of schools that CAMTC had un-approved. It was later narrowed to affect only one school, Advance Beauty College ("ABC"). When AB 314 was introduced, it was intended to apply to a specific group of students, yet CAMTC had already taken steps to allow those students to be CAMTC certified by the time the language was put into print.

ABC was un-approved by CAMTC in the second half of 2016, along with a handful of other schools. This was during the transition from the old un-approval system to the new pro-active school approval system. In an effort to address students affected by the un-approval of their schools during this transition timeframe, at its March 9, 2017 Board meeting, CAMTC instituted a new policy. This new policy provided a grace period for a small group of un-approved schools, including ABC, which allowed their graduates to apply for CAMTC certification if their applications were received between March 9, 2017 and June 8, 2017. In addition to prominently posting this change on its website, CAMTC also sent a letter to ABC directly notifying it of this grace period. CAMTC also responded to ABC's email messages confirming the requirements applicable to this new policy. In this email correspondence CAMTC re-iterated the requirements for certification, including passage of a CAMTC approved exam. CAMTC notes that when this grace period was in effect, ABC students were free to sit for the MBLEx exam. In its March 22, 2016 letter to ABC regarding the grace period, CAMTC specifically requested that ABC communicate this new grace period to its students, as the school was the only party who knew who its graduates were. The letter to ABC specifically states the following:

Please also share this change in policy with your students. CAMTC cannot send a letter to those who have not applied to CAMTC for certification, therefore it must rely on you to notify your students that they may still use this education for certification purposes, and of the timelines to apply.

CAMTC also notified those ABC students who had applied for certification and were therefore known to CAMTC of the new policy. Proposed amendments to the Massage Therapy Act by way of AB 314 were first introduced while this new grace period was already in place.

Amendments to the language in AB 314 were discussed with Senate Business, Professions, and Economic Development Committee staff. During these conversations other requirements for certification were not addressed. The author of the bill had requested amendments to the Massage Therapy Act requiring acceptance of education from certain un-approved schools. The author did not propose changes to any other requirement for certification. The Massage Therapy Act has required passage of a psychometrically valid CAMTC approved exam since January 1, 2015. During the April 30, 2018 hearing the author stated that she was not aware of the exam requirement. CAMTC is baffled by this comment in light of the fact that the author simultaneously introduced language pertaining to the exam in another bill, AB 315.

The following exams are approved by CAMTC:

- Massage and Bodywork Licensing Exam (MBLEx);
- Board Certification Exam in Therapeutic Massage and Bodywork (BCETMB);
- National Certification Exam for Therapeutic Massage and Bodywork (NCETMB) taken on or before February 2015; or
- New York State Massage Therapy Examination.

There are no other nationwide psychometrically valid massage exams. Students from the one school addressed by AB 314, ABC, are reportedly having difficulty meeting the exam requirement. Senator Nguyen has stated that she was contacted by a group of “30-40 students” on this issue. CAMTC finds it puzzling that students who allegedly completed their ABC education by July 1, 2016 (as AB 314 requires), did not apply for certification during the March 9 – June 8, 2017 grace period, since the school was fully aware of the grace period and specifically directed to notify their students about it. As of July 1, 2017, the Federation of State Massage Therapy Boards (“FSMTB” – the organization that administers the MBLEx), changed its policy so that it will only allow graduates from schools approved by the massage therapy board or equivalent organization in each state to sit for its exam. In California, this policy has the effect of only allowing graduates of CAMTC approved massage therapy programs to sit for the MBLEx exam. For graduates of ABC, they also are not allowed to sit for the BCETMB (currently offered) or NCETMB (which has not been offered since February 2015) exams since the organization that administers them, the National Certification Board for Therapeutic Massage and Bodywork, took disciplinary action against ABC. It is

May 9, 2018

Page 6

impractical for California students to sit for the New York State Massage Therapy Examination.

In order to allow the students addressed by AB 314 who have not already taken and passed a CAMTC approved exam to apply for CAMTC certification, the Legislature can either change the Massage Therapy Act so that no exam is required (either for these specific students or all students), or it can request a special exemption from FSMTB to allow these specific students to sit for their exam.

Please let me know if you have any questions in relation to any of the information provided herein. I am happy to work with the Committee to provide any other additional information it may require and look forward to working with the Committee on the important issues addressed at the April 30, 2018 hearing.

Sincerely,

A handwritten signature in black ink, reading "Ahmos Netanel". The signature is fluid and cursive, with the first name "Ahmos" and last name "Netanel" clearly distinguishable.

Ahmos Netanel, CEO
California Massage Therapy Council

cc: Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
CAMTC Board



May 11, 2018

The Honorable Jerry Hill
Chair, Senate Business, Professions, and Economic Development Committee
State Capitol, Room 5035
Sacramento, CA 95814

VIA ELECTRONIC MAIL

Dear Chairperson Hill:

The Federation of State Massage Therapy Boards (FSMTB) is aware of the problems and the potential options under consideration by the California legislature regarding education as it pertains to the regulation of massage therapy. We appreciate the inclusion of our organization in the discussion to help identify the best possible solution.

Three key factors impact the situation in California:

1. The California Massage Therapy Council (CAMTC) has legislative authority to evaluate massage therapy education and CAMTC certification is voluntary.
2. The Bureau for Private and Post-Secondary Education (BPPE) has legislative authority to evaluate massage therapy education (and all post-secondary education) and is mandatory.
3. FSMTB defers to CAMTC as the primary agency in California to determine an applicant's eligibility to take the MBLEx.

The solution seems abundantly clear – FSMTB could modify the policy to recognize BPPE as the primary agency responsible for approving massage schools in California.

All policies must be officially adopted by the FSMTB Board of Directors. This particular policy proposal will be put forth at the next FSMTB Board of Directors meeting in May 2018. I will confirm the outcome for you shortly thereafter.

The Massage & Bodywork Licensing Exam (MBLEx), a psychometrically sound and legally defensible assessment tool, provides a valid measurement of a candidate's entry-level knowledge essential to safe and competent practice. It is used by all but two (NY and HI) jurisdictions in the United States as a vital measure enhancing public protection in the regulatory arena and it serves the dual purpose of facilitating therapist mobility across jurisdictions and simplifying the path to employment. Examination security and integrity is of paramount importance and we appreciate the role that education oversight – by both CAMTC and BPPE – coupled with the examination, plays in reducing fraud and harm upon the consuming public.

If you have any questions about FSMTB or the MBLEx or if I may assist you in any other way, please do not hesitate to contact me.

The FSMTB is delighted to assist you in your diligent work of protecting the citizens in the great State of California!

Sincerely,

Sonja Way, JD
Director of Government Relations

cc: Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
Ahmos Netanel, Chief Executive Officer, California Massage Therapy Council
Dr. Debra Persinger, Executive Director, FSMTB



May 25, 2018

The Honorable Jerry Hill
Chair, Senate Business, Professions, and Economic Development Committee
State Capitol, Room 5035
Sacramento, CA 95814

VIA ELECTRONIC MAIL

Dear Chairperson Hill:

I write to follow up on a communication on May 11th from Sonja Way, FSMTB director of government relations.

The Board of Directors of the Federation of State Massage Therapy Boards (FSMTB) met on May 20 and considered the situation regarding massage therapy education originating in California, which the legislature wishes to address.

After very thoughtful and thorough deliberation, the FSMTB board of directors voted to retain the current FSMTB policy wherein schools in California approved by CAMTC will remain the determining educational standard for eligibility to access the Massage & Bodywork Licensing Exam (MBLEx).

More specifically, Attachment A (page 3) provides extracts to illustrate the enacted FSMTB policy. Additional factors contributed to the decision by the FSMTB board of directors; most importantly:

1. The Bureau for Private and Post-Secondary Education (BPPE) approval of massage schools does not include curriculum review, site visits, or any other necessary verification of minimal standards in order to provide the required education. CAMTC does undertake such reviews.
2. If FSMTB were to default to BPPE as the primary qualified entity in California to approve massage education, the students from the BPPE-approved schools that are not approved by CAMTC, would be placed in an untenable situation wherein they would be unable to be certified by CAMTC.
3. The above scenario also introduces an untenable situation for the rest of the massage regulatory boards and agencies in the United States. Those individuals unable to be certified in California would have to leave California; they may be eligible to seek licensure in other states but with substandard and potentially fraudulent massage education.
4. As is the general case with policy, limited and specific exceptions may be possible and we acknowledge potential ways to support the provisions in CA SB314.

Chairperson Jerry Hill
May 24, 2018
Page 2

I am pleased to advise that in order to arrive at a solution while at the same time protecting the integrity of the credentialing and regulatory process wherein consumer protection remains a priority, the FSMTB is eager to work with the legislature and CAMTC. FSMTB firmly believes alternate possibilities are as yet unexplored and we wish to continue the collaborative communications to arrive at a mutually agreeable outcome. After all, the CA legislature, FSMTB and CAMTC all enact or support the mission of protecting the public. We believe that the path ahead is one with feasible possibilities and to that end, I invite further dialogue between Mr. Gage, Mr. Netanel and myself.

If you have any questions or concerns or if I may provide further clarity on anything, please do not hesitate to contact me. Your work in public service on behalf of the citizens of California is gratefully appreciated.

Sincerely,

Debra A. Persinger, PhD
Executive Director

cc: Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
Ahmos Netanel, Chief Executive Officer, California Massage Therapy Council
Sonja Way, Director of Government Relations, FSMTB

ATTACHMENT A

Approval by FSMTB requires compliance with FSMTB policies, including the education policy. You can read the education policy in full on our website, but below, I highlight a few areas of the policy and its applicability to applicants from California schools.

*An “approved massage therapy education program” is defined as one that is approved or recognized by the **state board or agency authorized to regulate massage therapy in the state in which the school is located***

FSMTB recognizes CAMTC as the “state board or agency authorized to regulate massage therapy in the state in which the school is located”.

*In the event the massage therapy board/agency **does not approve or recognize education programs**, approval or recognition from the relevant state department of education or like agency, in the state in which the school is located, shall apply.*

CAMTC does approve education programs, making it unnecessary to defer to the state department of education, or in the case of California, BPPE.

In the event of a conflict between the state board/agency and department of education, the approval or recognition of the massage therapy board/agency shall prevail.



CALIFORNIA MASSAGE THERAPY COUNCIL

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

VIA FIRST CLASS AND ELECTRONIC MAIL

May 29, 2018

Debra A. Persinger PhD
Executive Director
Federation of State Massage Therapy Boards
10801 Mastin Blvd., Suite 350
Overland Park, KS 66210

Re: FSMTB Policy Related to Education from Denied Schools, Pending Schools,
and Advance Beauty College

Dear Dr. Persinger:

The California Massage Therapy Council ("CAMTC") is writing you this letter in relation to some issues that have arisen since July 1, 2017, with the implementation of your new policy related to who can sit for the MBLEx exam. In accordance with your website,

Effective July 1, 2017, candidates seeking access to the MBLEx will be required to substantiate either:

- a. enrollment in and having received education and training in all subject areas of the MBLEx Content Outline from an approved massage therapy education program; or
- b. graduation from an approved massage therapy education program. Substantiation documentation must be submitted to FSMTB directly from the education program.

An approved massage therapy education program is one that is approved or recognized by the state board or agency authorized to regulate massage therapy in the state in which the school is located.

In the event the massage therapy board/agency does not approve or recognize education programs, approval or recognition from the relevant state department of education or like agency, in the state in which the school is located, shall

apply. In the event of a conflict between the state board/agency and department of education, the approval or recognition of the massage therapy board/agency shall prevail.

CAMTC has been in contact with your organization since the implementation of this policy began. It has been CAMTC's understanding that in accordance with your policy, only applicants who have attended CAMTC approved schools may sit for the MBLEx. However, while this is your stated policy, CAMTC has also received conflicting communications from Kevin Sneed, your Director of Professional Standards, stating that regardless of your stated policy, CAMTC may request that exceptions be made to this general policy.

As you are aware, the California Legislature passed SB 314 in 2017 allowing students who completed education at Advance Beauty College ("ABC") before July 1, 2016, to apply for CAMTC certification regardless of the fact that they attended a school that was both unapproved by CAMTC and also is not a CAMTC approved school. This law went into effect on January 1, 2018. While, so far, no ABC students that this law applies to have applied to CAMTC for certification, we are being told that this is because these students are not allowed to sit for the MBLEx. Additionally, CAMTC's Procedures allow students who attended denied schools to apply for certification using education from those schools, their applications just must be received by or before the grace period and they just must also pass an education hearing. Furthermore, applicants who have attended schools that have applied for school approval, but those applications are still pending, are also unable to sit for the MBLEx. Also, while we have not yet purged schools, at the May 31st Board meeting staff will be asking the Board to pass a policy allowing students who attended a purged school to apply for certification with the additional requirement that they pass an educational hearing. As you can see from this description, there are large groups of individuals that CAMTC would allow to apply for certification who cannot because they cannot sit for the MBLEx, and CAMTC requires passage of the MBLEx in order for an application packet to be complete.

CAMTC therefore requests that you provide special dispensation for the following groups of individuals to allow them to sit for the MBLEx:

1. Those who attended Advance Beauty College and completed their education before July 1, 2016;
2. Those who attended CAMTC denied schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of denial for the school. These schools currently include;
 - a. Massage School of Pasadena – Pasadena – effective denial date of September 13, 2017, so last date for FSMTB to report MBLEx results would be September 12, 2018. All others who apply to take the MBLEx with reported results after this date would not be authorized to take the exam;

- b. Arcata School of Massage – Arcata – effective denial date of September 21, 2017, so last date for FSMTB to report MBLEx results would be September 20, 2018. All others who apply to take the MBLEx with reported results after this date would not be authorized to take the exam;
 - c. World School of Massage and Holistic Healing Arts – effective denial date of March 13, 2018, so last date for FSMTB to report MBLEx results would be March 12, 2019. All others who apply to take the MBLEx with reported results after this date would not be authorized to take the exam; and
 - d. As new schools are denied, the same policy would be applied to them;
3. Those who attended a school on CAMTC's "Application Received" list and the individual's application to sit for the MBLEx is received by you at the time that the school is on this list. These are currently the schools on that list:

A-Technical College
Aberdeen College
Aceport College
Alive! Institute of Therapeutic Massage – Rosemead and San Diego locations
American Beauty Institute
American Empire College
Angeles College
ATI College
Chico Therapy Wellness Center
Coastline Beauty College
Cosmotek College
David's Academy of Beauty – Corona and Pico Rivera locations
Evons Beauty College
Fenwu University of Alternative Medicine dba Alhambra Medical University
Golden Bridge College
Hair California Beauty College
Hamilton College - Los Angeles and Monterey Park locations
Harbin School of Healing Arts
Harbor Career College
Health Medicine School
Intercoast Colleges – Carson, Elk Grove, Fairfield, Orange, Riverside, Roseville, and West Covina locations
International Beauty College
Jinshan Institute of Clinical Massage
Jupiter Hollow School for Massage
Kairos Career College
Kamana Academy
Katie Skills Center
Kingston University
Milpitas Massage College
National Holistic Institute - Ontario
Natural Healing Institute

May 26, 2018

Page 4

Nine Star University of Health Sciences
North-West College – Pasadena, Pomona, Riverside, Santa Ana, and West
Covina locations
Professional Holistic Institute
San Bernardino Beauty College
Sebastopol Massage Center
Stanton University
University of East-West Medicine
University of Herbal Medicine
University of Western California
Vitality College of Healing Arts
Washington College
West Valley College

Once these schools are moved on to other lists (such as approved, denied, or purged), the rules applicable to schools in that category will apply to them.

4. Students who attended purged schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of purging. While there currently are no purged schools, at some point in the future CAMTC will identify and list purged schools on its website.

Thank you for your consideration of this important matter. We look forward to receiving your response to this request.

Sincerely,

A handwritten signature in black ink, reading "Ahmos Netanel". The signature is fluid and cursive, with the first name "Ahmos" and last name "Netanel" clearly distinguishable.

Ahmos Netanel, CEO
California Massage Therapy Council

cc: Honorable Jerry Hill, Chair, Senate Business and Professions Committee
Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
Sonja Way, FSMTB Director of Government Relations
Beverly May, CAMTC Director of Governmental Affairs



FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

June 18, 2018

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

VIA ELECTRONIC MAIL

Dear Mr. Netanel:

Thank you for your letter dated May 29, 2018 to the Federation of State Massage Therapy Boards (FSMTB) requesting special dispensation for applicants from particular schools. In response to this request, FSMTB wishes to clarify its policies related to the Massage & Bodywork Licensing Examination (MBLEx).

FSMTB approves all MBLEx candidates that meet its requirements. FSMTB also has an alternate pathway for MBLEx eligibility wherein authorization may be accepted from a state board when a candidate meets the state's requirements but cannot meet FSMTB's requirements. If a candidate wishes to be approved by FSMTB, the candidate will need to have education from a school approved by CAMTC. Where the candidate cannot meet FSMTB's policies, CAMTC may authorize FSMTB to approve the candidate. For example, state authorization is commonly needed for candidates without a social security number in states that do not require a social security number for massage licensure. California has provided such authorization to FSMTB for candidates who meet all of CAMTC's requirements, but do not meet FSMTB's requirement for a social security number.

Below is a response to each of your itemized requests:

1. Advance Beauty College

FSMTB recognizes AB 314 and will allow candidates with education permitted by AB 314 to sit for the MBLEx.

Candidates with education from ABC completed prior to July 1, 2016 will go through the same process as other candidates. They will apply for the MBLEx online and will request that their school submit education verification records to FSMTB.

FSMTB requires ABC to submit education records to schoolsupport@fsmtb.org from a consistent email address owned by the school. Should email not be possible, FSMTB will accept education records by mail to our executive office at 10801 Mastin Boulevard, Suite 350, Overland Park, KS 66210.

To assist FSMTB in preventing individuals with malintent from fraudulently accessing the MBLEx using a forged transcript, FSMTB requests the following:

- The official school email address from which FSMTB will receive education records from ABC.
- A roster of all students that received education at ABC prior to July 1, 2016.

Please note that FSMTB's records do not reflect any students from ABC having been or currently being prevented from testing. If you are aware of individuals claiming differently, please advise.

2. CAMTC Denied Schools

Per FSMTB policy, MBLEx applicants from schools denied by CAMTC are denied access to the MBLEx.

California Business and Professions Code Section 4615(a)(1) states as follows: “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.”

FSMTB recognizes CAMTC’s authority to approve schools and to determine whether an applicant received the education claimed. We appreciate the processes CAMTC has in place to conduct education hearings for individuals from denied schools as the hearings can help eliminate fraud in the regulatory process and protect the security of the exam.

Therefore, in order to fulfill your request for special dispensation for students from denied schools, FSMTB suggests that CAMTC permit candidates from denied schools to receive an education hearing upon CAMTC’s receipt of a completed application with the sole exception of a passing exam result. If CAMTC determines that the applicant has received education that meets CAMTC standards, FSMTB will approve the applicant to sit for the MBLEx.

It is FSMTB’s understanding that a very small percentage of people who attend an education hearing are found to have received the required education. If that is the case, it does not make sense to allow unknown people to access and jeopardize the security of the exam and the integrity of the licensure process across the United States when there has been no determination of whether the education was even received.

3. Schools on CAMTC’s “Application Received” List

There are several schools on the list you provided that have open compliance issues with BPPE, many of which are related to missing or incomplete student records. FSMTB is not willing to accept records from a school that has been cited, and has not resolved, compliance issues with BPPE.

As long as the school is in good standing with no open compliance issues with BPPE, FSMTB will provide special dispensation for candidates from schools on the CAMTC “application received” list that meet all of the following criteria:

- a. FSMTB receives the individual’s completed MBLEx application.
- b. The individual’s name matches an official roster provided by that school to FSMTB.
- c. FSMTB receives the education record for the applicant directly from the school.
- d. FSMTB will contact CAMTC for confirmation of the following:
 - i. The individual has submitted an application for certification to CAMTC; and
 - ii. The individual’s application is complete, meeting CAMTC standards, except for an MBLEx result. As in item 2 above, this may warrant a hearing prior to determination of satisfactory education.

Once the items above have been received, and subject to FSMTB’s right to verify authenticity of all documents, FSMTB will process the application and approve the candidate to sit for the MBLEx.

4. Schools with Purged Applications

CAMTC approved a policy to purge applications for school approval that had been incomplete due to nonresponse of the school. FSMTB will treat purged schools as denied schools and requests that CAMTC provide an education hearing to determine whether a satisfactory education that meets CAMTC standards, was received before allowing an individual candidate to access the MBLEx.

FSMTB supports CAMTC's education hearing process to determine whether or not an applicant received the education and wishes to prevent those who are found to have not received the education they claim, from obtaining access to the MBLEx test items.

The MBLEx is the only psychometrically-validated, reliable and legally defensible licensing exam for massage and bodywork therapy, determining whether an individual has the entry-level knowledge and competencies needed to safely practice on the public. FSMTB does not issue a credential, and therefore relies on state massage boards to determine whether an applicant meets licensing (or in the case of California, certification) requirements.

While CAMTC certification is voluntary in California, a person seeking to practice in California may alternately obtain a license or permit in the city or municipality in which they wish to practice. If that person received education from a school that is not approved by CAMTC, and the education is acceptable for the other regional jurisdictional licensing entity, then they may provide approval to FSMTB for a person to take the MBLEx. This is by no means ideal or preferred but still an existing option under California's current circumstances with voluntary certification.

As per my May 26, 2018 correspondence, I welcome further communications as we work towards viable solutions for the regulatory community working for consumer protections. Please do not hesitate to contact me if I may provide further clarity on any of the above matters.

Sincerely,



Debra A. Persinger, PhD
Executive Director

cc: Senator Jerry Hill, Chair, Senate Business and Professions Committee
Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
Sonja Way, Director of Government Relations, FSMTB
Beverly May, Director of Governmental Affairs, CAMTC



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VIA ELECTRONIC MAIL

July 2, 2018

Debra A. Persinger
Executive Director
Federation of State Massage Therapy Boards
10801 Mastin Blvd., Suite 350
Overland Park, KS 66210

Re: FSMTB Policy Related to Education from Denied Schools, Pending
Schools, and Advance Beauty College

Dear Debra:

Thank you for your June 18, 2018, response to my May 29, 2018 letter. CAMTC appreciates FSMTB allowing the Advance Beauty College ("ABC") students addressed by SB 314 to sit for the MBLEx exam. In your letter you identify a number of requirements that ABC must fulfill in order for their students to sit for your exam. As you are aware, ABC is not a CAMTC approved school therefore CAMTC has no direct authority over this school. Therefore, please communicate these requirements directly to ABC, as they are the party that must comply with them.

In relation to the three other groups of students identified (those from denied schools during the grace period, those at pending schools, and those at purged schools), you have denied CAMTC's request to allow these students to sit for your exam. You have instead requested that CAMTC change its application processing policies so that these students pass a CAMTC education hearing before being allowed to sit for the MBLEx. This change in policy is not possible and does not make logical sense.

Passing a CAMTC approved exam is a prerequisite required to make an application packet complete. If an individual cannot pass the MBLEx, then they shouldn't be required to go through the time and expense of filling out a CAMTC application and paying the application fee (\$150 now, \$200 starting January 1, 2019), paying for and submitting livescan fingerprints (\$50 - \$75), and in some cases paying for a copy of their transcript to be sent directly to CAMTC (can be

\$150), when they cannot be certified in any event. Passage of the MBLEx (or any professional exam) is intended to operate as a gate keeper, to ensure that only well qualified individuals with a high level of technical knowledge can get in the door. The system is not intended to operate the other way around, yet that is what you have proposed. While in certain circumstances CAMTC imposes the additional requirement that individuals pass an education hearing, this is not meant to take the place of a comprehensive standardized exam. It is instead meant to ensure that applicants have attended all of the hours and classes listed on their transcripts. It is a second hurdle to gain certification, but it is not intended to be the first hurdle.

If the system you have proposed goes into effect, what would happen if an individual passes an education hearing and can't pass the MBLEx? In those cases they and CAMTC would have wasted a significant amount of time and money, when it would have helped everyone to know up front that they can't get certified. It is also exceedingly expensive and time consuming for CAMTC to administer education hearings. CAMTC's costs to administer education hearings far exceeds the hearing fee charged. Increasing the number of CAMTC education hearings is not feasible with the current fee structure.

Furthermore, while you have raised concerns about applicants from denied, pending, and purged schools sitting for the MBLEx, please note that all of the pending, soon to be purged, and denied schools still have BPPE approval. So while CAMTC has not approved these schools, they are still free to legally operate massage programs in California.

CAMTC therefore requests again that you provide special dispensation for the following groups of individuals to allow them to sit for the MBLEx:

1. Those who attended CAMTC denied schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of denial for the school.
2. Those who attended a school on CAMTC's "Application Received" list and the individual's application to sit for the MBLEx is received by you at the time that the school is on this list.
3. Students who attended purged schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of purging. CAMTC will soon be identifying purged schools and listing them on its website.

Thank you for your consideration of this important matter. We look forward to receiving your response to this request.

Sincerely,

A handwritten signature in black ink, reading "Ahmos Netanel". The signature is fluid and cursive, with the first name "Ahmos" and last name "Netanel" clearly distinguishable.

Ahmos Netanel, CEO
California Massage Therapy Council

cc: Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
Sonja Way, FSMTB Director of Government Relations
Beverly May, CAMTC Director of Governmental Affairs



FSMTB
FEDERATION OF STATE
MASSAGE THERAPY BOARDS

July 18, 2018

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

VIA ELECTRONIC MAIL

Dear Ahmos:

Thank you for your letter dated July 2, 2018 further to your May 29, 2018 letter to the Federation of State Massage Therapy Boards (FSMTB) requesting special dispensation for applicants from particular schools.

Your suggestion regarding communication with Advance Beauty College (ABC) is duly noted, thank you. I also appreciate your recognition that the MBLEx ensures that only qualified individuals practice on the public.

The proposed solution offered in FSMTB's June 18 letter merely suggested a way for FSMTB to fulfill your initial requests and retain CAMTC decision-making regarding suitability of education while meeting our charter to support our member boards' public protection mission. I understand CAMTC does not wish to change the order of its requirements, seemingly due to financial reasons for the applicant and CAMTC, rather than perceived illogical procedural reasons. I also understand that your system was intended to operate a particular way and you wish to retain that process. It would be helpful to know the rationale for your request to allow all categories of applicants to test. Understanding your intent may help identify a more precise solution. For example, there are schools captured in your request that are neither approved by CAMTC nor BPPE; in fact BPPE has revoked two of the schools.

In the meantime, in order to again provide a viable solution that supports our mutual responsibilities and fulfills your request for special dispensation for the three groups of individuals delineated in your July 2 letter, the FSMTB offers the following:

The FSMTB will consider granting access to the MBLEx for

1. Those who attended CAMTC denied schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of denial for the school.
2. Those who attended a school on CAMTC's "Application Received" list and the individual's application to sit for the MBLEx is received by you at the time that the school is on this list.
3. Students who attended purged schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of purging.

IF the following two additional requirements are met:

1. the school is approved by and in good standing with BPPE; and
2. the school is accredited by and in good standing with at least one of the following seven accrediting agencies currently approved by the US Department of Education:
 - i. Accrediting Bureau of Health Education Schools (ABHES);
 - ii. Accrediting Commission of Career Schools and Colleges of (ACCSC);

- iii. Accrediting Council for Continuing Education Training (ACCET);
- iv. Commission on Massage Therapy Accreditation (COMTA);
- v. Council on Occupational Education (COE);
- vi. Distance Education Accrediting Commission (DEAC); or
- vii. National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS).

As previously stated, FSMTB must receive the individual's completed MBLEx application, the individual's name must match an official roster provided by that school to FSMTB, and FSMTB must receive the applicant's education record directly from the school.

These requirements afford an avenue to seek CAMTC certification while at the same time serves to protect the public, the applicant desiring to legally practice and the integrity of the licensure and regulatory certification process.

On a related topic, FSMTB requests that CAMTC notify us directly about changes to the "application received" list and particularly when an individual does not receive a favorable outcome from a CAMTC hearing and the reason(s) for denial. In such cases, if CAMTC finds the applicant's massage education to be fraudulent or inadequate, FSMTB may be able to invalidate the exam result and prevent unqualified practice elsewhere in the United States.

I reiterate again, as in my May 26 and June 18, 2018 correspondence, that I welcome further communications as we work towards viable solutions for the regulatory community working for consumer protections. If further tweaking needs to occur, a telephone conference may be more efficient and expeditious.

Thank you for your diligence as we work collaboratively to identify a viable outcome for all stakeholders.

Sincerely,



Debra A. Persinger, PhD
Executive Director

cc: Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
Sonja Way, Director of Government Relations, FSMTB
Beverly May, Director of Governmental Affairs, CAMTC



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VIA FIRST CLASS AND ELECTRONIC MAIL

September 10, 2018

Debra A. Persinger
Executive Director
Federation of State Massage Therapy Boards
10801 Mastin Blvd., Suite 350
Overland Park, KS 66210

Re: FSMTB Policy Related to Education from Denied Schools, Pending Schools,
and Purged Schools

Dear Debra:

Thank you for your July 18, 2018, correspondence in relation to this important matter. CAMTC appreciates FSMTB working with CAMTC on this issue to reach a mutually agreeable solution.

In your last letter you stated that FSMTB would “consider” allowing access to the MBLEx for students who attended CAMTC denied, purged, or pending schools with some very specific conditions placed on these groups. Two of those conditions were that:

1. The school is BPPE approved and in good standing, and
2. The school is accredited and in good standing with one of the following DOE approved accreditation agencies: ABHES, ACCSC, ACCET, COMTA, COE, DEAC, or NACCAS.

After receiving this information, we looked into the issue. In order to determine whether your offer was viable, CAMTC had to first determine for approximately 70 schools whether they had been accredited and were in good standing with one the seven above named DOE approved accreditation agencies. This was a significant undertaking which took valuable staff time while we were in the thick of the re-approval process for CAMTC approved schools. We have therefore just recently completed our analysis. It turns out that of the approximately 70 schools that are on the denied, purged, and pending lists, only 25 schools are accredited by one of the seven DOE approved accreditation agencies listed in your letter. Therefore, if CAMTC were to accept this proposal, it would only address about a third of all affected schools. CAMTC therefore

September 10, 2018

Page 2

must again renew its request that you allow students in the following categorizes to sit for the MBLEx:

1. Those who attended CAMTC denied schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of denial for the school.
2. Those who attended a school on CAMTC's "Application Received" list and the individual's application to sit for the MBLEx is received by you at the time that the school is on this list.
3. Students who attended purged schools and whose MBLEx results will be reported to CAMTC within one year of the effective date of purging.

In order to forge forward, I'll recommend to Mr. Gage that we all participate in a telephone discussion on this issue. Thank you for your consideration of this request. We look forward to working with you on this issue.

Sincerely,

A handwritten signature in black ink, reading "Ahmos Netanel". The signature is fluid and cursive, with the first name "Ahmos" and last name "Netanel" clearly distinguishable.

Ahmos Netanel, CEO
California Massage Therapy Council

cc: Bill Gage, Chief Consultant, Senate Business and Professions Committee
Elissa Silva, Consultant, Senate Business and Professions Committee
Sonja Way, FSMTB Director of Government Relations
Beverly May, Director of Governmental Affairs, CAMTC



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2018 Annual Seminar Attendee
Registration



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CACEO California Association
Of Code Enforcement Officers

6939 Sunrise Blvd., Ste. 119, Citrus Heights, CA 95610
(916) 492-CACE
mbobrow@caceo.us

Wednesday, October 10, 2018

9:45 AM to 11:45 AM

Educational Sessions – Group 2

Strategies to Close Illicit Massage Establishments

Rick McElroy, CAMTC Director of Professional Standards Division

California Massage Therapy Council

CEUs 2.0

Meeting Room: Laguna Grande, Salons E, F, G



Description

This presentation provides powerful strategies that show how CAMTC can assist cities and counties in their efforts to close illicit massage establishments.

- PSD Disciplinary Advantages for Law Enforcement
- Evidence Issues
- Sexual Assaults
- Changes in Massage Laws
- Use of Officers Declarations
- Revocations and Other Forms of Discipline

When city managers, elected officials and local communities raise concerns about the proliferation of illicit massage establishments and respond with outdated protocols, this typically produces little results. Cities that implement this innovative approach with best practices to the fight against illicit activity in massage businesses have already seen noticeable changes.

If your city has been grappling with the challenge of massage operations, attending this presentation can be a game changer for you.

ILLICIT MASSAGE BUSINESSES

**AN ORDINANCE APPROACH TO
ENFORCEMENT (A CASE STUDY)**

THE ISSUE

- Red light abatement legislation (Penal Code Sections 11225-11235) is perceived by many jurisdictions to be too cumbersome and resource intensive

SIGNIFICANT ORDINANCE COMPONENTS (LICENSE)

- Business License for all massage businesses
- Massage Business Revocable Registration (2 year registration)
- CAMTC Certification for all employees
- Background checks of non-CAMTC Certified owners
- Broad definition of massage
- Employee lists that need to be regularly updated
- Prohibition on massage establishments at locations where action has been taken or is pending
- https://library.municode.com/ca/san_mateo_county/codes/code_of_ordinances?nodeId=TIT5BURE_CH5.44MABU

SIGNIFICANT ORDINANCE COMPONENTS (REGULATION)

- 26 provisions, including:
 - Wearing certification ID card and certificates on the wall
 - Hours of operation and being in the facility after hours/living in facility
 - Recording services provided
 - Health and safety requirements (towels, instruments, lighting, ventilation)
 - Appropriate attire
 - Covering or touching genitals
 - Unlocked and unobscured lobby, unless sole provider with no receptionist
 - Nicknames

SIGNIFICANT ORDINANCE COMPONENTS (ENFORCEMENT)

- Notifications of arrests
- Misrepresentations in application
- Administrative fine of up to \$500 per violation
 - Failure to pay fine prevents new registration
- Administrative suspension between 5 days and end of registration term (up to two years)
- Administrative revocation (with one or more year bar)
- Public nuisance and unfair business practice to operate without registration and business license

SIGNIFICANT ORDINANCE COMPONENTS (FINE APPEALS)

- Fines are appealable to the Environmental Health Director
 - Appeals are solely in writing
 - Sheriff's Office can respond to appellant submission
 - Director may request additional evidence

SIGNIFICANT ORDINANCE COMPONENTS (SUSPENSION & REVOCATION APPEALS)

- Suspensions and revocations are appealable to the License Board
 - Made up of designees from Sheriff's Office, Environmental Health and Building/Planning
- Appeal is due in 10 days
- Appeal should be set in less than a month
- Case presented by Deputy County Counsel and License Board represented by Deputy County Counsel with appropriate ethical walls
- Adversarial hearing with witnesses
- Formal rules of evidence do not apply

RESULTS: A CASE STUDY

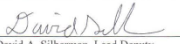
- In a 3 year period between 2012–2015 San Mateo County shut down 11 of 11 illicit massage businesses located in the unincorporated area
- Except for one that opened up without a license in 2016 (and was also subsequently closed), to our knowledge no additional illicit massage businesses have opened since 2015 and none currently exist in the unincorporated area

NUTS & BOLTS OF A REVOCATION PROCEEDING

- Identify illicit massage business (usually by community complaint or use of websites dedicated to illicit businesses (Rubmaps, Erotic MP); can be through annual inspections
- Law enforcement performs a sting operation
 - Investigation reveals evidence of knowledge/ongoing activity, e.g.,
 - Clothing worn by employees is risqué
 - Manager has unusual amount of money
 - Advertisements/reviews on dedicated websites, Backpage, Craigslist
 - Employees from business closed for illicit activity
 - Cameras or other behavior common of illicit businesses
 - Prophylactics in a common area

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

- County Counsel drafts a letter revoking license, see, e.g.:

COUNTY COUNSEL JOHN C. BEIERS CHIEF DEPUTIES KATHRYN E. MUELA JOHN D. NIBBELIN PAULA OKADA LEAD DEPUTIES CLAIRE A. GUNNINGHAM JUSTITHA HOLBERT DAVID A. SILBERMAN	 COUNTY COUNSEL COUNTY OF SAN MATEO HALL OF JUSTICE AND RECORDS - 8TH FLOOR 400 COUNTY CENTER • REDWOOD CITY, CA 94063-1662 TELEPHONE: (650) 363-4250 • FACSIMILE: (650) 363-4034	DEPUTIES ARTHUR LANCE ALARCON MELISSA D. ANDRUSKOWSKI REBECCA M. ARONSON AMEE B. ARNOLD JANIE ELIARD NIRVI S. ERKSSON ADAM W. ELY PETER A. FRICK TIMOTHY J. FOX BRANKE ALLOCH SHARLA LEVY GLENN M. LEVY KIMBERLY A. MARLOW JUSTIN W. MATES KRISTINA M. PASZAK MICHAEL S. SETHI TIMOTHY SHAMZU JENNIFER A. SZALZER DANIEL J. WALSH	Ferenc Pataki October 31, 2014 Page 2 Facts Supporting Revocation and Fine On October 1, 2014, one of your employees [REDACTED] solicited a sexual act from an under-covered officer which is prohibited by Penal Code Section § 647(b) (Prostitution), in violation of Section 5.44.110 of the San Mateo County Ordinance Code, which provides for suspension or revocation of a County Massage Registration Certificate as follows: ... Certificates of registration may be suspended or revoked upon any of the following grounds:... (4) Violations of any of the following occurred on the premises of a massage business or were committed by a practitioner: California Business and Professions Code Section § 4600 <i>et seq.</i>; any local, state, or federal law; or the provisions of this chapter. It is the Sheriff Office's opinion based on the evidence it has gathered that, this act of solicitation was likely not an isolated incident. ... Further, it was observed that at least one of your "masseuses" was not wearing her CAMTC-certification [REDACTED] in violation of Section 5.44.050 of the San Mateo County Ordinance Code, which provides: ... (a) CAMTC-certification shall be worn by and clearly visible on the massage practitioner's person during working hours and at all times when the massage practitioner is inside a massage business or providing outcall massage. ... It is of note that Siesta Massage was suspended and fined for this same violation in May 2013. ... Further, the employee [REDACTED] exposed and touched the officer's genitals, in violation of Section 5.44.050 of the San Mateo County Ordinance Code, which provides: ... (m) No massage shall be given unless the client's genitals are, at all times, fully covered. A practitioner shall not, in the course of administering any massage, make physical contact with the genitals or private parts of any other person regardless whether the contact is over or under the persons clothing. ...	Ferenc Pataki October 31, 2014 Page 3 Further, your employee was arrested and you failed to timely notify the Director of Environmental Health, in violation of Section 5.44.070 of the San Mateo County Ordinance Code, which provides: ... (b) A registrant shall report to the Director of Environmental Health any of the following within 96 hours of the occurrence: (1) Arrests of any employees or owners of the registrant's massage business for an offense other than a misdemeanor traffic offense;... the occurrence of any event involving the registrant's massage business or the massage practitioners employed therein that constitutes a violation of this ordinance or state or federal law. ... It is of note that you were cited for this same violation last year. Each of these violations independently and collectively supports REVOCATION of your County Massage Registration Certificate and the violations support a FINE of TWO THOUSAND DOLLARS. The fine shall be paid by remitting cash or a check made out to the County of San Mateo to my (David Silberman) attention at the address appearing on the letterhead. Procedure for Appealing the Fine You are advised of your right to file an appeal with the Director of Environmental Health. Appeals are governed by Section 5.44.100 of the Ordinance Code. An appeal of the fine must be requested in writing, shall provide facts disputing the violation and may be supported by declarations and exhibits. The appeal must be addressed to the Director of Environmental Health, and must be received within ten (10) days of the date appearing on this notice of the fine. It should be sent in care of Heather Forshey, 2000 Alameda de Las Pulgas, Suite 100, San Mateo, CA 94403 and a copy of the appeal and any supporting materials must be sent to the Sheriff's Office in the care of David Silberman at the address appearing on this letterhead. The decision of the Director of Environmental Health shall be provided by certified mail. The decision will constitute a final administrative order with no additional administrative right of appeal. Procedure for Appealing the Revocation You are advised of your right to file an appeal of the decision of the Sheriff on the Revocation with the License Board. An appeal must be in writing, and be hand-delivered or mailed to the License Board. An appeal must be received by the License Board on or before the effective date of revocation. It should be sent in care of the Chair of the License Board, Lisa Aozasa, 455 County Center, 2nd Floor, Redwood City, CA 94063 with a copy to the Sheriff's Office in the care of David Silberman at the address appearing on this letterhead. The filing of a timely appeal will stay a suspension or revocation pending a decision on the appeal by the License Board.	Ferenc Pataki October 31, 2014 Page 4 A hearing shall be scheduled within thirty (30) days unless an extension is authorized. In this case, if you were to appeal, you should expect the hearing to be scheduled on November 19, 2014 at 9:00 a.m. (the date of the next License Board Meeting). The decision of the License Board shall be a final administrative order, with no further administrative right of appeal. Very truly yours, JOHN C. BEIERS, COUNTY COUNSEL By:  David A. Silberman, Lead Deputy JCB:DAS/das
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October 31, 2014
Via Certified U.S. Mail

Ferenc Pataki
Siesta Massage
Business address:
2769 El Camino Real
Redwood City, CA 94063
Home address:
1839 Woodside Road # 5
Redwood City, CA 94061

Re: NOTICE OF ORDER OF REVOCATION OF COUNTY MESSAGE REGISTRATION CERTIFICATE AND NOTICE OF ISSUANCE OF FINE

Dear Mr. Pataki:

I write on the behalf of Sheriff Greg Munks, who has designated me as his representative. You are hereby given NOTICE that Sheriff Greg Munks hereby ORDERS your County Massage Registration Certificate REVOKED and further ISSUES a FINE in the amount of \$2,000. Absent appeals, the procedures for which are described below, the REVOCATION and FINE are effective November 10, 2014. Be aware that Siesta Massage MAY NOT OPERATE without a valid County Massage Registration Certificate. The Sheriff's authority to REVOKE your County Massage Registration Certificate is derived from Section 5.44.110 of the San Mateo County Ordinance Code, the authority to fine is derived from Section 5.44.100 of the San Mateo County Ordinance Code. In making this decision, the Sheriff considered as an aggravating factor that in May 2013, the Sheriff suspended your Certificate and issued you a fine for multiple violations of the Ordinance Code.

CCO-26708

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

- The licensee appeals and appeal is scheduled for next License Board hearing
 - Often argues for more time
 - More information/discovery
 - It is an isolated incident

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

- Written materials are submitted to License Board on behalf of the Sheriff

1 JOHN C. BEIERS, COUNTY COUNSEL (SBN 144282)
2 By: David A. Silberman, Lead Deputy (SBN 211708)
3 Hall of Justice and Records
4 400 County Center, 6th Floor
5 Redwood City, CA 94063
6 Telephone: (650) 363-4749
7 Facsimile: (650) 363-4034

8 Attorneys for Appellee
9 San Mateo County Sheriff's Office

10 IN THE MATTER OF THE APPEAL OF COUNTY MESSAGE 11 REGISTRATION CERTIFICATE REVOCATION

12 IN RE SIESTA MESSAGE

13 DECLARATION OF SERGEANT AL ELZEY 14 IN SUPPORT OF REVOCATION

15 I, AL ELZEY, declare:

16 1. I am a San Mateo County Sheriff's Sergeant assigned to the Street Crime Suppression
17 Unit and Detective Bureau. I have served as a Deputy Sheriff since 1997 and have been assigned to the
18 Street Crime Suppression Unit and Detective Bureau since October 2012. I make this declaration of my
19 own personal knowledge, except as to those matters that I indicate are based on information and belief,
20 and if called to testify to the matters set forth herein, I would and could competently do so.

21 2. It is my opinion, based on my training and experience and having conferred with other
22 law enforcement personnel with significant experience investigating prostitution, that Siesta Massage,
23 located at 2769 El Camino Real, Redwood City, was knowingly operated as a house of prostitution.
24 That opinion is based on a number of factors, including those described below.

25 3. I participated in an undercover prostitution operation of Siesta Massage on October 1,
26 2014. A true and correct copy of the law enforcement reports describing that operation is attached
27 hereto as Exhibit A. While I do not have personal knowledge of every event described in those reports,
28 I understand from speaking with my colleagues that the contents are accurate. Further, such reports are
created in the regular course of the Sheriff's Office's business and we are required to complete such
reports as near to the events described therein as reasonably possible. We are also required to make

DECLARATION OF SERGEANT AL ELZEY IN SUPPORT OF REVOCATION

1 such reports as accurate as possible.

2 4. I understand that our Siesta Massage operation was in direct response to credible
3 concerns of prostitution activity at Siesta Massage. Further, this summer I participated in a training
4 focusing on prostitution. As part of that training, an officer was sent into Siesta Massage and that officer
5 was solicited for a sex act. In addition, there are a number of internet sites that cater to customers of
6 prostitutes. Three such sites are MyRedbook, Erotic MP and Rubmaps.com. In my training and
7 experience, massage parlors listed on these sites are often houses of prostitution. Siesta Massage is
8 listed in all three.

9 5. Rubmaps.com allows only paid members to read recent reviews, but allows the general
10 public to read massage parlor comments and older reviews. The comments with respect to Siesta
11 Massage are consistent with Siesta Massage being a house of prostitution:

12 tencha 08/23 2014 :

13 El gato Hide location you have to use stair and if u go in the mid day u get and hour fee \$60. Fs
14 \$100 really good massage.

15 Foothillxpressway 02/17 2014 :

16 Don't understand the "reported as non-crotic" flag. I've been getting everything from HJ to FS
17 here for the last 3 years.

18 ds2000g 02/7 2013 :

19 Ok place, once you know the system and skip the nicety and go straight to FS.

20 "FS" is an abbreviation for "Full Service", which is slang for sexual intercourse. "HJ" is an
21 abbreviation for "Hand Job", which is slang for manual stimulation of a penis. A sampling of Siesta
22 Massage reviews evidence prostitution as well. They contain detailed descriptions of the prostitutes'
23 physical features and disclose sex acts performed. I have also included a print-out from eccie.net, which
24 is a prostitution advertisement site and print-outs from Eroticmp.com. Finally, I have included print-
25 outs from MyRedbook. MyRedbook also contains reviews of massage parlors that serve as fronts for
26 prostitution as well as "independent" prostitutes. It was shut down by the Department of Justice this
27 summer for that reason. A sampling of Siesta's Massage's reviews include descriptions of the
28 prostitute's breasts and "kitty", which is slang for pubic area and describe sex acts by Siesta Massage

2
DECLARATION OF SERGEANT AL ELZEY IN SUPPORT OF REVOCATION

1 employees. They contain slang like "rub-n-tug", which means a massage followed by a "hand job" and
2 "BBBJ", which is an abbreviation for "bare back blow job", which is slang for fellatio performed
3 without a condom. True and correct copies of Siesta Massage's listings, comments and reviews are
4 attached hereto as Exhibit B. I noted that someone using the username "foothillxpressway", whose
5 Rubmaps.com recent comment is described above, also reviewed a Siesta Massage prostitute on
6 MyRedbook more than a year earlier and described sex acts.

7 6. As referenced above, I participated in a prostitution operation on October 1, 2014.
8 During that operation, Probation Officer [REDACTED] paid \$45 for a massage to a Siesta Massage
9 employee later identified as [REDACTED]. During the massage [REDACTED] offered to perform a sex act with [REDACTED]
10 for \$40 using signals that are commonly used by prostitutes. Additional violations of the Ordinance
11 were found and documented in Exhibit A. This same location was found to be in violation of the
12 ordinance during a prior administrative inspection on April 25. A fine and suspension was issued. True
13 and correct copies of the report from the prior inspection and Notice of Suspension and Fine are attached
14 as Exhibit C.

15 7. Again, based on the totality of the circumstances and my training and experience,
16 including those facts described above and the fact that Department of Justice Special Agent Rey Diaz
17 informed the Sheriff's Office on October 11, 2014 that on October 10, 2014 a confidential informant
18 was also offered sexual services for \$140 by a Siesta Massage employee, I am confident that Siesta
19 Massage is being actively operated as a house of prostitution. I understand that the Sheriff has revoked
20 Siesta Massage's massage certificate. A true and correct copy of the revocation letter is attached hereto
21 as Exhibit D.

22 I declare that the foregoing is true and correct of my own knowledge under penalty of perjury
23 under the law of the State of California, and that this declaration was executed on November 26, 2014 at
24 Redwood City, California.

25 
26 AL ELZEY

3
DECLARATION OF SERGEANT AL ELZEY IN SUPPORT OF REVOCATION

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

- Hearing is held where owner and/or “employee” or both testify. Decoy and lead detective are also available for cross-examination
- Hearings generally take less than a morning
- License Board makes oral decision at the end-of-hearing
- Letter to landlord notifying him/her of prohibition against leasing to another massage business during revocation period

OTHER CONSIDERATIONS

- “Employees” treated as victims (although arrests are often made)
- Consider having community based organizations focused on human trafficking available to respond



Massage: Eradicating Illicit Conduct Using Revocable Registration

Thursday, September 13, 2018 General Session; 2:45 – 4:00 p.m.

David A. Silberman, Assistant County Counsel, San Mateo County

DISCLAIMER: *These materials are not offered as or intended to be legal advice. Readers should seek the advice of an attorney when confronted with legal issues. Attorneys should perform an independent evaluation of the issues raised in these materials.*

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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

An Ordinance Approach to Eliminating Illicit “Massage” Businesses

By David A. Silberman, Chief Deputy County Counsel

Use of “massage” establishments as a front for criminal pandering operations is a well-known problem that can often also involve victims of human trafficking. <https://www.pri.org/stories/2018-01-25/across-us-many-illicit-massage-parlors-avoid-police-detection>. Public Radio International reported this year that Praesidium Partners LLC, a Virginia-based anti-trafficking organization, identified 2,311 illicit “massage” businesses in California using the website Rubmaps.com—approximately four times the number located in any other state and more than a quarter listed nationwide.¹

There are traditional abatement tools to address the problem, including the Red-Light Abatement Law [Penal Code Section 11225, et seq.]. However, some have complained that this remedy can be too time-consuming and expensive to be effective at eliminating an entrenched problem.

In 2012, the County of San Mateo pursued a different approach. It adopted an Ordinance requiring every Massage Business operating within the jurisdiction to obtain a Revocable Registration. Some of the key components included requiring all practitioners to be certified by the California Massage Therapy Council (obviating need for background checks); a broad definition of massage; employee lists that need to be regularly updated; and a prohibition on massage establishments at locations where enforcement action has been taken or is pending (to circumvent attempts by criminal enterprises to transfer ownership). A copy of the Ordinance is attached hereto as Exhibit A.

The Ordinance also contains a number of regulatory requirements intended to root out illicit business and protect public health and safety, e.g., requiring practitioners to wear CAMTC certification and owners to post CAMTC certificates on the wall; setting hours of operation prohibiting being in the facility after hours/living in facility; requiring records of services provided; setting basic health and safety protections (towels, instruments, lighting, ventilation); requiring appropriate attire; prohibiting the touching of genitals; requiring unlocked and unobscured lobbies; and prohibition practitioners from using nicknames.

¹ The article does not explore whether Rubmaps may be more likely to serve California.

Most importantly, the Ordinance includes a summary enforcement procedure to revoke a registration with a hearing before a “License Board” to occur within 30 days.

San Mateo County’s experience was extremely positive. In the 3-year period between 2012-2015, San Mateo County shut down 11 of 11 known illicit “massage” businesses located in the unincorporated area. Except for one that opened without a license in 2016 (and was also subsequently closed), no additional illicit “massage” businesses have opened since 2015 and none currently exist in the unincorporated area. It is of note that while a number of “massage” establishments had challenged their revocations, each revocation was affirmed by the License Board and subsequently each “massage” business closed with no further action needed. That indicated, the massage ordinance does make operating without a registration a nuisance per se, which would facilitate a fairly simple nuisance abatement action were one to become necessary.

Chapter 5.44 - MASSAGE BUSINESSES^[1]**Sections:**

5.44.010 - Purpose and intent.

- (a) In enacting this chapter, the Board of Supervisors recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The Board of Supervisors further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.
- (b) Furthermore, it is the purpose and intent of this chapter to address the negative impacts identified in the Board of Supervisor's findings to reduce or prevent neighborhood blight and to protect and preserve the quality of the County neighborhoods and commercial districts; and to enhance enforcement of criminal statutes relating to the conduct of operators and employees of massage businesses.
- (c) It is the Board's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature in 2008 as Business and Professions Code sections 4600 et seq. by Senate Bill 731, and amended in 2011 by Assembly Bill 619, to restrict the commercial practice of massage in the unincorporated areas of San Mateo County to those persons duly certified to practice by the California Massage Therapy Council, and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law.

(Ord. No. 04601, § 3, 1-31-2012)

5.44.020 - Definitions.

For the purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

- (a) "Business" includes, but not by way of limitation, everything about which a person can be employed, and means that which occupies the time, attention, and labor of men and women for the purpose of producing a livelihood or profit, and connotes the efforts of men and women by varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this chapter shall include, without limitation, the advertising and soliciting of massages. The term "business" includes, but is not limited to, a massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage establishment which employs massage practitioners.
- (b) "California Massage Therapy Council" or "CAMTC" means the Massage Therapy Organization formed pursuant to Business and Professions Code Section 4600.5.
- (c) "Certified Massage Practitioner" means any individual certified by the California Massage Therapy Council as a Certified Massage Therapist or as a Certified Massage Practitioner pursuant to California Business and Professions Code Sections 4600 et seq.
- (d) "Client" means the customer or patron who pays for or receives massage services.

- (e) "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or of value.
- (f) "County Registration Certificate" means a registration certificate issued by the Director of Environmental Health upon submission of satisfactory evidence that a massage business employs or uses only certified massage practitioners pursuant to this chapter.
- (g) "Director of Environmental Health" means the Director of Environmental Health of San Mateo County and his or her authorized representatives or designees.
- (h) "Employee" means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.
- (i) "Health Officer" means the person appointed by the San Mateo County Board of Supervisors pursuant to the California Health and Safety Code or his or her authorized representatives or designees.
- (j) "License Board" means the License Board of the County of San Mateo as it is defined and constituted in Chapter 5.04 of the San Mateo County Code.
- (k) "Massage" or "massage therapy," means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.
- (l) "Massage business" means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities - including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs - shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship.
- (m) "Operator" or "massage business operator" means any and all owners of a massage business.
- (n) "Outcall massage" means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the massage business's county registration certificate.
- (o) "Owner" or "massage business owner" means any of the following persons:
 - (1) Any person who is a general partner of a general or limited partnership that owns a massage business.
 - (2) Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a massage business.
 - (3) Any person who is a member of a limited liability company that owns a massage business.
 - (4) Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.
- (p) "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.
- (q) "Practitioner" or "massage practitioner" shall be used interchangeably and mean any person who administers massage to another person, for any form of consideration (whether for the massage, as part of other services or a product, or otherwise).
- (r) "Reception and waiting area" means an area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors, and which is not a

massage therapy room or otherwise used for the provision of massage therapy services.

- (s) "Registration" means the registration required by this Chapter to operate a massage business.
- (t) "School of massage" means any school or institution of learning that is recognized as an approved school pursuant to Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended.
- (u) "Sheriff" means the Sheriff of San Mateo County and his or her authorized representatives or designees.
- (v) "Sole proprietorship" means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.
- (w) "Solicit" means to request, ask, demand or otherwise arrange for the provision of services.

(Ord. No. 04601, § 3, 1-31-2012)

5.44.030 - CAMTC certification and local registration required.

- (a) Individuals. On and after July 1, 2012, it shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship or employee of a massage business or in any other capacity within the unincorporated areas of San Mateo County unless that individual is a certified massage practitioner.
- (b) Businesses. On and after July 1, 2012, it shall be unlawful for any business to provide massage for compensation within the unincorporated areas of San Mateo County unless all individuals employed by the massage business to perform massage, whether as an employee, independent contractor, or sole proprietorship, are certified massage practitioners and said business has obtained a valid county registration certificate as provided in this chapter.

(Ord. No. 04601, § 3, 1-31-2012)

5.44.040 - Massage business registration.

- (a) Application. The registration application for a County Registration Certificate shall include all of the following:
 - (1) Legal name of the massage business.
 - (2) Address and telephone number of the massage business.
 - (3) Legal names of all owners of the massage business.
 - (4) A list of all of the massage business's employees and independent contractors who are performing massage and their CAMTC certification.
 - (5) Residence address and telephone number of all owners of the massage business.
 - (6) Business address and telephone number of all owners of the massage business.
 - (7) The form of business under which the massage business will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form).
 - (8) Each owner or operator of the massage business who is not a CAMTC-certified massage practitioner shall submit an application for a background check, including the following: the individual's business, occupation, and employment history for the five (5) years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage business or similar business owned or operated by the individual whether inside or outside the County.
 - (9) For all owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

- (10) For all owners, a signed statement that all of the information contained in the application is true and correct shall be responsible for the conduct of the business's employees or independent contractors providing massage and acknowledging that failure to comply with the California Business and Professions Code sections 4600 to 4609, state, or federal law, or the provisions of this chapter may result in revocation of the business's County registration certificate.
- (b) Issuance. Upon provision by the massage business of the foregoing documentation, the Director of Environmental Health shall issue the massage business a County Registration Certificate, which shall be valid for two (2) years from the date of issuance. No reapplication will be accepted within one (1) year after an application or renewal is denied or a certificate is revoked. County Registration Certificates may not be issued to a massage business seeking to operate at a particular location if:
- (1) Another massage business is or was operating at that particular location and that massage business is currently serving a suspension or revocation pursuant to section 5.44.110, during the pendency of the suspension or one year following revocation;
 - (2) Another massage business is or was operating at that particular location and that massage business has received a Notice of Suspension, Revocation or fine issued pursuant to sections 5.44.100 and 5.44.110, during the ten day period following receipt of the Notice or while any appeal of a suspension, revocation or fine is pending.
 - (3) Another massage business is or was operating at that particular location and that massage business has outstanding fines issued pursuant to section 5.44.100 that have not been paid.
- (c) Amendment. A massage business shall apply to the County to amend its County Registration Certificate within thirty (30) days after any change in the registration information, including, but not limited to, the hiring or termination of certified massage practitioners, the change of the business's address, or changes in the owner's addresses and/or telephone numbers.
- (d) Renewal. A massage business shall apply to the County to renew its County registration certificate at least thirty (30) days prior to the expiration of said County Registration Certificate. If an application for renewal of a County Registration Certificate and all required information is not timely received and the certificate expires, no right or privilege to provide massage shall exist.
- (e) Fees. There shall be no fee for the registration application or certificate, or any amendment or renewal thereof. The provisions of this section shall not prevent the County from establishing fees for health and safety inspections as may be conducted from time to time by the Director of Environmental Health, and for the background checks, fingerprinting, and subsequent arrest notification for owners of a massage business who are not CAMTC-certified and who are subject to such background checks pursuant to this chapter.
- (f) Transfer. A County Registration Certificate shall not be transferred except with the prior written approval of the Director of Environmental Health. A written request for such transfer shall contain the same information for the new ownership as is required for applications for registration pursuant to this section. In the event of denial, notification of the denial and reasons therefore shall be provided in writing and shall be provided to the applicant by personal delivery or by registered or certified mail. A County Registration Certificate may not be transferred during any period of suspension or one year following revocation pursuant to section 5.44.110, during the ten-day period following a massage businesses' receipt of a Notice of Suspension, Revocation or fine issued pursuant to sections 5.44.100 and 5.44.110 or while any appeal of a suspension, revocation or fine is pending. Further, a County Registration Certificate may not be transferred until all outstanding fines issued pursuant to section 5.44.100 have been paid.

(Ord. No. 04601, § 3, 1-31-2012; Ord. No. 04688, § 1, 2-25-2014)

5.44.050 - Operating requirements.

On or after July 1, 2012, no person shall engage in, conduct, carry on, or permit any massage within the unincorporated areas of the County of San Mateo unless all of the following requirements are met:

- (a) CAMTC-certification shall be worn by and clearly visible on the massage practitioner's person during working hours and at all times when the massage practitioner is inside a massage business or providing outcall massage.
- (b) Massage shall be provided or given only between the hours of 7:00 a.m. and 9:00 p.m. No massage business shall be open and no massage shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to 9:00 p.m. shall nevertheless terminate at 9:00 p.m., and, in the case of a massage business, all clients shall exit the premises at that time. It is the obligation of the massage business, to inform clients of the requirement that services must cease at 9:00 p.m.
- (c) A list of the services available and the cost of such services shall be posted in the reception area within the massage premises, and shall be described in readily understandable language. Outcall service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee shall permit, and no massage practitioner shall offer or perform, any service other than those posted or listed as required herein, nor shall an operator or a massage practitioner request or charge a fee for any service other than those on the list of services available and posted in the reception area or provided to the client in advance of any outcall services.
- (d) A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or contractors shall be removed as soon as those massage practitioners are no longer employed by or offering services through the massage business.
- (e) For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by the Sheriff, or other County officials charged with enforcement of this chapter. These records may not be used by any massage practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.
- (f) Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.
- (g) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the Health Officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the Health Officer of the County of San Mateo. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.
- (h) Instruments utilized in performing massage shall not be used on more than one (1) client unless they

have been sterilized, using approved sterilization methods.

- (i) All massage business operators and their employees, including massage practitioners, shall wear clean, non-transparent outer garments. Said garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. For the purposes of this section, outer-garments means a garment worn over other garments and does not include garments like underwear, bras, lingerie or swimsuits.
- (j) No person shall enter, be, or remain in any part of a massage business while in possession of an open container of alcohol, or consuming or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.
- (k) No massage business shall operate as a school of massage, or use the same facilities as that of a school of massage.
- (l) No massage business shall place, publish or distribute, or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to section 5.44.050(c), nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.
- (m) No massage shall be given unless the client's genitals are, at all times, fully covered. A practitioner shall not, in the course of administering any massage, make physical contact with the genitals or private parts of any other person regardless whether the contact is over or under the persons clothing.
- (n) Where the business has staff available to assure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours when the business is open for business or when clients are present.
- (o) No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this subsection, there is an irrebuttable presumption that the visibility is impermissibly blocked if more than 10 percent of the interior reception and waiting area is not visible from the exterior window.
- (p) All signs shall be in conformance with the current ordinances of the County of San Mateo.
- (q) Minimum lighting consisting of at least one (1) artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.
- (r) Ventilation shall be provided in accordance with applicable building codes and regulations.
- (s) Hot and cold running water shall be provided at all times.
- (t) Adequate dressing, locker and toilet facilities shall be provided for clients.
- (u) A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.
- (v) Pads used on massage tables shall be covered with material acceptable to the Health Officer of the County of San Mateo.
- (w) All massage businesses shall comply with all state and federal laws and regulations for handicapped

clients.

- (x) A massage practitioner shall operate only under the name specified in his or her CAMTC certificate. A massage business shall operate only under the name specified in its County Registration Certificate.
- (y) No massage business shall allow any person to reside within the massage business or in attached structures owned, leased or controlled by the massage business.
- (z) Other than custodial or maintenance staff, no persons shall be permitted within the premises of a massage business between the hours of 11:00 p.m. and 6:00 a.m.

(Ord. No. 04601, § 3, 1-31-2012; Ord. No. 04688, § 2, 2-25-2014)

5.44.060 - Inspection by officials.

The investigating and enforcing officials of the County of San Mateo, including but not limited to the Sheriff, Health Officer, Director of Environmental Health, and Director of Building and Planning for the County of San Mateo, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter. The Environmental Health Services Division may charge a fee for any health and safety inspections, as provided in Chapter 5.64 of the Ordinance Code.

(Ord. No. 04601, § 3, 1-31-2012)

5.44.070 - Notifications.

- (a) A massage business shall notify the Director of Environmental Health, or his or her designee, of any changes described in section 5.44.040 pursuant to the timelines specified therein.
- (b) A registrant shall report to the Director of Environmental Health any of the following within 96 hours of the occurrence:
 - (1) Arrests of any employees or owners of the registrant's massage business for an offense other than a misdemeanor traffic offense;
 - (2) Resignations, terminations, or transfers of practitioners employed by the registrant's massage business;
 - (3) Any event involving the registrant's massage business or the massage practitioners employed therein that constitutes a violation of this ordinance or state or federal law.
- (c) This provision requires reporting to the Director of Environmental Health even if the massage business believes that the Director of Environmental Health has or will receive the information from another source.

(Ord. No. 04601, § 3, 1-31-2012; Ord. No. 04688, § 3, 2-25-2014)

5.44.080 - Exemptions.

- (a) The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:
 - (1) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.
 - (2) Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in

practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the clients.

- (3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment.
- (4) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.
- (5) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.
- (6) Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events; provided, that all of the following conditions are satisfied:
 - (A) The massage services are made equally available to all participants in the event;
 - (B) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;
 - (C) The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;
 - (D) The sponsors of the event have been advised of and have approved the provisions of massage services;
 - (E) The persons providing the massage services are not the primary sponsors of the event.
- (b) Massage Businesses operating on the premises of the San Francisco International Airport are exempt from the operating time limitations contained in Section 5.44.050(b). All other provisions of this chapter apply to such businesses.

(Ord. No. 04601, § 3, 1-31-2012; Ord. No. 04688, § 4, 2-25-2014)

5.44.090 - Unlawful business practices may be enjoined; remedies cumulative.

Any massage business operated, conducted, or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business and Professions Code Section 17200 et seq., and the County Counsel or District Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of San Mateo County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys' fees and costs. All remedies provided for in this chapter are cumulative.

(Ord. No. 04601, § 3, 1-31-2012)

5.44.100 - Administrative fines.

- (a) Violations. Upon a finding by the Sheriff that a business has violated any provision of this chapter, the Sheriff may issue an administrative fine of up to five hundred dollars (\$500).
- (b) Separate Violations. Each violation of any provision of this chapter shall constitute a separate violation. Each client to whom massage is provided or offered in violation of this chapter shall also constitute a separate violation. Each day upon which a massage business remains open for business in violation of this chapter shall also constitute a separate violation.

- (c) Fine Procedures. Notice of the fine shall be served by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to file an appeal with the Director of the Environmental Health Division or his or her designee contesting the imposition of the fine.
- (d) Appeals. Appeals must be requested in writing, and shall provide facts disputing the violation and may be accompanied by declarations and exhibits. Appeals must be addressed to the Director of Environmental Health, and must be received within ten (10) days of the date appearing on the notice of the fine and a copy of the appeal and any supporting materials must be sent to the Sheriff's Office. The Sheriff's Office may respond to the appeal in writing within ten (10) days of receipt of the appeal and may provide additional evidence in support of the fine. The Director of Environmental Health may request, in writing, additional evidence from either the Appellant or the Sheriff's Office. The decision of the Director of Environmental Health shall be based solely on the materials submitted by the Appellant and the Sheriff's Office and be provided by certified mail. The Director of Environmental Health may sustain the fine, overrule the fine or decrease the amount of the fine. However the total fine shall not be reduced below \$500. The decision will constitute a final administrative order with no additional administrative right of appeal.
- (e) Failure to Pay Fine. If said fine is not paid within thirty (30) days from the date appearing on the notice of the fine or of the notice of determination from the Director of Environmental Health after the decision, the fine may be referred to a collection agency within or external to the County. In addition, any outstanding fines must be paid prior to the issuance or renewal of any registration.

(Ord. No. 04601, § 3, 1-31-2012; Ord. No. 04688, § 5, 2-25-2014)

5.44.110 - Suspension and revocation of County Registration Certificates.

- (a) Reasons. Certificates of registration may be suspended or revoked upon any of the following grounds:
 - (1) A practitioner is no longer in possession of current and valid CAMTC-certification. This subsection shall apply to a sole proprietor or a person employed or used by a massage business to provide massage.
 - (2) An owner or sole proprietor: Is required to register under the provisions of California Penal Code section 290 (sex offender registration); is convicted of California Penal Code sections 266i (pandering), 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to California Penal Code sections 11225—11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subdivision.
 - (3) The county determines that a material misrepresentation was included on the application for a certificate of registration or renewal.
 - (4) Violations of any of the following occurred on the premises of a massage business or were committed by a practitioner: California Business and Professions Code section 4600 et seq.; any local, state, or federal law; or the provisions of this chapter.
- (b) Procedures. Written notice of the suspension or revocation shall be served on the sole proprietor or owners by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to request an appeal hearing before the License Board.

- (c) Time Period of Suspension of Permit. The Sheriff may suspend a registration for a period between five (5) days at the end of the license term, at his or her discretion.
- (d) Effective Date of Suspension or Revocation. Suspension or revocation issued pursuant to subsection (b) will be effective ten (10) days from the date appearing on the order, unless a timely appeal is filed in accordance with subsection (e).
- (e) Appeal.
 - (1) The decision of the Sheriff is appealable to the License Board.
 - (2) An appeal must be in writing, and be hand-delivered or mailed to the License Board.
 - (3) An appeal must be received by the License Board on or before the effective date of suspension or revocation provided by subsection (d).
 - (4) The filing of a timely appeal will stay a suspension or revocation pending a decision on the appeal by the License Board.
 - (5) A hearing shall be scheduled before the License Board within thirty (30) days. Either the Appellant or the Sheriff's Office may request, in writing directed to the Chair of the License Board, a continuance of the hearing. Such requests must be supported by good cause. The decision whether to grant a continuance is at the discretion of the Chair of the License Board, who shall consider whether granting the continuance poses a threat to public health or safety in light of the severity of the violations alleged.
 - (6) The decision of the License Board shall be a final administrative order, with no further administrative right of appeal or reconsideration. The License Board may sustain a suspension or revocation, overrule a suspension or revocation, reduce a revocation to a suspension and/or reduce the length of a suspension. However no revocation or suspension shall be reduced to a length of less than a five-day suspension. Further the License Board may stay the effective date of any suspension for a reasonable time following a hearing.
- (f) Reapplication. No reapplication will be accepted within one (1) year after a certificate is revoked.
- (g) Evidence. The following rules shall apply to any hearing required by this section. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Formal rules of evidence and discovery do not apply to proceedings governed by this chapter. Unless otherwise specifically prohibited by law, the burden of proof is on the registrant in any hearing or other matter under this chapter.

(Ord. No. 04601, § 3, 1-31-2012; Ord. No. 04688, § 6, 2-25-2014)

5.44.120 - Public nuisance.

It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter. The county may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

(Ord. No. 04601, § 3, 1-31-2012)



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
SHERIFF



DATE: January 9, 2012
BOARD MEETING DATE: January 24, 2012
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Greg Munks, Sheriff
Jean S. Fraser, Chief, Health System

SUBJECT: Ordinance repealing and replacing Chapter 5.44 of the San Mateo County Ordinance Code, relating to massage businesses and amending Chapter 5.64 relating to inspection fees

RECOMMENDATION:

Adopt an ordinance repealing and replacing Chapter 5.44 (Massage Establishments) of Title 5 (Business Regulations) of the San Mateo County Ordinance Code, relating to the Regulation of massage businesses and amending Chapter 5.64 (Fees for Inspection of State Public Health Laws) relating to inspection fees.

BACKGROUND:

The current massage ordinance was adopted in 1973, with minor revisions adopted in 1987 and 1991. Although massage is a viable professional field offering the public valuable health and therapeutic services, massage businesses can create opportunities for prostitution, drug dealing, human trafficking and other harmful secondary effects upon the public health and safety. The unincorporated areas of San Mateo County contain at least twenty-two massage establishments, for which the Sheriff's Department received approximately seven complaints in 2011 and arrested four individuals for charges of possessing controlled substances and keeping or residing in a house of ill-fame for the purpose of prostitution.

The Governor signed SB 731 on September 27, 2008, and AB 619 on August 4, 2011, which respectively adopted and amended Section 4600 *et seq.* of the California Business and Professions Code. Such legislation was intended to protect individuals who receive massage, protect communities from prostitution and illicit activity, and also facilitate legitimate massage by creating centralized regulation of education, background, and permitting. Pursuant to the legislation, massage providers may voluntarily apply for and receive a certificate from the state's California Massage Therapy Council (CAMTC). Once an individual obtains a CAMTC certificate, he or she is able to practice in any city or county without being required to obtain a local license or permit. Similarly, a massage business that uses only CAMTC-certified massage

practitioners is not required to obtain a separate local license or permit. The County retains the ability to require health and safety regulations, however, and to require that practitioners and businesses register with the County. The County also retains the ability to require zoning restrictions, building regulations, and business licensing, as long as those regulations also affect other “professional or personal service businesses” (defined to include dentistry, medicine, chiropractors, dietitians, optometrists, acupuncture, accounting, architecture, attorneys, engineers, geologists, funeral directors, land surveyors, real estate brokers, etc.).

DISCUSSION:

Local governments throughout California are adopting massage ordinances with the intent of regulating the practice of massage and protecting the public health and safety in accordance with the above-referenced revisions to state law. The proposed ordinance was presented to the Board’s Housing, Health and Human Services Standing Committee (the “HHH Committee”) on November 14, 2011. Since that time, the Sheriff’s Office, Environmental Health Division, and the County Counsel’s office have revised the proposed ordinance based on the HHH Committee’s comments as well as comments from representatives of the massage industry.

The proposed ordinance effectively allows the County to maintain the ability to regulate, inspect, and monitor the practice of massage while shifting much of the administrative work and background checks to the state CAMTC. Key provisions of the proposed ordinance include CAMTC certification, County registration, and requirements that businesses must comply with a variety of health and safety regulations, including: posting of a list of available services; keeping linens clean; requiring practitioner to work under the name certified with the CAMTC; and limiting the hours of operation.

There will be no fee for County registration, however the Environmental Health Division will collect fees for inspections of businesses, and the County will also collect fees for background checks of business owners who are not certified by the CAMTC. Pursuant to state law, the County’s administrative fine amounts per violation may not exceed the punitive fine for an injunction or misdemeanor, which amount is \$500 in San Mateo County. The proposed ordinance provides, however, that the administrative fine shall be \$500 for each violation as well as for as each day that a business remains open in violation of the ordinance. County registration may be revoked or suspended for material misrepresentations or a conviction of certain crimes. The registration and operating requirements will be effective commencing July 1, 2012. This provides several months for practitioners and businesses to become certified, register with the County, and ensure the massage facilities comply with the ordinance.

Adoption of this ordinance will contribute to the Shared Vision 2025 outcome of a Collaborative Community by conforming the county’s regulations with the applicable state statutes.

County Counsel has reviewed and approved the proposed Ordinance.

FISCAL IMPACT:

Some staff time and resources will be required for the Environmental Health Division to issue County registration certificates, as well as for the Sheriff to undertake monitoring and enforcement efforts. The Environmental Health Division will collect cost recovery fees for inspections of businesses, and fees will be collected for background checks of business owners who are not certified by the CAMTC. There should be no impact on the County's General Fund.

ORDINANCE NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF
CALIFORNIA

* * * * *

**AN ORDINANCE REPEALING AND REPLACING
CHAPTER 5.44 (MESSAGE ESTABLISHMENTS) OF TITLE 5 (BUSINESS
REGULATIONS) OF THE SAN MATEO COUNTY ORDINANCE CODE,
RELATING TO THE REGULATION OF MESSAGE BUSINESSES AND
AMENDING CHAPTER 5.64 (FEES FOR INSPECTION OF STATE PUBLIC
HEALTH LAWS) RELATING TO INSPECTION FEES**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. FINDINGS. In enacting these regulations the Board of
Supervisors recognizes that massage is a viable professional field offering the
public valuable health and therapeutic services. The Board of Supervisors finds
and declares as follows:

(a) The registration and health and safety requirements imposed
by this chapter are reasonably necessary to protect the health, safety and
welfare of the citizens of the County.

(b) Massage businesses have been found to present
opportunities for acts of prostitution and other unlawful activity, and, in fact,
officers have made arrests for prostitution in massage businesses located within
the unincorporated areas of the County. Municipalities within the County have
also reported instances where acts of prostitution have occurred in massage
businesses.

(c) The California legislature and the courts have long

recognized the necessity of imposing reasonable regulations and standards for the operation of massage businesses, including but not limited to minimum educational and experience requirements, passage of a practical examination of competence, sanitary conditions, hours of operation, and other operational regulations designed to minimize opportunities for illegal activities and to ensure the protection of the health, safety and welfare of citizens.

(d) There is a significant risk of injury to clients of massage businesses by improperly trained or poorly educated massage practitioners.

(e) The presence of businesses known or reputed to be places of prostitution or other illegal activity can have an adverse impact on surrounding properties and result in blight, foster further illegal activities, and generally become a public nuisance.

SECTION 2. Chapter 5.44 (Massage Establishments) of Title 5 (Business Regulations) of the San Mateo County Ordinance Code, as presently written, is hereby repealed.

SECTION 3. New Chapter 5.44 (Massage Businesses) of Title 5 (Business Regulations) of the San Mateo County Ordinance Code is adopted, to read as follows: "Chapter 5.44 MASSAGE BUSINESSES

5.44.010 PURPOSE AND INTENT.

(a) In enacting this chapter, the Board of Supervisors recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The Board of Supervisors further recognizes that, unless properly regulated, the practice of massage therapy and

the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

(b) Furthermore, it is the purpose and intent of this chapter to address the negative impacts identified in the Board of Supervisor's findings to reduce or prevent neighborhood blight and to protect and preserve the quality of the County neighborhoods and commercial districts; and to enhance enforcement of criminal statutes relating to the conduct of operators and employees of massage businesses.

(c) It is the Board's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature in 2008 as Business and Professions Code sections 4600 *et seq.* by Senate Bill 731, and amended in 2011 by Assembly Bill 619, to restrict the commercial practice of massage in the unincorporated areas of San Mateo County to those persons duly certified to practice by the California Massage Therapy Council, and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law.

5.44.020 DEFINITIONS.

For the purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

(a) “Business” includes, but not by way of limitation, everything about which a person can be employed, and means that which occupies the time, attention, and labor of men and women for the purpose of producing a livelihood or profit, and connotes the efforts of men and women by varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this chapter shall include, without limitation, the advertising and soliciting of massages. The term “business” includes, but is not limited to, a massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage establishment which employs massage practitioners.

(b) “California Massage Therapy Council” or “CAMTC” means the Massage Therapy Organization formed pursuant to Business and Professions Code section 4600.5.

(c) “Certified Massage Practitioner” means any individual certified by the California Massage Therapy Council as a Certified Massage Therapist or as a Certified Massage Practitioner pursuant to California Business and Professions Code sections 4600 *et seq.*

(d) “Client” means the customer or patron who pays for or receives massage services.

(e) “Compensation” means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

(f) “County Registration Certificate” means a registration certificate issued by the Director of Environmental Health upon submission of satisfactory evidence that a massage business employs or uses only certified massage practitioners pursuant to this Chapter.

(g) “Director of Environmental Health” means the Director of Environmental Health of San Mateo County and his or her authorized representatives or designees.

(h) “Employee” means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.

(i) “Health Officer” means the person appointed by the San Mateo County Board of Supervisors pursuant to the California Health and Safety Code or his or her authorized representatives or designees.

(j) “License Board” means the License Board of the County of San Mateo as it is defined and constituted in Chapter 5.04 of the San Mateo County Code.

(k) “Massage” or “massage therapy,” means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical

apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

(l) “Massage business” means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities – including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs – shall be deemed a massage business under this chapter. The term “massage business” includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship.

(m) “Operator” or “massage business operator” means any and all owners of a massage business.

(n) “Outcall massage” means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the massage business’s county registration certificate.

(o) “Owner” or “Massage business owner” means any of the following persons:

(1) Any person who is a general partner of a general or limited

partnership that owns a massage business.

(2) Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a massage business.

(3) Any person who is a member of a limited liability company that owns a massage business.

(4) Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.

(p) "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

(q) "Practitioner" or "Massage Practitioner" shall be used interchangeably and mean any person who administers massage to another person, for any form of consideration (whether for the massage, as part of other services or a product, or otherwise).

(r) "Reception and waiting area" means an area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

(s) "Registration" means the registration required by this Chapter to operate a massage business.

(t) "School of massage" means any school or institution of learning that is recognized as an approved school pursuant to Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended.

(u) "Sheriff" means the Sheriff of San Mateo County and his or her authorized representatives or designees.

(v) "Sole proprietorship" means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

(w) "Solicit" means to request, ask, demand or otherwise arrange for the provision of services.

5.44.030 CAMTC CERTIFICATION AND LOCAL REGISTRATION REQUIRED

(a) Individuals. On and after July 1, 2012, it shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship or employee of a massage business or in any other capacity within the unincorporated areas of San Mateo County unless that individual is a certified massage practitioner.

(b) Businesses. On and after July 1, 2012, it shall be unlawful for any business to provide massage for compensation within the unincorporated areas of San Mateo County unless all individuals employed by the massage business to perform massage, whether as an employee, independent contractor, or sole proprietorship, are certified massage practitioners and said business has obtained a valid county registration certificate as provided in this Chapter.

5.44.040 MESSAGE BUSINESS REGISTRATION

(a) Application. The registration application for a County Registration Certificate shall include all of the following:

- (1) Legal name of the massage business.
- (2) Address and telephone number of the massage business.
- (3) Legal names of all owners of the massage business.
- (4) A list of all of the massage business's employees and independent contractors who are performing massage and their CAMTC certification.
- (5) Residence address and telephone number of all owners of the massage business.
- (6) Business address and telephone number of all owners of the massage business.
- (7) The form of business under which the massage business will be operating (*i.e.*, corporation, general or limited partnership, limited liability company, or other form).
- (8) Each owner or operator of the massage business who is not a CAMTC-certified massage practitioner shall submit an application for a background check, including the following: the individual's business, occupation, and employment history for the five (5) years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage business or similar business owned or operated by the individual whether inside or outside the County.
- (9) For all owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

(10) For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code section 4600 *et seq.*, any local, state, or federal law, or the provisions of this Chapter may result in revocation of the business's County registration certificate.

(b) Issuance. Upon provision by the massage business of the foregoing documentation, the Director of Environmental Health shall issue the massage business a County Registration Certificate, which shall be valid for two (2) years from the date of issuance. No reapplication will be accepted within one (1) year after an application or renewal is denied or a certificate is revoked.

(c) Amendment. A massage business shall apply to the county to amend its county registration certificate within thirty (30) days after any change in the registration information, including, but not limited to, the hiring or termination of certified massage practitioners or the change of the business's address.

(d) Renewal. A massage business shall apply to the County to renew its County registration certificate at least thirty (30) days prior to the expiration of said County registration certificate. If an application for renewal of a County registration certificate and all required information is not timely received and the certificate expires, no right or privilege to provide massage shall exist.

(e) Fees. There shall be no fee for the registration application or certificate, or any amendment or renewal thereof. The provisions of this section

shall not prevent the County from establishing fees for health and safety inspections as may be conducted from time to time by the Director of Environmental Health, and for the background checks, fingerprinting, and subsequent arrest notification for owners of a massage businesses who are not CAMTC-certified and who are subject to such background checks pursuant to this Chapter.

(f) Transfer. A County Registration Certificate shall not be transferred except with the prior written approval of the Director of Environmental Health. A written request for such transfer shall contain the same information for the new ownership as is required for applications for registration pursuant to this section. In the event of denial, notification of the denial and reasons therefore shall be provided in writing and shall be provided to the applicant by personal delivery or by registered or certified mail.

5.44.050 OPERATING REQUIREMENTS.

On or after July 1, 2012, no person shall engage in, conduct, carry on, or permit any massage within the unincorporated areas of the County of San Mateo unless all of the following requirements are met:

(a) CAMTC-certification shall be worn by and clearly visible on the massage practitioner's person during working hours and at all times when the massage practitioner is inside a massage business or providing outcall massage.

(b) Massage shall be provided or given only between the hours of 7:00 a.m. and 9:00 p.m. No massage business shall be open and no massage shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to

9:00 p.m. shall nevertheless terminate at 9:00 p.m., and, in the case of a massage business, all clients shall exit the premises at that time. It is the obligation of the massage business, to inform clients of the requirement that services must cease at 9:00 p.m.

(c) A list of the services available and the cost of such services shall be posted in the reception area within the massage premises, and shall be described in readily understandable language. Outcall service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee shall permit, and no massage practitioner shall offer or perform, any service other than those posted or listed as required herein, nor shall an operator or a massage practitioner request or charge a fee for service other than that on the list of services.

(d) A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises.

(e) For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by the Sheriff, or other County officials charged with enforcement of this chapter. These records may not be used by any massage practitioner or operator for any purpose other than as records of service provided and may not be provided to

other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years.

(f) Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

(g) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the Health Officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the Health Officer of the County of San Mateo. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.

(h) Instruments utilized in performing massage shall not be used on more than one (1) client unless they have been sterilized, using approved sterilization methods.

(i) All massage business operators and their employees, including massage practitioners, shall wear clean, non-transparent outer garments. Said

garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest.

(j) No person shall enter, be, or remain in any part of a massage business while in possession of an open container of alcohol, or consuming or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.

(k) No massage business shall operate as a school of massage, or use the same facilities as that of a school of massage.

(l) No massage business shall place, publish or distribute, or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to section 5.44.050(c), nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

(m) No massage shall be given unless the client's genitals are, at all times, fully covered. A practitioner shall not, in the course of administering any massage, make physical contact with the genitals or private parts of any other person.

(n) Where the business has staff available to assure security for clients

and massage staff behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours when the business is open for business or when clients are present.

(o) No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

(p) All signs shall be in conformance with the current ordinances of the County of San Mateo.

(q) Minimum lighting consisting of at least one (1) artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

(r) Ventilation shall be provided in accordance with applicable building codes and regulations.

(s) Hot and cold running water shall be provided at all times.

(t) Adequate dressing, locker and toilet facilities shall be provided for clients.

(u) A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.

(v) Pads used on massage tables shall be covered with material acceptable to the Health Officer of the County of San Mateo.

(w) All massage businesses shall comply with all state and federal laws and regulations for handicapped clients.

(x) A massage practitioner shall operate only under the name specified in his or her CAMTC certificate. A massage business shall operate only under the name specified in its county registration certificate.

5.44.060 INSPECTION BY OFFICIALS.

The investigating and enforcing officials of the County of San Mateo, including but not limited to the Sheriff, Health Officer, Director of Environmental Health, and Director of Building and Planning for the County of San Mateo, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter. The Environmental Health Services Division may charge a fee for any health and safety inspections, as provided in Chapter 5.64 of the Ordinance Code.

5.44.070 NOTIFICATIONS.

(a) A massage business shall notify the Director of Environmental Health, or his or her designee, of any changes described in Section 5.44.040 pursuant to the timelines specified therein.

(b) A registrant shall immediately report to the Director of

Environmental Health any of the following:

- (1) arrests of any employees or owners of the registrant's massage business for an offense other than a misdemeanor traffic offense;
- (2) resignations, terminations, or transfers of practitioners employed by the registrant's massage business;
- (3) the occurrence of any event involving the registrant's massage business or the massage practitioners employed therein that constitutes a violation of this ordinance or state or federal law.

5.44.080 EXEMPTIONS.

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

(a) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.

(b) Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the clients.

(c) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these

licensed institutions, while acting within the scope of their employment.

(d) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

(e) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.

(f) Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events; provided, that all of the following conditions are satisfied:

(1) The massage services are made equally available to all participants in the event;

(2) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;

(3) The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;

(4) The sponsors of the event have been advised of and have approved the provisions of massage services;

(5) The persons providing the massage services are not the primary sponsors of the event.

5.44.090 UNLAWFUL BUSINESS PRACTICES MAY BE ENJOINED;
REMEDIES CUMULATIVE.

Any massage business operated, conducted, or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business & Professions Code Section 17200 *et seq.*, and the County Counsel or District Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of San Mateo County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys' fees and costs. All remedies provided for in this chapter are cumulative.

5.44.100 ADMINISTRATIVE FINES.

(a) Violations. Upon a finding by the Sheriff that a business has violated any provision of this chapter, the Sheriff may issue an administrative fine of up to five hundred dollars (\$500).

(b) Separate Violations. Each client to whom massage is provided or offered in violation of this chapter shall constitute a separate violation. Each day upon which a massage business remains open for business in violation of this chapter shall also constitute a separate violation.

(c) Fine Procedures. Notice of the fine shall be served by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to request a hearing before the Director of the Environmental Health Division or his or her designee contesting the imposition of the fine.

(d) Appeals. Appeals must be requested in writing, and shall provide

facts disputing the violation. Appeals must be addressed to the Director of Environmental Health, and must be received within ten (10) days of the date appearing on the notice of the fine. The decision of the Director of Environmental Health shall be provided by certified mail. The decision will constitute a final administrative order with no additional administrative right of appeal.

(e) Failure to Pay Fine. If said fine is not paid within thirty (30) days from the date appearing on the notice of the fine or of the notice of determination from the Director of Environmental Health after the appeal hearing, the fine may be referred to a collection agency within or external to the County. In addition, any outstanding fines must be paid prior to the issuance or renewal of any registration.

5.44.110 SUSPENSION AND REVOCATION OF COUNTY REGISTRATION CERTIFICATES

(a) Reasons. Certificates of registration may be suspended or revoked upon any of the following grounds:

(1) A practitioner is no longer in possession of current and valid CAMTC-certification. This subsection shall apply to a sole proprietor or a person employed or used by a massage business to provide massage.

(2) An owner or sole proprietor: is required to register under the provisions of California Penal Code section 290 (sex offender registration); is convicted of California Penal Code section 266i (pandering), 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), 653.23

(supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to California Penal Code sections 11225-11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subdivision.

(3) The county determines that a material misrepresentation was included on the application for a certificate of registration or renewal.

(4) Violations of any of the following occurred on the premises of a massage business or were committed by a practitioner: California Business and Professions Code section 4600 *et seq.*; any local, state, or federal law; or the provisions of this chapter.

(b) Procedures. Written notice of the suspension or revocation shall be served on the sole proprietor or owners by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to request an appeal hearing before the License Board.

(c) Time Period of Suspension of Permit. The Sheriff may suspend a registration for a period between five (5) days and the end of the license term, at his or her discretion.

(d) Effective Date of Suspension or Revocation. Suspension or revocation issued pursuant to subsection (b) will be effective ten (10) days from

the date appearing on the order, unless a timely appeal is filed in accordance with subsection (e).

(e) Appeal.

(1) The decision of the Sheriff is appealable to the License Board.

(2) An appeal must be in writing, and be hand-delivered or mailed to the License Board.

(3) An appeal must be received by the License Board on or before the effective date of suspension or revocation provided by subsection (d).

(4) The filing of a timely appeal will stay a suspension or revocation pending a decision on the appeal by the License Board.

(5) A hearing shall be scheduled within thirty (30) days unless an extension is authorized by the appellant.

(6) The decision of the License Board shall be a final administrative order, with no further administrative right of appeal.

(f) Reapplication. No reapplication will be accepted within one (1) year after a certificate is revoked.

(g) Evidence. The following rules shall apply to any hearing required by this chapter. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Formal rules of discovery do not apply to proceedings governed by this chapter. Unless otherwise specifically

prohibited by law, the burden of proof is on the registrant in any hearing or other matter under this chapter.

5.44.120 PUBLIC NUISANCE

It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter.

The county may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

SECTION 4. Sections 5.64.050 of Chapter 5.64 (Fees for Enforcement of State Public Health Laws) of Title 5 (Business Regulations) of the San Mateo County Ordinance Code is hereby amended to add the following definition: "The term 'massage business' shall include the businesses defined in Section 5.44.020."

SECTION 5. Sections 5.64.070 of Chapter 5.64 (Fees for Enforcement of State Public Health Laws) of Title 5 (Business Regulations) of the San Mateo County Ordinance Code is hereby amended by adding the following line item fee under the heading "Solid/Medical Waste Programs": "Massage Business \$420"

SECTION 6. SEVERABILITY. If any provision(s) of this ordinance is declared invalid by a court of competent jurisdiction, it is the intent of the Board of Supervisors that such invalid provision(s) be severed from the remaining provisions of the ordinance so that regulation and control of massage may remain in place.

SECTION 7. This ordinance shall be effective thirty (30) days from the date of passage thereof.

* * * * *



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Health System



Date: January 6, 2014
Board Meeting Date: February 25, 2014
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Greg Munks, Sheriff
Jean S. Fraser, Chief, Health System

Subject: Massage Businesses Ordinance

RECOMMENDATION:

Adoption of an ordinance amending Sections 5.44.040, 5.44.050, 5.44.070, 5.44.080, 5.44.100 and 5.44.110 of Chapter 5.44 (Massage Businesses) of Title 5 (Business Regulations) of the San Mateo County Ordinance Code, relating to the regulation of massage businesses, previously introduced on February 11, 2014 and waiver of reading the ordinance in its entirety.

BACKGROUND:

The Governor signed SB 731 on September 27, 2008, and AB 619 on August 4, 2011, which respectively adopted and amended Section 4600 et seq. of the California Business and Professions Code. The legislation was intended to protect individuals who receive massages, protect communities from prostitution and illicit activities, and facilitate legitimate massage by centralizing regulation and permitting.

Pursuant to the legislation, massage providers may voluntarily apply for and receive a certificate from the State's California Massage Therapy Council (CAMTC). Once an individual obtains a CAMTC certificate, he or she is able to practice in any city or county without being required to obtain a local license or permit. Similarly, a massage business that uses only CAMTC-certified massage practitioners is not required to obtain a separate local license or permit.

The County retains oversight of health and safety regulations by requiring registration by practitioners and businesses with the County. The County also retains the ability to require zoning restrictions, building regulations, and business licensing, as long as those regulations also affect other "professional or personal service businesses" (defined to include dentistry, medicine, chiropractors, dietitians, optometrists,

acupuncture, accounting, architecture, attorneys, engineers, geologists, funeral directors, land surveyors, real estate brokers, etc.).

In 2012 your Board adopted an amendment to the San Mateo County Massage Businesses Ordinance, which was established in response to this new legislation. The intent of this 2012 amendment was to maintain oversight over massage businesses to protect communities from prostitution and illicit activities while facilitating legitimate massage.

Having enforced the Ordinance for the past 18 months, the Sheriff's Office, the Planning and Building Department and the Health System's Environmental Health Services division have identified areas where an additional amendment to the Ordinance would further your Board's original intentions.

These revisions are not intended to address consideration of zoning changes that would possibly restrict where massage businesses can be located within the unincorporated area of the County. Staff is currently looking at the zoning issue, separate from this ordinance.

DISCUSSION:

The proposed amendment to the existing Massage Businesses Ordinance achieves the following:

- Mandates the availability of complete written service records for inspection during regular business hours.
- Clarifies the type of outer garments that must be worn.
- Clarifies lobby visibility requirements.
- Clarifies the rules governing continuances of hearings and the License Board's authority to reduce suspensions and revocations.
- Clarifies the duty to report violations of the Ordinance to the Environmental Health Director.
- Requires that appeals of fines may be resolved in writing without adversarial hearing.
- Requires that massage businesses serving or appealing a suspension, revocation and/or a fine are prevented from selling or transferring their business without first serving the suspension or revocation and/or paying the fine.
- Prohibits individuals from residing in a massage business or being unnecessarily present in the business outside of business hours.
- Exempts the San Francisco International Airport (Airport) from the Ordinance's operating time limitations, in recognition of the Airport's 24/7 operation and its minimal risk of prostitution and other related activity.

The Ordinance has been reviewed and approved by County Counsel as to form.

Adoption of this Ordinance amendment will contribute to the Shared Vision 2025 outcome of an Environmentally Conscious Community by aligning the County's

regulations with applicable State's statutes, in order to contribute to safer neighborhoods and businesses providing beneficial services to all residents. It is anticipated that the percent of massage businesses providing full access to complete written service records for inspection will increase to 100%.

PERFORMANCE MEASURE(S):

Measure	FY 2012-13 Actual	FY 2013-14 Projected
Percent of massage businesses providing full access to complete written service records for inspection	75%	100%

FISCAL IMPACT:

There is no Net County Cost associated with this Ordinance.



News / Politics & Government

Massage businesses engaged in prostitution, human trafficking face possible crackdown

By **David Garrick** · Contact Reporter

SEPTEMBER 17, 2018, 2:10 PM | SAN DIEGO

San Diego is considering new regulations for local massage businesses so police can more quickly shut down those engaged in prostitution and human trafficking.

Each of the roughly 650 massage businesses in San Diego would be required to obtain a city permit that could be immediately revoked if the business conducts illicit activities.

Without the permit requirement, local police and City Attorney Mara Elliott must use a time consuming and costly legal process available under the state's Red-Light Abatement Act.

Local groups fighting human trafficking have estimated that about 100 of the massage businesses in San Diego are engaged in prostitution, human trafficking or related illegal conduct.

They say San Diego is particularly vulnerable to those problems because of the large presence of people in the military, many of whom have recently served in foreign countries where prostitution may be legal or isn't as frowned upon.

Councilman Chris Cate of Mira Mesa is proposing the new regulations, which would allow San Diego to join a growing list of cities requiring local permits.

"The goal of proposing changes is to provide the [San Diego Police Department](#) and City Attorney's Office with the tools needed to effectively and efficiently shut down bad actors and combat human trafficking in massage establishments, while lifting up the legitimate profession of massage therapy," Cate said in a news release.

Most cities in California essentially turned over massage licensing to the state in 2009, when new legislation created a system in which individual massage therapists must be certified by the California Massage Therapy Council.

So in San Diego and many other cities, massage businesses have no longer been required to obtain a local permit if all of their therapists have been certified by the state.

That approach has been blamed for making it harder to shut down massage businesses engaged in illegal activity, prompting the state Legislature to pass new legislation last year to encourage -- but not require -- local governments to resume requiring their own permits.

"The legislature witnessed how well it worked when local government made use of a

revocable registration tool," said Ahmos Netanel, chief executive of the California Massage Therapy Council. "Even though they did not mandate it, they encouraged cities and counties to look into this."

Netanel said his group also encourages cities and counties to require permits, but he said it's crucial the regulations and fees not be onerous.

"We support city of San Diego efforts to make sure massage is not being used as a subterfuge for any kind of illicit activities," Netanel said by phone on Monday. "The whole idea is striking a balance."

The owners of local massage businesses did not immediately respond to requests for comment on Cate's proposal.

A phone call to the California chapter of the American Massage Therapy Association, which advocates for therapists but not for massage businesses, also wasn't returned.

Netanel predicted the owners of legitimate local massage businesses would embrace a revived permit requirement if San Diego does it right.

"The industry will always support any kind of regulations that go after the bad apples but at the same time respect the legitimate therapeutic massage providers and do not impede their ability to provide this very important service to the community," he said.

In addition to reviving the permit requirement, Cate is proposing San Diego update its municipal code to include a "robust list of grounds for permit suspension and revocation."

Cate said those grounds would include all violations outlined in California Business Professions Code Section 4609 and other violations relating to prostitution, human trafficking and lewdness.

He also wants the legislation to prevent massage businesses shut down for illegal activity from re-opening on the same site for at least two years and to block them from avoiding shutdown by transferring control of the business to a new owner during prosecution.

Cate also proposes that the fee for permits be relatively low and that city officials consider discounts for small massage businesses owned and operated by just one therapist.

Acting police Lt. Daniel Meyer said by email on Monday that Cate's proposal would provide additional tools to combat prostitution and human trafficking, which he called priority issues.

"This proposal would provide the Police Department with the ability to take regulatory action against all massage establishments throughout the city when violations of law are discovered through the police permitting and inspection process; as is seen in other police regulated industries," Meyer said.

PERFORMANCE METRICS – 1st and 2nd Quarters, 2018

PM1 – VOLUME

TOTAL NUMBER OF COMPLAINTS RECEIVED – ALL (actionable and non-actionable)

FIRST QUARTER 2018: 45 complaints received on average per month.

SECOND QUARTER 2018: 64 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

FIRST QUARTER 2018: 26 complaints against certificate holders received on average per month.

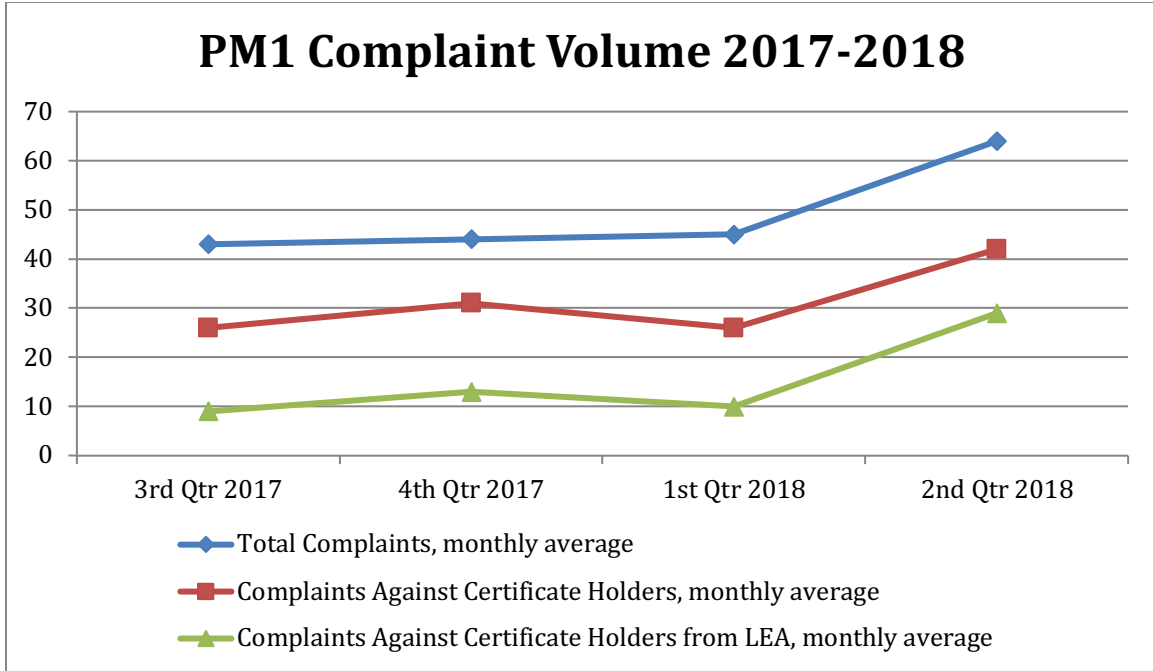
SECOND QUARTER 2018: 42 complaints against certificate holders received on average per month.

PM 1.2 – 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.

FIRST QUARTER 2018: 10 complaints from LEA received against certificate holders on average per month.

SECOND QUARTER 2018: 29 complaints from LEA received against certificate holders on average per month.

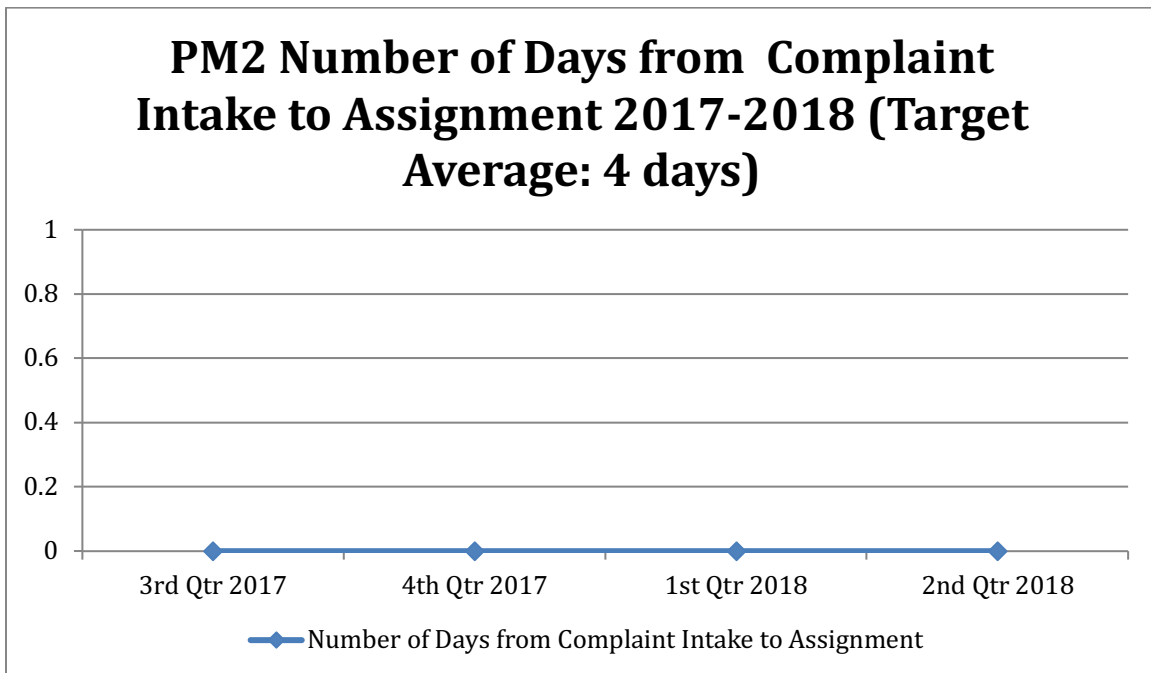


PM2 – INTAKE – ALL COMPLAINTS

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.

FIRST QUARTER 2018: 0 days to assignment.

SECOND QUARTER 2018: 0 days to assignment.

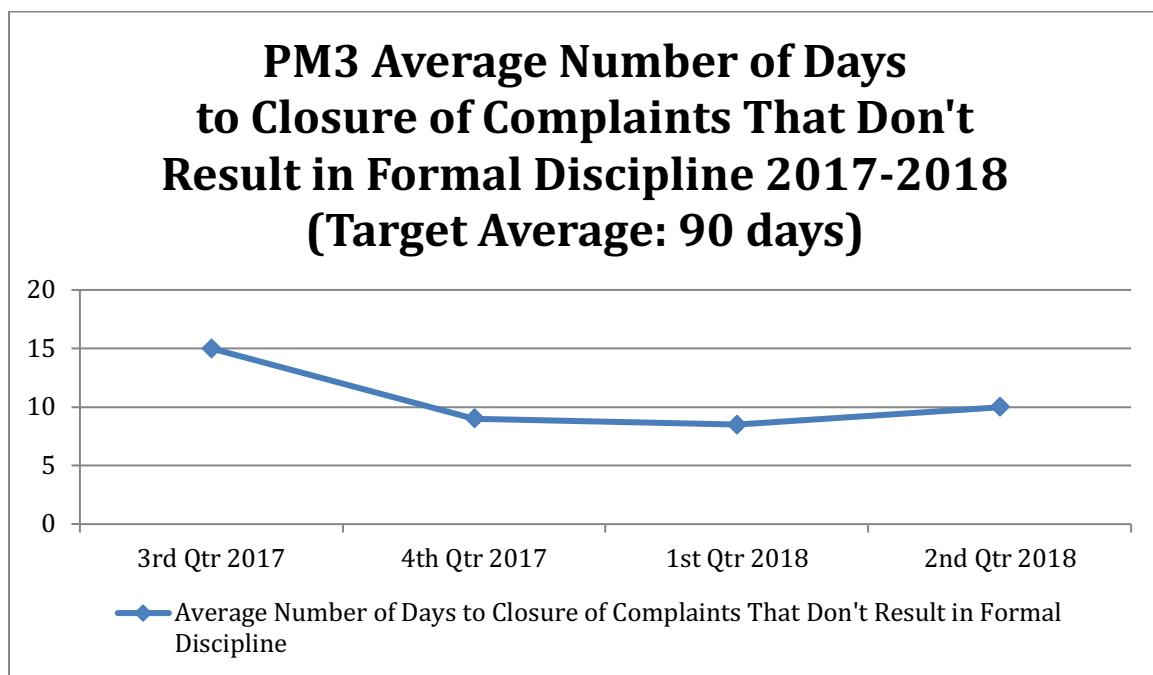


PM3 – INTAKE AND INVESTIGATION

Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. 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 (proposed revocation, suspension, or imposition of probationary conditions).

FIRST QUARTER 2018: 8.5 days is the average number of days to closure.

SECOND QUARTER 2018: 10 days is the average number of days to closure.

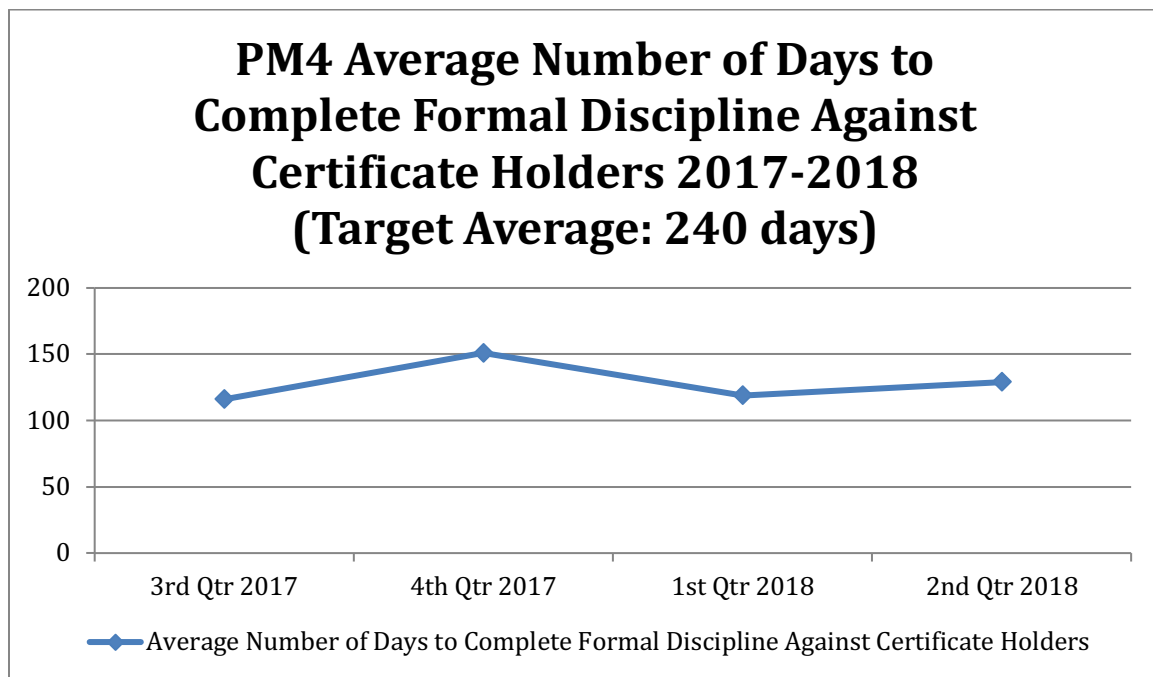


PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

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

FIRST QUARTER 2018: 119 days is the average number of days from intake to final date of formal discipline.

SECOND QUARTER 2018: 129 days is the average number of days from intake to final date of formal discipline.



CAMTC Bank Account Summary
As of 08/31/2018

	Bank	Type	Term	Maturity Date	Rate		Value	% of Portfolio	Valuation Date
1	Umpqua Bank	Checking	NA	NA	0.000%		352,897.57	12.2%	8/31/2018
2	Preferred Bank	MM	NA	NA	0.500%		253,548.21	8.8%	7/31/2018
3	California Bank & Trust	MM	NA	NA	0.100%		250,541.71	8.6%	8/31/2018
4	Synchrony	CD	12 Mos	11/10/2018	1.487%		262,010.04	9.0%	8/31/2018
5	CalFirst	CD	12 Mos	10/2/2018	0.250%		250,000.00	8.6%	12/31/2017
6	State Farm Bank	CD	36 Mos	11/26/2020	1.440%		264,269.92	9.1%	8/31/2018
7	Centennial Bank/Giant Bank	CD	36 Mos	11/26/2020	1.550%		250,000.00	8.6%	12/31/2017
8	EH National Bank	CD	24 Mos	12/5/2018	1.120%		258,187.81	8.9%	12/31/2017
9	First Internet Bank of Indiana	CD	24 Mos	12/8/2018	1.900%		250,286.64	8.6%	8/31/2018
10	Tab Bank	CD	12 Mos	11/12/2018	1.350%		250,000.00	8.6%	12/31/2017
11	Golden State Bank	CD	36 Mos	6/21/2019	1.000%		255,399.89	8.8%	8/31/2018
							<u>2,897,141.79</u>		



2019 Strategic Objectives and Key Results

Proposed – September 26, 2018

Goal 1: Sunset Review

In preparation for the 2019-2020 sunset review, prioritize all organizational functions for a successful outcome for the sunset review. Specifically, the continuation of CAMTC as a nonprofit organization, implementing a state-wide voluntary certification program for massage professionals and approval of educational programs. Sunset review shall be the highest priority for CAMTC in 2019. Whenever sunset review is inconsistent with other interests sought to be promoted, sunset review shall be paramount.

- 1.1 Complete and present a draft of the sunset review report to the Board within 120 days of the receipt of the sunset questionnaire.
- 1.2 Submit the final sunset review report to the legislature before the deadline.

Goal 2: Accountability

To ensure that stakeholders can review CAMTC's progress towards meeting its disciplinary goals and targets, we will continue to implement a transparent system of performance measurement.

- 2.1 These measures will be easily accessible and prominently posted publicly on CAMTC's website on a quarterly basis.
- 2.2 In addition to reporting cycle time, we will also track and report total case volume for each measure.

Goal 3: Exam

3.1 Evaluate the feasibility of CAMTC developing and administering its own exam.

Goal 4: Non-English Speakers

4.1 Implement the findings of CAMTC's assessment of contact with non-English speakers.

Goal 5: Outreach to Schools and Students

5.1 Develop and widely distribute easy to access and understand resources about CAMTC's processes as they relate to students and school approvals.



CALIFORNIA MASSAGE THERAPY COUNCIL

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September 20, 2018

TO: CAMTC BOARD OF DIRECTORS
FROM: AHMOS NETANEL, CEO
RE: PROPOSED AMENDMENTS TO RECORDS RETENTION POLICY

In 2010, CAMTC adopted a records retention policy which included a mandate that original signed applications for certification must be permanently maintained in hard copy form. With the increasing acceptance by judges of electronic documents, legal counsel now believes it is appropriate to maintain applications for certification and school approval in electronic (scanned) format only. The attached proposed amendments to the records retention policy reflects that change.

Please note the following:

- The language of the current policy and when the policy was adopted.

The current Records Retention Policy was adopted on 11/9/10 and is attached, with the suggested changes in redline format.

- A short description of why the policy should be changed.

Maintaining hard copies of all applications for certification is expensive (approximately \$800/month in storage fees) and no longer necessary for legal reasons.

- The language of related statutes that may have an impact on the decision.

None



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- The fiscal impact the proposed change may have on CAMTC and certificate holders and applicants.

None

- Potential pros and cons of the new policy is adopted.

The new policy will save CAMTC approximately \$800 per month in storage fees.

- The impact on current certificate holders and applicants.

None

- A suggested date for the change to be implemented.

September 27, 2018

END OF MEMO



RECORDS RETENTION POLICY¹
Amended 11/9/10
Proposed amendments 9/20/18

	<u>Retention Period</u>
Accounts Payable journals and schedules	7 years
Account Payable invoices from vendors and reimbursement forms from staff and Board, including check stubs	7 years
Accounts Receivable journals and schedules	7 years
-Attorney General registration form and renewals	Permanently
-Applications for certification ² <u>or school approval</u> (application form and all related documents)	Permanently
-Articles of Incorporation	Permanently
Audited financial statements	Permanently
Bank reconciliations	7 years
Bank statements, including electronic images of cancelled checks	7 years
Bylaws (all versions/all updates)	Permanently
Charts of accounts	Permanently
Check register and schedules	7 years
Contracts and leases (expired)	7 years
Contracts and leases still in effect	Permanently
Correspondence (general and with applicants)	3 years
Correspondence (legal and important matters only)	Permanently
Cost reports	Permanently
Deeds, mortgages, and bills of sale	Permanently
Depreciation schedules	Permanently
Expense analyses and expense distribution schedules	7 years
Financial statements (end-of-year - other months optional)	Permanently
General and private journals (and end-of-year trial balances)	Permanently
Insurance policies	Permanently
Insurance records, current accident reports, claims, policies, etc.	Permanently

¹ Unless otherwise required by law ~~or as noted in Footnote 2 below~~, all records may be scanned and maintained in electronic form only.

² "Application" includes recertification/re-approval renewal application forms. ~~The original signed application form/renewal form and any other document the applicant has signed in hard copy form must be maintained in hard copy form. All other documents related to the application shall be scanned and maintained in electronic form within one year after approval or denial of the application.~~ Applications that remain "incomplete" after multiple reminders to applicant may be purged 1 year after last date of activity.

Internal audit reports (in some situations, longer retention periods may be desirable)	3 years
Internal memos and reports (miscellaneous)	3 years
IRS and FTB applications for exempt status and determination letters	Permanently
Litigation documents, including copies of all lawsuits filed by or against entity	Permanently
Minutes of all board, committee, and Professional Standards Division meetings, including PSD hearings	Permanently
Property appraisals by outside appraisers	Permanently
Property records - including costs, depreciation reserves, end-of-year trial balances, depreciation schedules, blueprints and plans	Permanently
Secretary of State statements of information	Permanently
Tax returns (IRS and FTB)	Permanently



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To: CAMTC Board of Directors

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

Report for Board Meeting September 26-27, 2018

Local Government Issues:

The trend continues of cities and counties choosing to replace their mandatory police massage permit, most commonly issued by the police vice unit, with a requirement to be certified. There are exceptions. The city of San Diego is drafting a new ordinance but has not decided whether or not to require certification, although they do plan to require revocable registration of establishments. In 2014 San Diego passed an ordinance that exempts massage establishments from needing a permit if everyone providing massage is certified. This complied with the state law at the time, which was very soon afterwards revised. As a result, 640 massage businesses opened that are unregulated, only 5 have establishment permits and as the city has learned, would not qualify for the exemption anyway. Furthermore, when a study was conducted of fees for an establishment permit, the resulting fee is extremely high as it is based on the very small number of compliant establishments. That not only burdens the legitimate businesses but provides fewer financial resources for enforcement.

The most recently passed new ordinance is in Antioch. The city had a number of meetings with CAMTC staff and two in which Chairman Dixon was asked by a city council member to participate. Earlier this year we reported to the Board that we have had excellent response to the letters sent late last year to all city council members and county supervisors by the CAMTC Chairman Dixon, and all City and County Managers, Police Chiefs and Sheriffs by CEO Netanel. These meetings were a direct result of that outreach. The newly passed Antioch ordinance requires a revocable registration. Although it is similar to the San Mateo model, it has some differences that I believe make it a good addition to the examples that I share upon request.

Los Angeles County is working on their ordinance. Although I don't know if they will require certification, they are interested in the revocable registration and have contacted the San Mateo Deputy County Counsel for more information. Another large jurisdiction amending an ordinance is San Francisco. At the request of the Department of Public

Health, the Board of Supervisors will be considering an ordinance that will require certification. Another amendment will allow the city to deny an establishment permit if the applicant has been convicted of prostitution. As of now, an applicant can have multiple such convictions and not be denied an establishment permit. The SF Small Business Commission, a government agency, is working with the city and local massage therapists and business owners for further amendments including possibly amending the very restrictive zoning code.

The city of San Jose passed their ordinance in 2016. Although it requires all massage establishments to register, the city has not had the staff to inspect and, like San Diego, has hundreds of non-compliant establishments, many illicit. The city has recently provided resources for inspections and is using nuisance abatement to close illicit establishments. Although this is more costly and much slower than the revocable registration process, the police have reported to me that it has been working. San Jose is one of a very few cities requiring the manager to have any massage education, in this case 100 hours from a CAMTC approved school. Land use is restrictive.

September 13th Ahmos Netanel and I attended the annual conference of the League of California Cities. We had arranged a presentation to the city attorneys on Revocable Registrations. David Silberman, Chief Deputy County Counsel for San Mateo was our speaker. He and I also had an opportunity to discuss possible amendments to the county massage code for the future.

Human Trafficking

I remain active in Human Trafficking Taskforces/Initiatives in San Francisco, Alameda and San Mateo Counties, Santa Clara, and private organizations such as the Bay Area against Human Trafficking (BAAHT) and Stop the Traffik, as well as to monitor several others. As a member of the SF Collaborative Against Human Trafficking (SFCAHT) I again helped organize this years' Annual Conference, which will occur the day before this CAMTC Board meeting. Polaris Project asked me to review their most recent paper on Human Trafficking and Illicit Massage Businesses (IMBS) prior to release. Recently Alameda and Santa Clara county District Attorneys have agreed to explore a joint project to address human trafficking in Illicit Massage Businesses (IMB)s. The Santa Clara Deputy District Attorney working on the project asked to meet with me and has asked me to review her report when drafted. San Mateo is not focusing on labor trafficking related to massage at this time, but remains committed to being the first county with no illicit massage establishments, and is well on its' way to achieving this goal. The unincorporated county has no remaining IMB's. I have been asked to speak on CAMTC's involvement in anti-Human Trafficking efforts at the annual conference of the Federation of State Massage Therapy Boards (FSMTB) next month.

Legislation and other state issues:

H.R. 1023 (2017-2018), a federal bill to require mandatory reporting of complaints of sexual assault by massage therapists has not moved since March 2017 and remains in the Subcommittee on Crime, Terrorism, Homeland Security and Investigations.

Since the last Board meeting I have handled inquiries from numerous legislators or their staff regarding schools or other constituent issues. I have been routinely attending Legislative Roundtables of regulatory Boards organized by the Department of Consumer Affairs. I have been engaging with DCA investigators in cases involving scope of practice issues or investigations against former or current certificate holders who hold state licenses in other practices.

I attended the annual convention of the American Massage Therapy Association and met with Governmental Relations leaders from a number of states, each of which is responsible for the passing of one or more state massage laws. I also attended presentations on legislative policy and participation in panels on Medicare/Medicaid reimbursement and massage within the Veterans system and Department of Defense.



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To: CAMTC Board of Directors

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

Report for Board Meeting September 26-27, 2018

At the June Board meeting, staff was requested to provide deadlines for completion of the Certification and Management System (CAMS). Since then, much has occurred.

The vendor began to transition our project to a new Google platform. After spending quite a bit of time exploring this from the Back office of another of their clients, our Project Manager and I agreed that it will offer significant improvements to our system. Most notably, it allows almost everything to be configured ourselves. This includes changes that we will periodically make to applications such as adding newly approved schools to the drop-down list for online applications, and tasks like updating text of outgoing emails. Instead of CAMTC sending a bulk email monthly to everyone due to recertify, these will be sent daily to all eligible certificate holders.

The vendor created a new test (UAT) environment for transition to this new platform. We will test and deploy features into a live environment while still using the existing one. As we approve moving them into production, we will begin parallel processing in both platforms. Once we are assured that full transition to the new platform is warranted, the final switch will be completed.

It has been understood that this would initially slow down the project, but the greater ability to customize the system ourselves is worth the delay, and by using parallel processing we will avoid the mistakes that were made with the initial Go Live in 2016.

In July, there was a problem that occurred during backup as a result of an error made by the vendor. It has taken time and resources to recover.

We have since terminated our contract with our Project Manager and have pushed up the plan to engage a Database Administer (DBA). We have interviewed several and have engaged a consultant to help us choose the firm most suited to our needs. Those we are selecting from have major companies as clients and specialize in working with systems such as ours. They meet security standards for clients such as the Department

of Defense and list many of the major US and International companies and agencies as their clients.

We have identified:

- The need for a competent partner to examine our system to:
 - Review database performance problems
 - Make corrections according to best practices
 - Set up reliable backups and recoveries

Priorities at this time are:

1. Secure, protect and fully control our data and backups. It is likely that we will move the data to Amazon cloud (AWS).
2. Assure that the CAMS platforms are stable.
3. Define the scope of work for a part of full time IT CAMTC employee and recruit. The DBA is not expected to be a full time position, and will serve a different purpose than a staff IT expert.
4. Evaluate and manage the next steps in creating a dependable system

The DBA will provide:

- Initial and ongoing assessment of the environment – identifying risks or gaps
- 24x7 monitoring and incident response (Service level agreement (SLA) = 15 minutes)
- Perform troubleshooting and incident management
- Perform service requests submitted by CAMTC
- Administer backups
- Perform proactive database maintenance activities
- Assist with production releases

Treasurer's Report July 31, 2018 Board Meeting: September 26, 2018

Applications Received and Re-Certifications Billed

The Number of Certificate Holders

Two important overall measures of CAMAT's performance are the total number of Active Certificate Holders and whether growth in that number is keeping pace with industry development.

Active Certificate Holders on July 31, 2018, at 50,022, is down almost 5% from a year-ago. This decline should be watched closely since there is no reason to believe that the number of working therapists has declined.

DATE	NUMBER OF CERTIFICATE HOLDERS
July 31, 2018	50,022
March 31, 2018	51,323
December 31, 2017	51,038
July 31, 2017	52,607
December 31, 2016	46,801
December 31, 2015	51,499
December 31, 2014	49,997
December 31, 2013	44,750
December 31, 2012	35,214

New Applications and Re-Certifications

Active Certificate Holders is the sum of New and Re-Certified certificate holders.

Seventeen hundred and ninety nine (1,799) New Paid Applications were received through July of 2018, 12% below the comparable number, 2,042, on July 31, 2017 and substantially below the 3,309 by July 31 in 2016.

Although New Applications were down, Re-Certifications Billed increased 27%, to 16,230 from 12,808 on July 31, 2017.

The number of Re-Certifications Billed through July 31, 2018 slightly exceeded (by 2%) the high level of 15,968 achieved in 2016. As previously noted, the higher levels of Re-Certifications Billed in even-number years may be explained by the two-year recertification schedule.

Through July 31, 2018, Re-Certifications accounted for 90% of the total activity. (The table below shows the data on a weekly basis for comparability between full-year and partial-year data.)

Year	New Applications Received Per Week	Re-Certifications Billed Per Week	Total	Re-Certifications as a % of Total
2018*	60	541	601	90%
2017*	68	427	495	86%
2016*	110	532	642	83%
2017	45	444	489	91%
2016	95	512	607	84%
2015	80	409	489	84%
2014	244	451	696	65%
2013	219	248	467	53%
2012	207	296	503	59%
2011	264	54	318	17%
2010	259	0	259	0%
*Through July 31				

In the period ended July 31, 2018 the percent of billed Re-Certifications that were paid was 86%, somewhat below the comparable period of 2017 but considerably above the same period in 2016. The findings continue to indicate an ongoing retention level of just over 4-out-of-5 of those previously certified.

The net difference of 464, between the 2,263 expired certificates (see table below) and the 1,799 new applications (noted above) helps to explain part of the decline in the total number of Certificate Holders through July 31, 2018.

	Re-Certifications Billed	Re-Certifications Paid	Certificates Expired	% Billed That Are Paid
2018*	16,320	14,057	2,263	86%
2017*	12,808	11,242	1,566	88%
2016*	15,968	12,959	3,009	81%
2017	23,079	18,702	4,377	81%
2016	26,632	21,844	4,788	82%
2015	21,309	16,136	5,173	76%
2014	23,484	18,618	4,866	79%
2013	12,913	9,871	3,042	76%
2012	15,368	11,687	3,681	76%
Through July, 31				

Processing Time

Processing time through July 31, 2018 continues to be substantially improved over the comparable period in 2017. The average numbers of days required to process and approve documents (assuming no background or education issues) so far this year was 22 days compared to 61 days during the comparable period of 2017.

What It All Might Mean

The total number of Active Certificate Holders is down 5% from a year-ago. While this length of time does not yet point to a long term trend, the data certainly indicate that there is no long term growth. The number of new applicants so far in 2018 has not kept pace with the number of expired certificates. How serious this pattern is depends on the extent to which the industry has grown. There is no universally agreed upon reference for the number of massage therapists actually practicing in California.

Financial Statements

Statement of Functional Activities (Income Statement)

Overview – A Major Change in Reporting of Revenue

As previously discussed, a major change in the recognition of revenue was made late in 2017. The new procedure is that 88% of all revenue for New Applications and Re-Certifications will be recognized at the time of receipt. The balance, 12%, will be accounted for over the subsequent 24 months at 0.5% per month. This change applies not only to revenues received during 2017, but to revenues collected in previous years.

This differs with the past procedures in which:

- Revenue for New Applications has been recognized as follows: 37% of the \$150 initial application when the application is received, 39% when the certificate is issued and the balance, 24%, over 24 months
- Recertification revenue has been reported as follows: 46% when received, 42% when approved and the balance over 24 months.

The result of this change in accounting procedure is to substantially increase the revenue going forward over what it would have been under the previous revenue allocation. This practice will tend to make revenues look much stronger during periods of substantial certification and re-certification activity and weaker during slower periods than would have been the case before.

Because of the accounting change, comparisons with previous periods cannot yet be meaningfully made.

Revenue through July 31, 2018 was less than expenses, resulting in a loss of \$202,896. However, this loss was much smaller than the budgeted performance which projected a loss of \$1,097,134. This lower than budgeted loss resulted from both revenues exceeding budget and expenses falling below the budgeted amount. It might be kept in mind, however, that revenue performance benefits from the new accounting procedure.

SUMMARY OF FUNCTIONAL ACTIVITIES

July 31, 2018

	Actual (\$)	Budget (\$)	Actual Compared to Budget
Total Revenue	2,868,395	2,444,845	117%
Total Expenses	3,071,291	3,541,979	87%
Net Income	-202,896	-1,097,134	18%

The following sections discuss the Revenue and Expenses including the relative importance of the various categories that comprise them and how these categories compare with the budget.

Revenue Detail

Re-Certifications – CY (Current Year) accounted for 73% of Total Revenue, with *New Certification Fees* – PY adding an additional 5%.

The CY (Current Year) Certification amounts (both New and Re-Certifications), which total 82% of Revenue, would have been smaller under the old accounting procedures. Most of this amount, 73% is from Re-Certifications; New Certification Fees make up only about 8% Revenue.

REVENUE THROUGH JULY 31, 2018

	Actual	% of Total	Budget	Actual as a % of Budget
CERTIFICATION FEES- Individual				
New Certification Fees - CY	\$236,680	8.25%	\$193,200	122.51%
New Certification Fees - PY	\$28,065	0.98%	\$28,065	100.00%
Re-Certifications - CY	\$2,107,526	73.47%	\$1,762,110	119.60%
Re-Certifications - PY	\$142,421	4.97%	\$142,419	100.00%
Recertification Late Fees	\$76,385	2.66%	\$54,835	139.30%
Limited Recert Late Fees	\$1,050	0.04%	\$0	
• Limited Recertification Fees	\$1,000	0.03%	\$0	
TOTAL • CERTIFICATION FEES- Individual	\$2,593,125	90.40%	\$2,180,629	118.92%
Hearing Fees - Individuals	\$21,285	0.74%	\$14,000	152.04%
School Application Fees	147225	5.13%	\$144,476	101.90%
School Background Check Fees	\$12,177	0.42%	\$9,685	125.73%
School Hearing Fees	\$900	0.03%	\$6,300	14.29%
Interest and Other Income	\$13,544	0.47%	\$12,835	105.52%
Miscellaneous Fees	\$80,138	2.79%	\$76,920	104.18%
TOTAL REVENUE	\$2,868,395	100.00%	\$2,444,845	117.32%

Expenses Detail

The method of reporting expenses has changed. Previously expenses had been reported by function/department; now they are categorized by type of expense.

Expenses were 13% below budget. Of the 34 budget line items, the five that accounted for 3% or more (shown in bold in the table) accounted for approximately 80% of all Expenses (Salary and Related, 42%; Application Processing, 29%; and Legal, 9%).

Listed below are the expenses, listed in the order shown on the Budget, compared to the budgeted amount.

EXPENSES THROUGH JULY 31, 2018				
Actual and Budget				
Item	Actual (\$)	% of Total	Budget (\$)	Actual as a % of Budget
Salaries	1,080,632	35.18%	1,244,015	86.87%
Payroll Taxes	98,805	3.22%	99,695	99.11%
Benefits	109,256	3.56%	118,815	91.95%
Workers' Comp	5,114	0.17%	8,085	63.25%
Payroll Services	5,008	0.16%	5,010	99.96%
Travel	51,487	1.68%	51,570	99.84%
Facility Banquets	20124	0.66%	23,230	86.63%
Phones/Fax	19,077	0.62%	21,500	88.73%
Public Relations	14,687	0.48%	23,585	62.27%
Communications & Outreach	78,269	2.55%	77,740	100.68%
Office Supplies	14,120	0.46%	9,405	150.13%
Office furniture/Equip	70	0.00%	32,275	0.22%
Rent	15,236	0.50%	15,615	97.57%
Printing/Copying	13,038	0.42%	13,935	93.56%

Postage/Mailing	15,076	0.49%	17,280	87.25%
Dues/Subscriptions	19,224	0.63%	17,355	110.77%
Insurance	28,554	0.93%	32,065	89.05%
Banking/Credit Card Fees	55,625	1.81%	42,555	130.71%
Storage	2,699	0.09%	2,435	110.84%
Certification/Print/Mail	76,294	2.48%	64,355	118.55%
Database Development	63,882	2.08%	118,415	53.95%
Database Maintenance	21,116	0.69%	19,525	108.15%
Conference Calls	5,966	0.19%	5,420	110.07%
Legal	278,915	9.08%	308,801	90.32%
Court Record Fees	1021	0.03%	445	229.44%
Staff Training	0	0.00%	5,250	0.00%
Committee Travel & Meetings	519	0.02%	2,915	17.80%
School Background Checks	14,922	0.49%	3,295	452.87%
Application Processing	892,738	29.07%	1,040,085	85.83%
Accounting/Tax/Audit	9,245	0.30%	21,385	43.23%
IT Consultant	0	0.00%	35,000	0.00%
Depreciation	0	0.00%	0	#DIV/0!
Miscellaneous	2578	0.08%	2590	99.54%
Miscellaneous Contingencies	58000	1.89%	58333	99.43%
TOTAL EXPENSE	3,071,291	100.00%	3,541,979	86.71%

Statement of Financial Position (Balance Sheet)

Overview

As of July 31, 2018, CAMTC continues in a healthy financial position. Equity is strong and liabilities (the majority of which are composed of deferred fees which will soon become revenue) are relatively low. But, as one might expect, the position is not as strong as it was on July 31, 2017 because of the accounting change and decline in the number of certificate holders.

- The asset position is strong. Assets, at \$3,288,249 are composed primarily (89%) of cash or cash equivalents. However, assets are down somewhat from the year-ago level of \$3,640,022. Cash and cash equivalents fell 12% to \$2,942,346 from \$3,354,383
- The level of liabilities is low. Liabilities are \$652,988, just 20% of the total of assets + liabilities. Further, the majority of the liabilities are composed of Application Fees, which are deferred income. Nevertheless, as with assets, the position on liabilities is not as strong as it was a year ago. While current liabilities are down only slightly (to \$652,988 from \$672,897), the important component of the liability section, deferred individual fees, is down 14% (to \$484,231 from \$563,225). The amount of deferred fees is important because they will be recognized as income in the near future.
- Equity is \$2,635,261 down from \$2,906,198 a year-ago..

Conclusions

- Major challenge for CAMTC is are to ensure that the growth in certified therapists keeps up with growth in the category. This means that Re-Certification rates need to be kept high and that New Applicants should be brought in at a greater rate than those who do not re-certify.
- That Expenses exceeded Revenues raises some major operational issues:
 - o On the one hand, the loss was substantially smaller the budgeted amount, in part because revenues are recognized sooner.

- o However the quicker recognition of revenue under the new accounting system only helps boost revenues in the short run, so a longer term look at finances is warranted.
- CAMTC continues to make a meaningful improvement in the time required to process documents.

Respectfully submitted by
Michael Marylander,
Treasurer
September 26, 2018



Operations Report

September 26, 2018

CAMTC Operations has experienced a successful year to date while also overcoming several setbacks and challenges. The division has shifted since late 2017 to an ongoing state of overhaul and continuous improvement while still conducting day-to-day activities, enhancing service offerings, communicating with applicants and certificate holders, and supporting other CAMTC divisions.

In June a personal tragedy involving two of our team-members affected the entire team and especially the group dedicated to processing new applications, which led to measurable effects in July, raising our median processing time for that month from 12 days in June to 22 days in July. The team was able to bring this back down to 14 days in August. Each of these metrics are well within the 45-day 2018 target assigned by the board.

In August the developers responsible for CAMTC's CAMS platform failed to backup the system data properly which subsequently led to the loss of two weeks' worth of work, affecting over 1,000 application records and ~2,000 hours of processing. The team has been working since to minimize the impact on applicants and certificate holders. The recovery efforts are ongoing, and the current estimate is that recovery is more than 90% complete. Thanks to the CEO for his consistent attention and involvement in this matter, to the Chairman for helping rally the team during his visit with Operations earlier this month, and to the Director of Governmental Affairs for assisting with developer communications.

2019 Preparations

Implementation of the newly adopted fee structure is a priority as we move towards and into the new year. In October 2018 - the week after this meeting - certificate holders expiring in January 2019 will be able to apply for recertification, which will introduce the first group of applications affected by the new fee structure. As we move into 2019, the Customer Service and Certification Support teams will process applications and payments in four distinct groups:

1. New applications received in 2018 – a certain amount of influx is expected before the end of the year so that they will be assessed fees based on the current 2018 schedule. While this is understandable, we recommend that individuals apply for certification when they are ready to meet all the requirements rather than starting the one-year clock early
2. New applications received in 2019 – affected by the new fee structure
3. Recertification applications from certificate holders whose certificates expire in 2018 – since individuals can apply for recertification up to six months after expiration, we expect to continue to process applications in this category through June 2019 under the “old” fee schedule

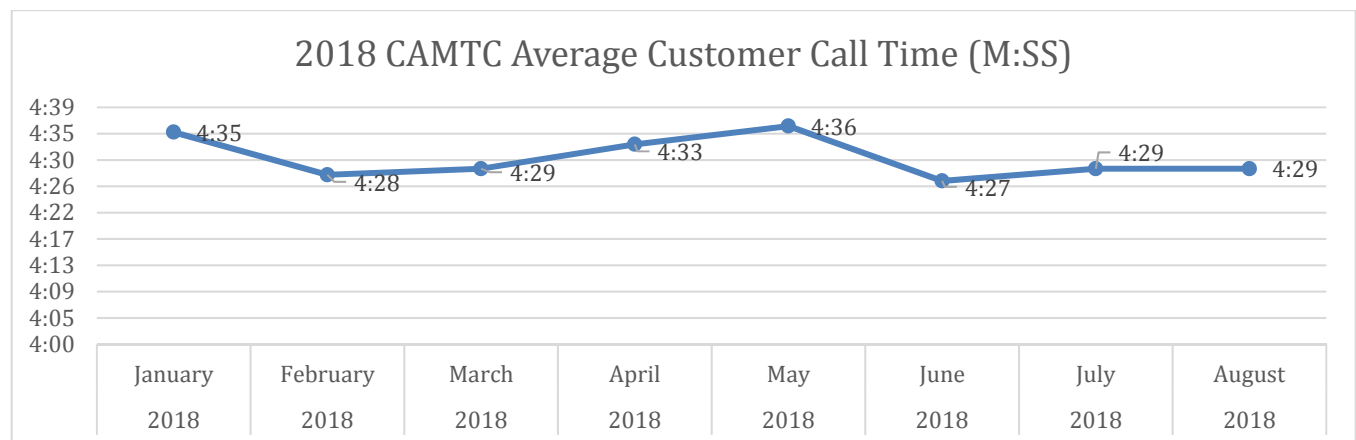
4. Recertification applications from certificate holders whose certificates expire in 2019 – as mentioned above, these applications affected by the new fee structure will start coming in next week

Application Processing

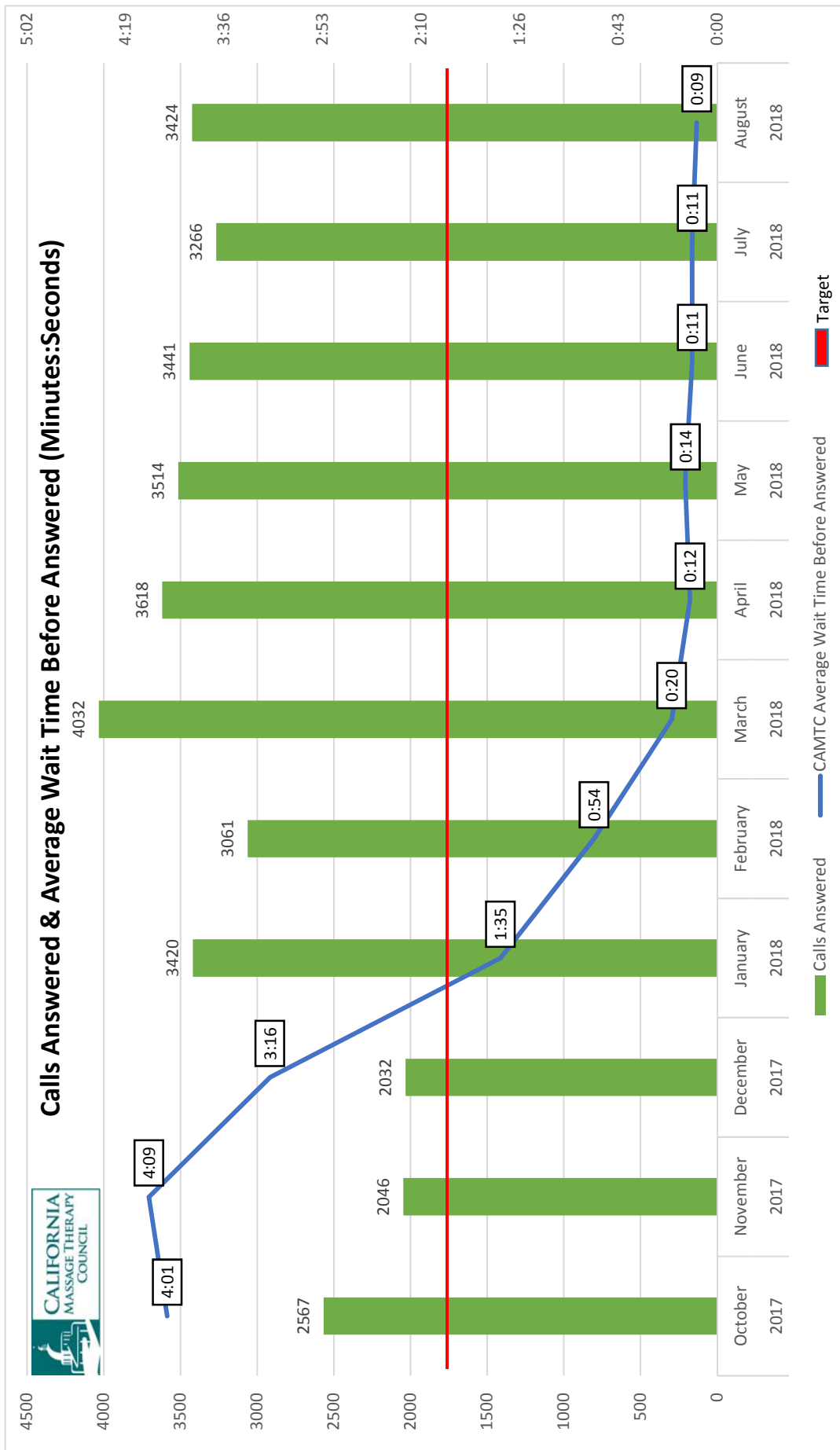
- Key Performance Indicator (KPI) 03: **New Applications**: Processing Time
 - The median new application for certification processing time with no background issues in August was 14 days, exceeding the target by 69%
- KPI 04: **Recertification Applications**: Processing Time
 - The median recertification processing time with no background issues in August was 9 days, surpassing the target by 64%
- Regarding submission methods, new approvals in August were related to an even split: 50% were submitted through the mail and 50% online
- For recertifications in August, 19% of the approved applications had been submitted through the mail and 81% online

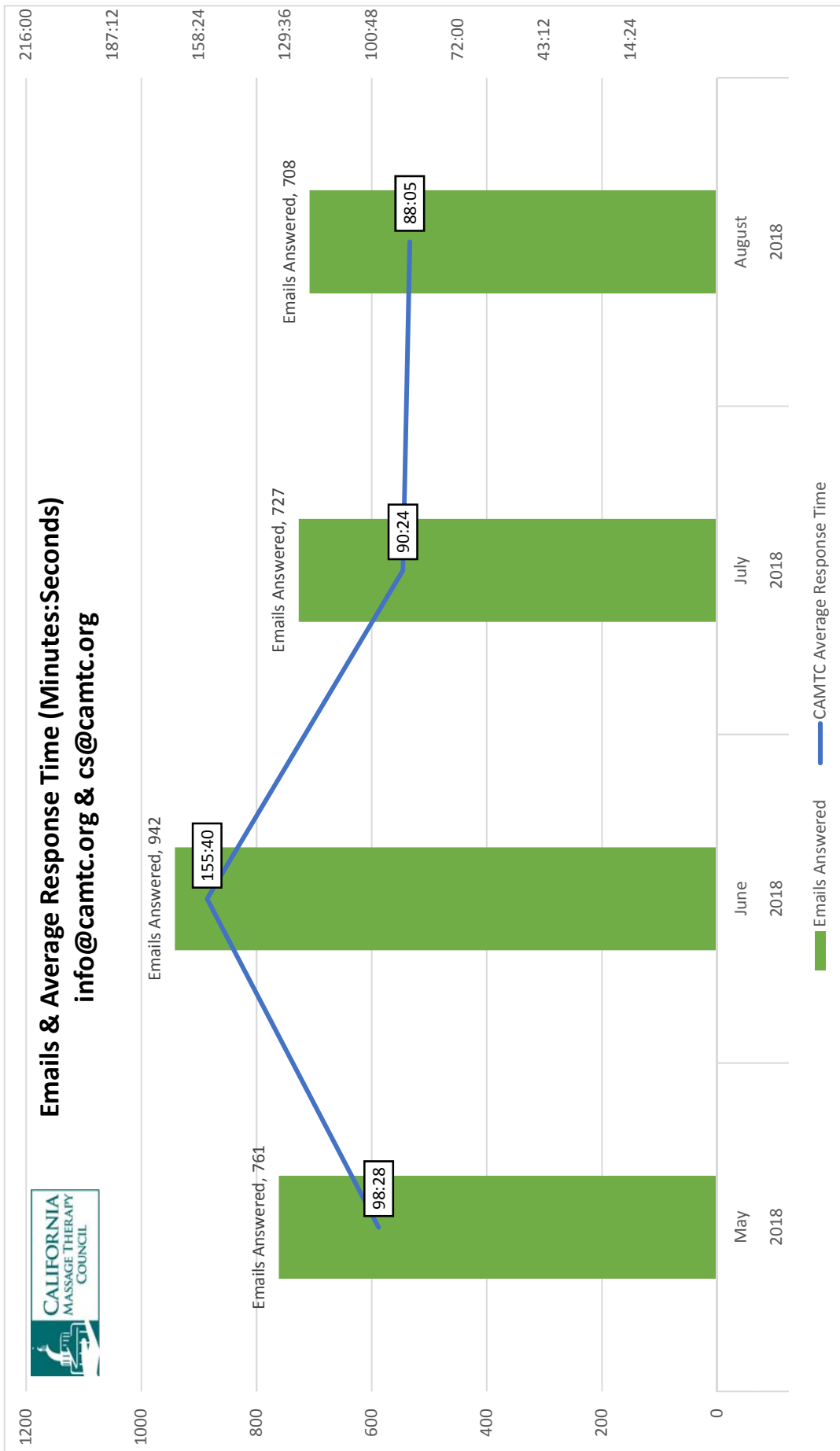
Customer Service

- Key Performance Indicator (KPI) 01: **Phones**: Wait Time Before Answered
 - Since late last year (4 minutes, 9 seconds), Customer Service's average wait time before answering customer calls in August 2018 was reduced by 96% (to 0 minutes, 9 seconds - see attachment)
- KPI 02: **Email**: Response Time
 - Email response time has recently exceeded the 2018 target of one business day by 85% (see attachment)
- Average Call Times: the average customer call time so far in 2018 (through August) has been four minutes and 31 seconds; this is consistent with Q4 of 2017 and illustrates that service levels have not been reduced while decreasing customer wait times



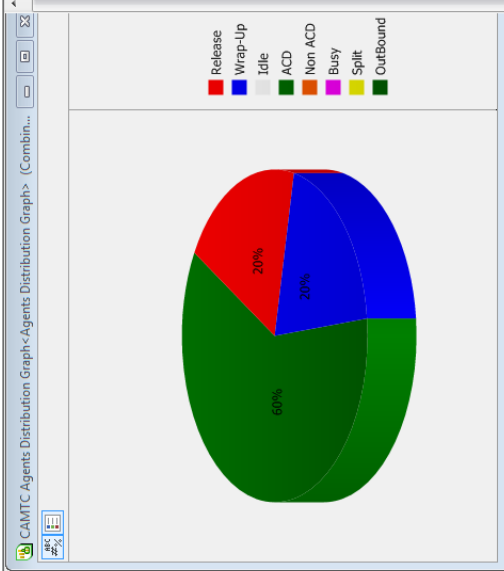
- Contact tracking: as we continue to explore options with a customer case management tool, we also plan to start developing a system for categorizing customer contacts by topic so that we may add clarity and insight into the frequency and correlation of these contacts with other activities and well as measure the effects of various process changes. It is expected that this will be ongoing through 2019









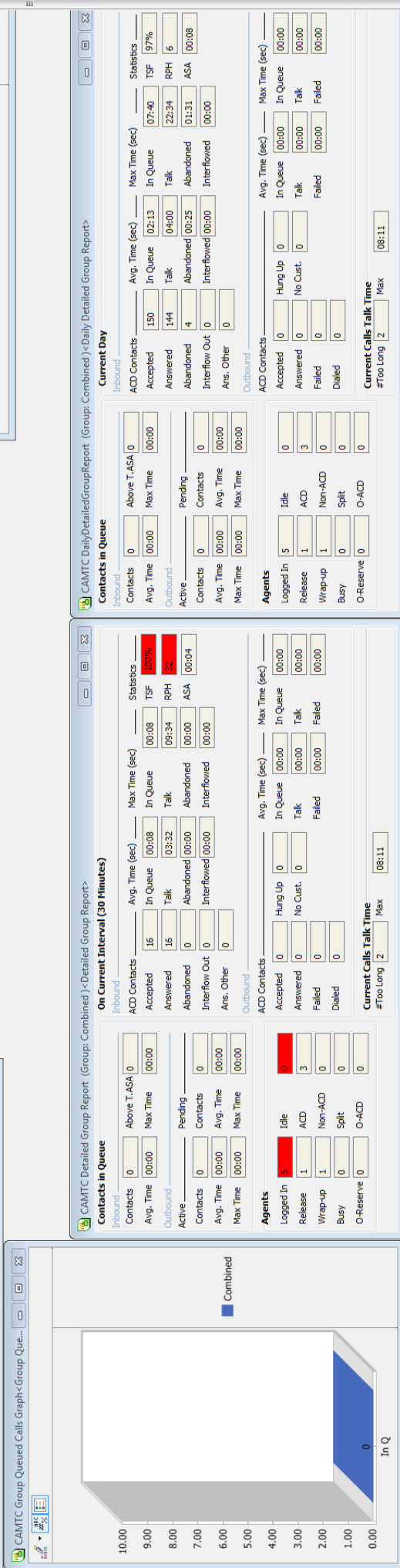
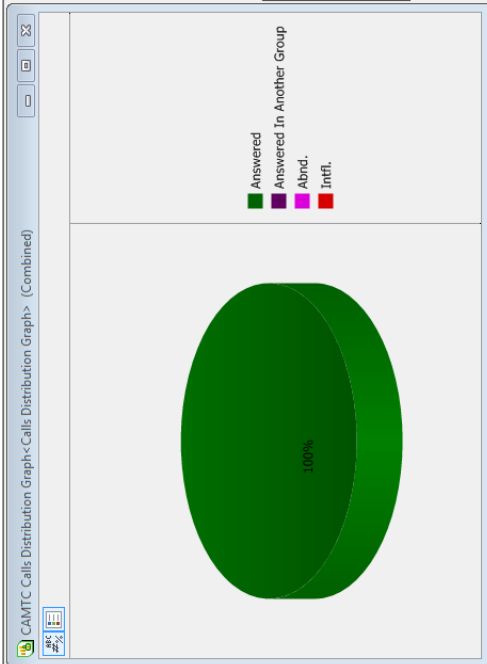


CAMTC Brief Agents Report<Brief Agents Report>

Agent Name	Agent No.	Agent Extn.	State	State Time	Release Code	ACD Calls	Handled	DNIS	ANI
			ACD	08:11		1	2	696	+14157861
			Logout	00:00		0	1		
			Release	00:47	Other				
			ACD	00:12		1	9	696	+16198167
			Wrap	00:08		1	5		
			ACD	03:17		1	4	696	+18055593

CAMTC Graphical Agents Report (Group: Combined)<Graphical Agents Report>

Legend: ACD Calls, Wrap-Up, Split, Busy, Release, Non-ACD, Idle, ORSrvd-OACD





CALIFORNIA MASSAGE THERAPY COUNCIL

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

To: CAMTC Board of Directors
From: Rick McElroy, Director of Professional Standards Division
Re: Board Meeting – September 26-27, 2018

PSD Training for Law Enforcement

PSD continues to expand its outreach to law enforcement. Thus far this year we have trained 36 agencies and 121 officers. The cumulative total since we first started in 2014 is 512 agencies and 1,546 officers and other attendees.

Ventura County Sheriff's training

The most recent attendees for PSD training were the Ventura County Sheriff's office and several surrounding communities. This is a newly formed working group targeting IMB's (Illicit Massage Businesses). This group includes code enforcement, department of insurance, Franchise Tax Board as well as county business tax personnel. This area covers from San Luis Obispo to Thousand Oaks. Thirty-six people attended the training from 11 different agencies.

LAPD Training Update

Since our last meeting, we ran into issues with LAPD trying to implement a method for returning our declaration requests. With 22 divisions, it is like trying to get 22 separate police departments to do the same thing. I decided to contact a friend in the City Attorney's Office and explain the dilemma (This was the time during which the new police chief was being selected and nobody wanted to make a decision). The Los Angeles Public Safety General Counsel attorney, Linda Nguyen formulated a plan to have each division's subpoena control officer handle all incoming declaration requests from PSD. PSD has been provided with an LAPD Vice Divisional map, a list of all of the Subpoena Control Officers contact information, and a list of every vice officer and where they work in the city. Also, each Subpoena Control Officer has been notified of this new process. Now that this issue has been ironed out, I'm meeting with Deputy Chief Kris Pitcher in the next few weeks to resume scheduling training for the rest of the city.

San Mateo Police Training September 12th

John Vanek, the San Mateo county human trafficking coordinator, has requested our PSD 2-hour training program for their countywide human trafficking task force. John is a nationally recognized expert in human trafficking as well as an active member of our

Sexually Suggestive Advertising Group. It's estimated we should have between 40-50 people attending the training including code enforcement and representatives from some local jurisdictions.

RCLEAA Command Staff Training Conference
(Riverside County Law Enforcement Administrators Association)

Murrieta police captain Dennis Vroom contacted me after the Cal Chiefs conference and requested that I provide training to the command staff of 75-100 police officials. The Riverside County Sheriff's Department is the second largest in the state, with over 2,000 sworn deputies. The purpose of their conference is to share relevant professional information for the betterment of all law enforcement services within Riverside County. In response to this request, Roberta and I have designed a new power point presentation specifically for command staff to better understand who CAMTC is and how we can work together to eliminate IMB's. (See Addenda for conference flier)

CACEO (California Code Enforcement Officers) training October 9-12

I was approached a year ago after a CACEO board officer attended one of my local training sessions provided to code enforcement officers in San Diego. She asked if I would be interested in being a speaker at their annual state conference, coming up next October (2018). I apprised Ahmos of the conference and he was extremely interested in the prospect of developing a strong alliance with the code enforcement community. Ahmos secured a premier sponsorship for the CACEO conference this October. CAMTC staff and executive officers will be attending the conference to man our CAMTC display booth. We will be answering CAMTC questions as well as handing out human trafficking pamphlets during the 4 day event. I will be providing a 2 hour power point presentation to the over 400 attendees. In addition, Roberta and I have been working on an updated code enforcement training power point presentation. Roberta has been an invaluable partner for me in designing and editing two new power point presentations as well as coordinating our attendance at this conference. She is truly a CAMTC asset.

HOSTED
BY:



MURRIETA POLICE
DEPARTMENT

R C L E A A

ANNUAL CONFERENCE

2018

20th SEPTEMBER 8 AM

Pechanga Resort & Casino
45000 Pechanga Parkway, Temecula, CA. 92592

Guest Speakers

THURSDAY, SEP. 20 | 8:30 AM - 12:00 PM

- 0730 To 0800 Registration | Continental Breakfast
- 0800 To 0830 Flag Salute | Introductions
- 0830 To 0930 Richard McElroy | Division Director
California Massage Therapy Council (CAMTC)
- 0930 To 1030 David Swing | President of CPCA (Morgan Hill PD)
Legislative & RIPA Update -
California Police Chief's Association (CPCA)
- 1030 To 1200 Geoff Sheldon Esq. | Liebert, Cassidy, & Whitmore
Employment Law Update & Case Decisions
- 1200 Lunch | Sponsored By: Motorola

THURSDAY, SEP. 20 | 1:00 PM - 5:00 PM

- 1300 To 1400 Lt. Shelisa Williams | San Bernardino County
Sheriff's Department
Legislative Update (Part II - Sheriff's Perspective)
- 1400 To 1500 Kevin Vest; RSO Assistant Sheriff | Mary Woodward; NC4
NC4 Law Enforcement Software
- 1500 To 1700 D.A. Inv. Paul Holes | Retired Contra Costa DA's Office
Golden State Killer & Private DNA Databases

\$50

Conference
Fee

LUNCH PROVIDED

Courtesy of Motorola

For Questions Please
Contact Murrieta Police

Department:

Captain Vrooman

951-461-6366 (Desk)

or

dvrooman@murrietacagov

Riverside County



Law Enforcement
Administrators



Outreach Director Report

To: CAMTC Board of Directors

From: Roberta Rolnick, Outreach Director

Date: Board Meeting – September 26 & 27, 2018

➤ Events, etc.

- Premier Sponsor for upcoming CACEO 2018 Annual Seminar on October 9th to 12th
 - Rick McElroy presentation: Strategies to Close Illicit Massage Establishments
 - 20' x 10' booth with CAMTC leadership
 - CAMTC logo prominently displayed at Conference
 - CAMTC full page color ad in CACEO's onsite program insert
 - CAMTC digital logo, promo and handouts on CACEO Mobile App
- Upgrades for CAMTC's website maintenance and security is in the works... Yay!
 - Update software and make improvements
 - Comprehensive 'Search' function with auto-updates for faster access
 - Create a 'Sitemap' with auto-updates for quick-links to entire website
- Designated CAMTC webpage specifically for Cal Chiefs, LEA, Local Governments, etc.
- Chairman Dixon's increased fees letter emailed to CAMTC Certificate Holders
- Posted increased fees notification and new fee schedule on CAMTC's website

➤ ESD Outreach

- CAMTC Approved School Programs Survey created by Dr. Forman
 - Limited to 30 days – survey was closed on June 30, 2018
 - Only one submission per person; total of 13 submissions
 - Only 4 questions: 2 multiple choice and 2 asking for comments
- Worked with Joe Bob to create the June 2018 CAMTC School Newsletter

➤ PSD Outreach

- Fine-tuned two PSD Training presentations by Rick McElroy, for two target audiences
 - Command staff such as police chiefs, sheriffs, local government, etc.
 - Law and code enforcement officers
- Updated info for PSD Training flyer and coordinated artwork with both presentations

➤ GA Outreach

- Published paper 9-13-18 by the League of California Cities, 2018 Annual Conference
 - Massage: Eradicating Illicit Conduct Using Revocable Registration
 - Author is David A. Silberman, Assistant County Counsel, San Mateo County
 - Mentioned "CAMTC" on PDF pages 3, 15, 16, 17, 21, 25, 26, 28, 29, 33, 37, 42
 - Ahmos and Beverly attended the live presentation by David Silberman
- Ongoing joint efforts to improve CAMTC's GA / LEA webpage



CALIFORNIA POLICE CHIEFS AND MASSAGE THERAPY COUNCIL ANNOUNCE NEW PARTNERSHIP TO PROTECT CALIFORNIA CONSUMERS

"Cal Chiefs highly values this new partnership with CAMTC. The work they do in vetting and disciplining certified massage therapists greatly helps our members regulate massage establishments, and the training they provide has proven very effective for law enforcement."

– Gardena Police Chief Edward Medrano - Cal Chiefs President

[Continue Reading](#)

WE ARE CAMTC

Since its inception in 2009, the California Massage Therapy Council (CAMTC) has been committed to increasing public safety by elevating the profession throughout California. We implement the provisions of the California Massage Therapy Act.

CAMTC's priority is to work together with local law enforcement agencies to curtail the use of massage as a subterfuge for prostitution. By coordinating each department's enforcement protocols with CAMTC's denial and disciplinary procedures, together we can make a real impact on the safety and quality of life for residents in those communities.

SAN DIEGO DA'S OFFICE COMMENDS CAMTC FOR ITS ROLE IN BATTLING HUMAN TRAFFICKING



[READ MORE](#)

TOGETHER WE CAN WIPE OUT ILLICIT MESSAGE

CAMTC has a highly qualified and committed team:

- We help through vetting of CAMTC applicants and certificate holders and oversight of 50,000+ qualified massage professionals, with authority to deny, suspend and revoke CAMTC Certification.
- We provide statewide investigations and approval of 90+ CAMTC Approved Massage School Programs that meet or exceed requirements in the California Massage Therapy Act.
- Our authority allows us to take action against CAMTC applicants and certificate holders for conduct-based violations of CAMTC's Statute.
 - *Note that such evidence is most often shared with CAMTC in the form of officer declarations, which are not reliant on a criminal conviction in order for CAMTC to revoke CAMTC Certification of individuals who engage in illicit misconduct.*

AVAILABLE IN YOUR LOCAL AREA



"...San Bruno Police Department has partnered with CAMTC to facilitate training for law enforcement... throughout the Bay Area."

Ed Barberini,
Chief of Police

Read the article...

Rick McElroy is a 32-year veteran of LAPD and spent 28 of those years working illegal massage parlors with the Organized Crime and Vice Division (OCVD).

Read how Rick's CAMTC training can benefit you...

Policing massage businesses that operate as a subterfuge for prostitution can be a real challenge. CAMTC has taken more than 9,000 denial and disciplinary actions against massage professionals who either did not meet the prescribed standards or who violated the California Massage Therapy Act.

Our 2018 Law & Code Enforcement Training is a 2-hour free training for your local department by CAMTC's Director of Professional Standards, Rick McElroy.

Email: rmcelroy@camtc.org

ELEVATE THE PROFESSION



Read CAMTC's Human Trafficking Brochure



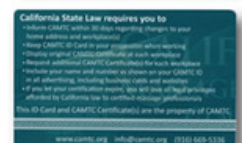
**WIPE OUT ILLICIT CONDUCT
IN MASSAGE
CAMTC CAN HELP!**

Read Violations of the Massage Therapy Act



An original CAMTC Certificate (not a photocopy) is required to be on display at each massage work location and the certificate holder's CAMTC ID Card must be in his or her possession while providing massage services.*

* California Business and Professions Code section 4608(a): In addition to the other requirements of this chapter, a certificate holder shall: (a) Display his or her original certificate wherever he or she provides massage for compensation. A certificate holder shall have his or her identification card in his or her possession while providing massage services for compensation.





PARTNERS TO PROTECT THE PUBLIC





SCHOOLS ADVISORY COMMITTEE - MAY 30, 2018

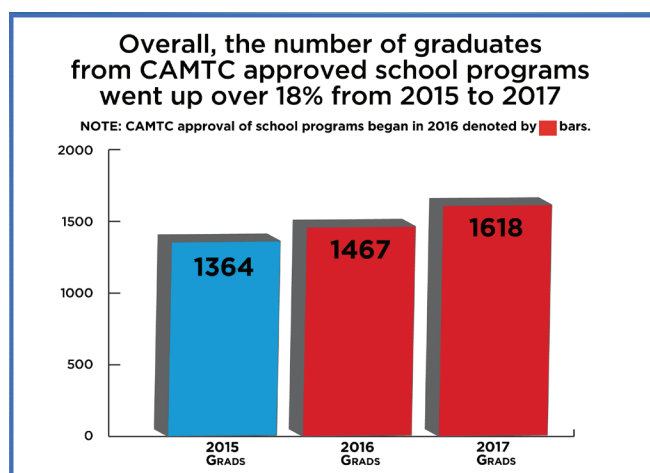
CAMTC's Board of Directors highly values the input of schools. Thus, it has continued the Schools Advisory Committee that began last year. The Committee convened for its first meeting of 2018 on May 30th. To add a fresh perspective, three previous Committee Members rotated off and three new Members were added after numerous resumes were received in response to the call for candidates. The Committee made several recommendations:

- Recommend to Board that the purged school policy being proposed at the next day's meeting, clarify that "incomplete application" means items within a school's control and includes a notice to purged schools to inform graduates of the policy and deadlines. (This was addressed at the May 31 Board Meeting.)
- Recommend that the Board ask staff to consider options to accept courses within approved programs without requiring enrollment in the entire approved program, and present these to the Committee with possible amendments to the Policies and Procedures for Approval of Schools in September.
- Recommend to Board to add an additional fee for individual applicants for certification that submit education from multiple schools. (This may be on the agenda for the September Board Meeting.)
- Recommended that staff add a notice to the approved school list on the website stating that "Applications for re-approval have been submitted and the first re-approvals will occur in June 2018." (Staff accepted and has already complied with this recommendation.)
- Recommend to staff that applications for school re-approval be accepted one year prior to expiration. (The application for re-approval is currently on the website and will be accepted up to one year in advance of a school's expiration date.)

NOTE FROM THE DIRECTOR

Hard to believe CAMTC School Program Approval turns two years old on July 1st. Over 90 schools have been approved since we began. Now our first group of approved schools have been re-approved, with more to come. Many of these schools not only meet the minimum requirements for training and curriculum, but often exceed them and provide some of the best massage education in the country.

The first 41 schools applying for re-approval self-report that the average number of graduates from CAMTC Approved Programs has increased by 18.6% from 2015 (the year prior to CAMTC School Program Approval) to 2017 (the first full-year of CAMTC School Program Approval), with the average number of annual graduates growing from 33 to 39. To promote this continued increase in graduates, CAMTC has developed several school initiatives including: 1) a singular list on our website where prospective massage therapists can find all CAMTC Approved Schools, 2) this quarterly CAMTC School Newsletter provided to all massage schools free of charge, and 3) a Schools Advisory Committee comprised of approved school owners and administrators who make recommendations directly to CAMTC's Board of Directors.



While approved schools shine, CAMTC continues to battle the fraud and illegal activity that infiltrates massage education. To date, CAMTC has unapproved or denied over 80 schools. The majority of these "schools" have been found to be providing transcripts to "students" for education that did not occur. These "schools" degrade the profession and feed criminal prostitution and human trafficking rings. By continuing to investigate and take action against these schools, CAMTC protects your status as a CAMTC Approved School and ensures that applicants for CAMTC Certification have met the minimum requirements for training and curriculum.

With re-approval periods now four years (meaning less paperwork for schools), fewer illicit schools undercutting legitimate competition, and enrollment on the rise, the future looks bright for CAMTC Approved Schools.

Sincerely,
Joe Bob Smith
Director of Educational Standards Division



BOARD MEETING



MAY 31, 2018

The Board took several actions that will impact schools and their students:

- **A New Fee Schedule for Schools**
Download available at:
www.camtc.org/schools/

(Approved May 31, 2018)

The following fees will become effective October 1, 2018

Description	Fee
Hearing - Recording	\$50
School Background Check	\$82
School Application (Two Years)	\$3000
School Hearing - Telephonic/Oral	\$1800
School Hearing – Written Statement	\$1400

The following fees will be applicable to schools expiring on or after January 1, 2020

Description	Fee
School Reapplication (Four Years)	\$6000

- **Policy for Purging School Applications for Approval and instituting a one-time only grace period for students.**

- The current purge policy specifies that if an application for school approval is not completed within one year of submission of the application, it will be purged. Schools are notified of this policy and agree to it when they submit their applications for school approval. However, this policy does not address what happens to students when a school's application is purged.

While this one-year purge policy has been the policy since the applications for school approval first became available, CAMTC has not imposed it as CAMTC wanted to give schools ample time to adjust to the new school approval program. The fact that this policy wasn't imposed means some students may have been waiting a long time in limbo while their school has been pending.



BOARD MEETING MAY 31, 2018 CONTINUED...

To rectify this, the Board adopted the following one-time only policy for students who attended from purged schools on the list:

1. CAMTC's ESD staff shall create a list of all pending schools with incomplete applications that have been pending for one year or longer:
2. For all schools on this list, staff shall send a letter notifying them that their applications will be purged if the school does not complete its application within 30 days, and
3. Staff will purge incomplete school approval applications 30 days after the notice has been sent.
4. For students who have attended one of the purged schools on the list, a 90-day grace period from the effective date of purging will be provided for acceptance of individual's CAMTC Application for Certification. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) by passing an education hearing in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be

notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC Approved Schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications would be purged.

5. Purged schools shall notify their graduates of the policy and the deadlines to comply with the policy.
- This grace period for acceptance of education from a purged school and the opportunity for applicants to come to an education hearing is a one-time only policy that CAMTC is instituting to assist both schools and students through this final phase of the initial CAMTC School Approval process.
 - For schools that are not on the list created pursuant to this policy:
 - CAMTC will purge school applications that are not completed within one year of receipt, and
 - Students will NOT be able to use education from these purged schools for certification purposes, and
 - Students will NOT be given the opportunity to come to an education hearing.

WE'RE HERE TO HELP

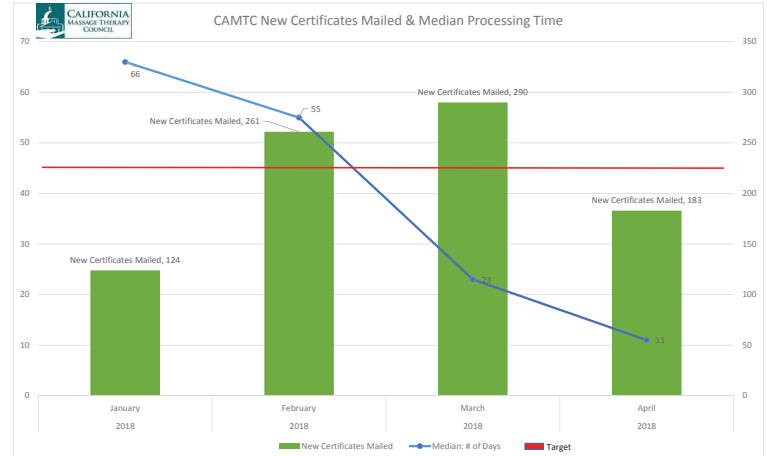
For School Questions or Comments:
Joe Bob Smith, CAMTC Director of
Educational Standards Division,
can be reached at:

jbsmith@camtc.org Page 180



RETURNED TRANSCRIPTS

Some schools may have recently had incorrect or incomplete transcripts returned to them along with a new form explaining what is wrong. This is not a new policy; schools have always needed to comply with the transcript requirements as outlined in the Procedures. Rather, it is a new process designed to speed up the Application for CAMTC Certification. Indeed, the new processes have drastically decreased processing time for new certifications from a median time of 66 days in January 2018 to 11 days in April 2018. We appreciate schools that respond quickly to these transcript deficiencies and work to avoid them in the future.



MBLEx SCORES

Procedures section 5.H. requires a CAMTC Approved School's passage rate for first-time test takers of CAMTC approved exams to not be lower than 10 percentage points below the national average passage rate for the previous calendar year. Schools that do not achieve the required passage rate for 2 consecutive calendar years or show significant improvement from one year to the next, may be subject to disciplinary action. CAMTC has approved several exams. However, the MBLEx is the most commonly taken. For the 2017 calendar year, FSMTB reports a national average passage rate of 72.9% for first-time test takers. This means that a CAMTC Approved School must have a passage rate of 62.9% to remain in compliance.

Overall, CAMTC Approved Schools had an average first-time passage rate of 68.9%, well within the minimum requirement. While this number is 4% below the national average, it is a positive achievement. California has only required passage of a standardized exam for three years; most states have required such for much longer. This means that schools in those states have had a longer time to adapt their curriculum and test preparations. CAMTC Approved Schools have exceeded expectations for this first year of results and will likely continue to improve as schools falling below the minimum requirements bring up their passage rates.

APPLICATIONS FOR CHANGE

All approved schools and those applying for approval should submit an application for change preferably before the change goes into effect or, at maximum, within 30 days after the change has gone into effect. To submit these changes, schools should use the forms attached to the Application for Re-Approval found here: <https://www.camtc.org/schools/>

Missed a CAMTC School Newsletter?

The CAMTC School Newsletter is distributed approximately 4 times per year after a Board meeting has occurred. CAMTC started this newsletter in September 2017 to better inform schools of recent policy changes and to communicate important happenings. Previous editions of the CAMTC School Newsletter can be found here: <https://www.camtc.org/information-about-camtc/> and then click on 'Publications.'

California Massage Therapy Council's mission is to protect the public by certifying massage professionals in California that meet the requirements in the law and approving massage programs that meet the minimum standards for training and curriculum.

CALIFORNIA MASSAGE THERAPY COUNCIL

2018 LAW & CODE ENFORCEMENT TRAINING

CAMTC's priority is to work together with local law & code 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:

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



Detective III Rick McElroy, Retired, is a 32-year veteran with LAPD, including 28 years assigned to citywide vice enforcement.

As Director of the CAMTC Professional Standards Division, Rick oversees background investigations as well as CAMTC's disciplinary process.



FREE 2-Hour Training by CAMTC

For more information about a no-cost training in your local area within California, contact:

Rick McElroy: rmcelroy@camtc.org

<http://www.camtc.org/cpca-strategic-partners>



CALIFORNIA MASSAGE THERAPY COUNCIL

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September 20, 2018

TO: CAMTC BOARD OF DIRECTORS

FROM: AHMOS NETANEL, CEO

RE: PROPOSED ADDITION TO STAFF EXPENSE REIMBURSEMENT POLICY

Per a suggestion from our former auditing firm, attached is a proposed amendment to our staff reimbursement policy regarding how staff and management will deal with requests for expense reimbursements where no receipt is available.

Please note the following:

- The language of the current policy and when the policy was adopted.

The current Staff Expense Reimbursement Policy was adopted on 11/10/16 and is attached, with the suggested change in redline format.

- A short description of why the policy should be changed.

CAMTC's former auditing firm suggested the addition to the Policy and it will clarify procedure for staff and management.

- The language of related statutes that may have an impact on the decision.

None

- The fiscal impact the proposed change may have on CAMTC and certificate holders and applicants.

None



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- Potential pros and cons of the new policy is adopted.

The addition to the Policy will provide employees with direction on what to do when no receipt is available. Protects CAMTC because employees have to provide an explanation and management has discretion to decide whether the reimbursement is legitimate.

- The impact on current certificate holders and applicants.

None

- A suggested date for the change to be implemented.

September 27, 2018

END OF MEMO



Proposed amendments prepared 9/20/18

CAMTC Staff Expense Reimbursement Policy

Approved 11/10/16

The CAMTC Board recognizes that employees of CAMTC may be required to travel or incur other expenses from time to time to conduct CAMTC business. The purpose of this policy is to a) ensure that adequate cost controls are in place, b) ensure that travel and other expenditures are appropriate, and c) provide a consistent approach for the timely reimbursement of authorized expenses.

It is the policy of CAMTC to reimburse only reasonable and necessary expenses actually incurred by travelers. When incurring business expenses, CAMTC expects travelers to:

- Exercise discretion and good business judgment with respect to those expenses;
- Be cost conscious and spend CAMTC money carefully;
- Report expenses, supported by required documentation, as they were actually incurred.

Business Travel

At the conclusion of a CAMTC business trip (no more than 60 days after trip), travelers who have incurred business-related expenses should complete a

signed/dated expense report explaining the business purpose of the trip in accordance with the following policies:

- Reimbursement on a per diem basis for the cost of meals and incidental expenses at rates published by the U.S. General Services Administration (GSA) for the city or county in which Council business is being conducted.
- Council business requiring an overnight hotel stay may be reimbursed at the single room rate for the reasonable cost of hotel accommodations. Convenience, the cost of staying in the city in which the hotel is located, and proximity to other venues on the individual's itinerary shall be considered in determining reasonableness. Personnel shall make use of available corporate and discount rates for hotels. "Deluxe" or "luxury" (such as five stars) hotel rates will not be reimbursed. Business that requires travel but which can be accomplished without an overnight hotel stay will permit reimbursement for Meals and Incidental Expenses (M&IE) only;
- For airfare, airline-issued receipts should be obtained. If a traveler fails to obtain a receipt, other evidence must be submitted indicating that the trip was taken and the amount paid (for example: a combination of an itinerary, credit card receipt and boarding passes);
- Mileage shall be reimbursed at the standard federal rates currently in effect, as published by the IRS; Round trip mileage expenses will be reimbursed for travel to/from points of departure;
- Parking fees will be reimbursed; Receipt for parking must be provided;
- If traveler takes mass transit or taxi/car service to point of departure and/or to/from meeting site, fees will be reimbursed; Receipts for taxi/car service must be provided;
- When utilizing rental cars, travelers should rent midsize or smaller vehicles and should aim to share rental cars when traveling with others on Co business; Travelers are expected to refill the rental car with gas prior to drop-off; Cost of gas for rental cars will be reimbursed;

- For all meals and other business expenditures, the following must be identified:
 - Names, titles, organizations and business relationships of all persons entertained
 - Business purpose of the meal or event (topics discussed, etc.).

Receipts

In the rare instances where a receipt required by this Policy is not available, the employee shall provide a detailed explanation in his/her expense report regarding why a receipt is unavailable and the employee's manager shall determine whether reimbursement is appropriate.

Special Rules Pertaining to Air Travel

The following additional rules apply to air travel:

- Air travel should be at coach class
- Travelers should carefully consider all available options and select the most efficient method in terms of cost, time in transit, and required arrival times at destination;
- Membership in airline flight clubs is not reimbursable;
- Cost of flight insurance is not reimbursable;
- Cost of same-day upgrade is not reimbursable unless there is an explanation (medical necessity, significant delays);
- Cost of canceling and rebooking flights is not reimbursable unless it can be shown that it was necessary or required for legitimate business reasons;
- CAMTC will not reimburse for segments of a trip that are for personal travel;
- Travelers who are involuntarily bumped from a flight may keep the travel voucher for personal use; Travelers may only elect to be bumped when traveling for business if there is no impact on the traveler's business schedule or expenses by taking an alternate flight.



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