



CALIFORNIA
MASSAGE THERAPY
COUNCIL

Board of Directors Meeting

AGENDA

May 29, 2019

Hilton Oakland Airport

Oakland, 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

Shana Faber, Appointed by Board

Heather Forshey, Appointed by San Mateo County Department of Health

Elna Leonardo, Appointed by Board

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: May 17, 2019

NOTICE OF PUBLIC MEETING

[Please Note Start Time Change](#)

Wednesday, May 29, 2019 – 10:00a.m.

Hilton Oakland Airport

1 Hegenberger Road, Oakland, CA 94621

AGENDA

1. Call to order, roll call, and establish quorum
2. Chair's Comments
 - Welcome/Introductions
 - Rules of Debate
3. Approval of minutes from April 4, 2019 meeting
4. Appeal of Decision to Deny School Approval
5. Request from Un-Approved School to be Removed From Un-Approved Schools List
6. Closed session with CAMTC Legal Counsel Pursuant to California Government Code Section 11126(e) - schools; lawsuits
7. Appointment of a new Audit Committee Chair
8. Chief Executive Officer's report
 - 2019 strategic priorities – update
 - Amendment to organizational restructuring
 - Operations
 - Finance
 - Outreach
9. CAMTC Acceptance of Foreign Education – update
10. Amendments to the Procedures for Denial of Certification or Discipline/Revocation
11. Amendments to the Policies and Procedures for Approval of Schools (acceptance of education from closed schools)
12. Amendment to fee schedule
13. Amendment to accounting procedures

14. Treasurer's report
 - Applications received
 - Financial statements
 - Conclusions
 - Comments/discussion on financial reports
15. Director of Governmental Affairs and Special Projects' report
 - Local government update
 - Anti-Human Trafficking
 - Legislative updates
 - Certification and Application Management System
16. Director of Operations' report
 - Application Processing
 - Customer Service
17. Director of Educational Standards Division report
 - School Status Updates
 - Communications
 - Looking Forward
18. Director of Law Enforcement Relations report
 - Interaction with law enforcement agencies
 - Training
19. Outreach Director's report
 - Upcoming Events
 - Schools Outreach
 - Law Enforcement Outreach
 - Governmental Affairs Outreach
20. Board initial discussion on legislative changes to be recommended in the Sunset report
21. Public comments regarding issues not in this agenda/suggested agenda items for future meetings
22. Items/suggestions from Board members for future meeting agendas
23. 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 Amenda Yang 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>



CEO Report

May 22, 2019

The following is a brief summary of some developments and activities CAMTC has been engaged in since the April 4, 2019 Board meeting.

Sunset Review

Staff is continuing to align all organizational activities and initiatives toward a successful outcome for the Sunset review. As of the date of this report, CAMTC has not received the Sunset questionnaire. Staff is prepared to complete the draft report within 120 days from the date the questionnaire is received. Beverly May met with Senate and Assembly legislative consultants on May 17, 2019 and a clarification on the Sunset review timeline maybe available by the May 29, 2019 Board meeting.

AB 775 (Chau) – The current Legislative Counsel Digest states:

“This bill would establish specified timelines for the approval of schools, including requiring the council to approve or deny approval of a school on or before 6 months from the date the council receives a completed application. The bill would also require a school that has not been approved by the council to notify, and obtain a signed confirmation from, each applicant to the school that the applicant has been notified that the school is not approved by the council and that education completed at the school cannot be used to satisfy any of the requirements for certification as a massage therapist or massage practitioner in California.”

The bill passed the Assembly floor and is going to be heard next by the Senate Business, Professions and Economic Development Committee. Staff has been having many constructive discussions with the author on various proposed amendments. So far, CAMTC has not taken an official position on this bill.

Local Government

Staff has been working closely with multiple cities that grapple with illicit massage parlors. As an example, on April 25, 2019 we met with Richard Tefank, Executive Director of Los Angeles' Board of Police Commissioners and his staff. The meeting was successful in clarifying enforcement protocols and future cooperation between LAPD and CAMTC (see attached email from Mr. Tefank). Rick McElroy will provide additional information of subsequent progress which is being made in our working relationship with LAPD.

Rules Department

The newly organized Rules Department has been functioning really well. In order to better describe the function of this department, we are planning on amending the name to "Background Review Department" effective May 30, 2019. We have also worked out appropriate title changes for various positions in the new department. The attached updated organizational chart reflects the new titles.

Thai New Year Festival

CAMTC was invited to attend in the Fourteenth Anniversary of the Thai New Year Songkran Festival that was held on April 28, 2019 on Hollywood Boulevard in Los Angeles (attached invitation letter). CAMTC's participation included presence in the cultural parade and addressing the public and the Thai community in the opening ceremony that was attended by several elected officials. Not surprisingly, the free massages provided to the public during the festival proved to be extremely popular and much appreciated. (Photos included in the Outreach Report).

Performance Measures

Attached are CAMTC's Disciplinary Performance Metrics for the last three quarters of 2018 and the first quarter of 2019. Starting in 2019, in addition to reporting cycle time we also track and report total case volume for each metric.

Finances

As of March 31, 2019:

Actual cash position was \$2,303,815 (budgeted was \$2,243,473)

Actual net cumulative income for the year was \$120,128 (budgeted was \$9,066)

Media

So far in 2019 we tracked 27 stories published in California about the massage industry. These stories ranged from massage regulations through city and county ordinances, moratoriums, closures, massage and suspected human trafficking and language access issues related to testing and human trafficking notifications. This 5-month timeframe tracked stories into categories to better understand how the media shapes the public perspective on the massage industry and also allows CAMTC to look at possible trends and problems that may arise.

- 8 stories were on arrest for suspected prostitution
- 2 were focused on the human trafficking suspicions leaving a Riverside based business closed to date
- 1 on an unlicensed massage business operating out of a garage
- 1 city rejection of a moratorium on various businesses, including massage, allowing them to continue to operate
- 2 stories that highlighted zoning in San Francisco and possible displacement of 50 or more massage therapists who rented co-working space
- 8 stories that focused on local regulations and planning/enforcement
- 1 national story around the Robert Kraft NFL owner alleged solicitation of prostitution
- 1 story on a therapist who harassed clients
- 2 stories that focused on language access
- 1 story on code enforcement in a Los Angeles massage business

From: Richard Tefank
Subject: California Massage Therapy Council
Date: April 25, 2019 at 1:19:11 PM PDT
To: Jennifer Thomas, Synthia Lee
Cc: Anne Clark, Jeffrey Bert, Kris Pitcher, Ernest Caldera

Good Afternoon All,

This morning Lt. Caldera and I met with the following staff from the California Massage Therapy Council (CAMTC) to discuss their role and oversight of massage therapists in the State and City of LA. Commission Investigation Division (CID) has partnered with CAMTC for a number of years. Starting in 2018 the permitting of massage therapists was transitioned to CAMTC and the Commission regulates the business.

Ahmos Netanel, Chief Executive Officer

Richard McElroy, Division Director, Professional Standards Division

Kellie Rodriguez, Supervisor, Rules Department

The purpose of the meeting was to discuss their efforts to provide training to the vice officers in the four bureaus explaining their role in the oversight/permitting of massage therapists. Part of that requires their office receiving copies of arrest reports and declarations by arresting/investigating officers so they can proceed with disciplinary action against therapists who have a CAMTC permit without the need of the officers to appear.

They have worked with Chief Pitcher in OVB and provided training to all of their vice officers. With the assistance of DCA Linda Nguyen who is copied on this email they worked out a process for release of reports and declarations to be signed. Chief Pitcher could provide any additional information relative to that process. CAMTC has provided training to OCB vice officers however have run into a problem relative to the declarations. They are being told that LAPD Risk Management has to approve any declaration signed by an officer for the CAMTC for liability reasons.

I am just facilitating getting this process moving since CID is not involved in the permitting of the therapists. Our work and cooperation with CAMTC has been very productive with no concerns when it has involved actions that we have taken against a business.

What I offered to do was connect the LAPD Detective Support & Vice Division and Risk Management Division together with CAMTC staff and the City Attorney to work to resolve any issues that are preventing cooperation and enforcement in all of the bureaus.

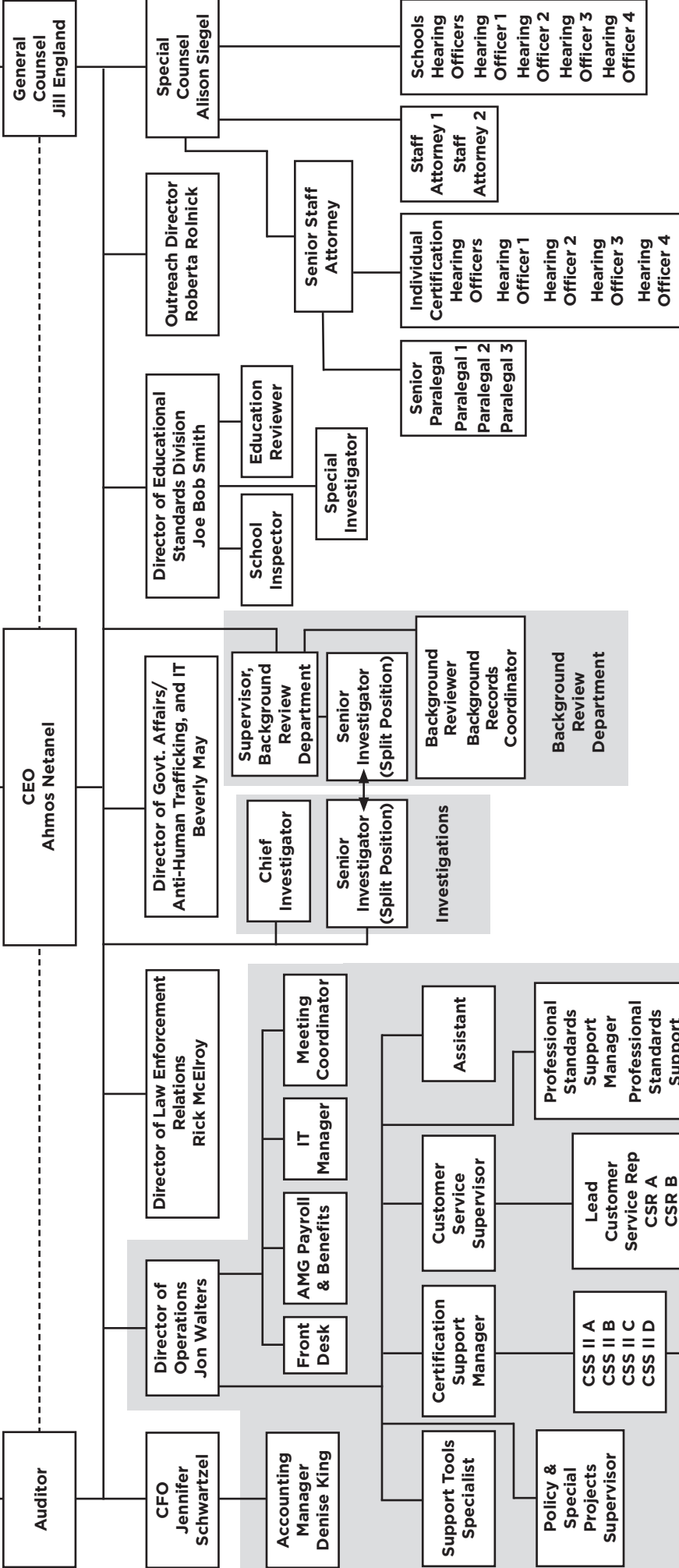
It would seem that a meeting of the CAMTC staff, Captain Lee, Captain Thomas and DCA Nguyen would be the best way to start. I will leave it to you all to coordinate your calendars for that to occur. Please include Lt. Caldera in that meeting so he can ensure that CID is represented.

All the best,

Richard
Richard M. Tefank, Executive Director
Board of Police Commissioners

CAMTC Organizational Chart as of June 1, 2019

13 Member Board of Directors



AMG Legend
CSR = Customer Service Representative
CSS = Certification Support Specialist

Specialist CSS1F Administration - AMG



Thai New Year (Songkran) Festival Corp.

Chairwoman:

Sriwong Ayasit-Koziel

Transmission via email at: anetanel@camtc.org

Board Secretary:

Sam S. Wongsakhaluang

April 8, 2019

Board Treasurers:

Malee Maroj
Reala Phatanchai
Suchit Pumvisesh

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

Board Legal Advisors:

Rosalyn Patamakanthin

Dear Mr. Netanel,

Board Members:

Teresa Chung
Kiriya Hirunpolkul
Poonsiri Limbasuta
Malee Muanraksa
Shawn Patamakanthin
Gina Preecha
Wanida Sreewarom
Kontee Sridaranop
Nuttapon Treyavong
Nongyao Varanond
Noppadon Wongchaiwat

You are cordially invited to attend the Fourteenth Anniversary of the Thai New Year Songkran Festival to be held on Sunday, April 28, 2019 from 8:00 A.M. to 8:00 P.M. at Thai Town, between Western Ave. and Hollywood Blvd., in Los Angeles.

The agenda for this event includes a colorful Thai cultural parade from Vermont Ave. to Western Ave. You are cordially invited to be in the parade which starts at 10:30 A.M. commencing from staging area at Barnsdall Art Park, 4800 Hollywood Blvd., Los Angeles, CA.

Thank you for accepting our invitation. We will have the Opening Ceremony following the conclusion of the parade.

**Advisory Board:
USA**

Upinpcuk Ida Dhajobhars
Jane N. Kespradit
Chancee Martorell
Ton Pattana

We have a variety of Thai foods, beauty contest and talent shows that we have prepared to entertain our and guests, and the public.

It would be an honor for us to have you, and for you to say a few words to the Thai community.

Respectfully yours,

Thailand

Sangchan Meakpoti
Yuthachai Phosrithong
Kwang Robkob
Sutsveta Svetasobhana
Nonthawat Taerattanachai
Damrit Viriyakul
Ongarch Wongsakhaluang

Sriwong Ayasit, President
CC: Keith Chatprapachai

PERFORMANCE METRICS – 1st Quarter, 2019

PM1 – VOLUME

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

FIRST QUARTER 2019: 41 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

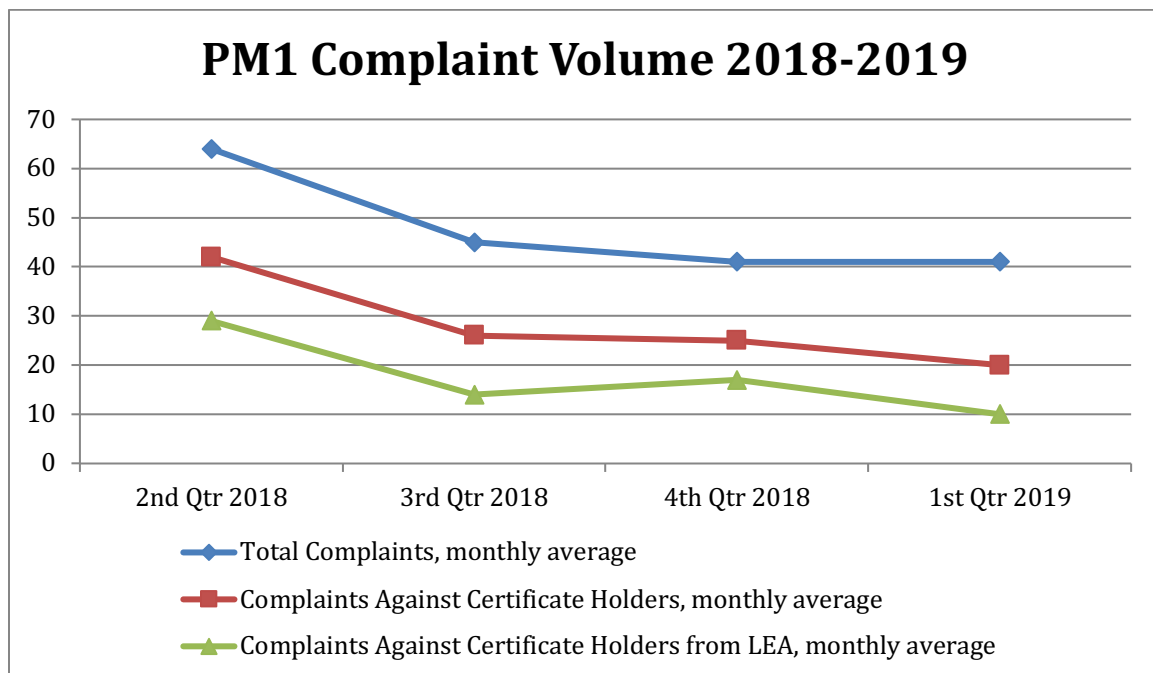
TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

FIRST QUARTER 2019: 20 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.

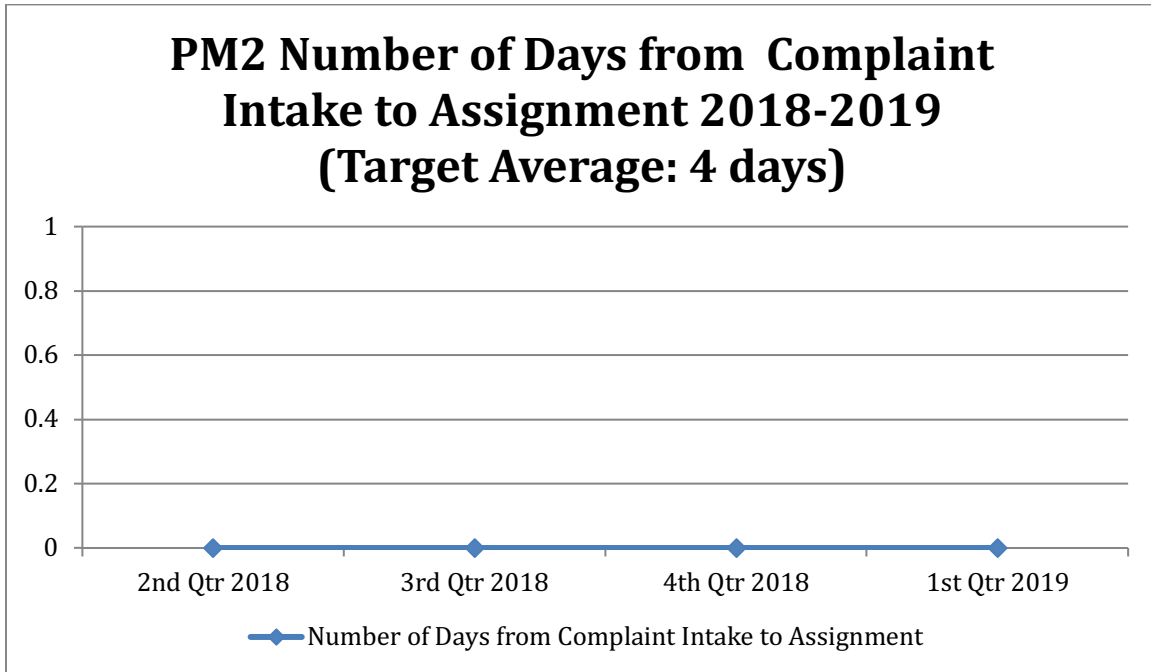
FIRST QUARTER 2019: 10 complaints from LEA received against certificate holders on average per month.



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.

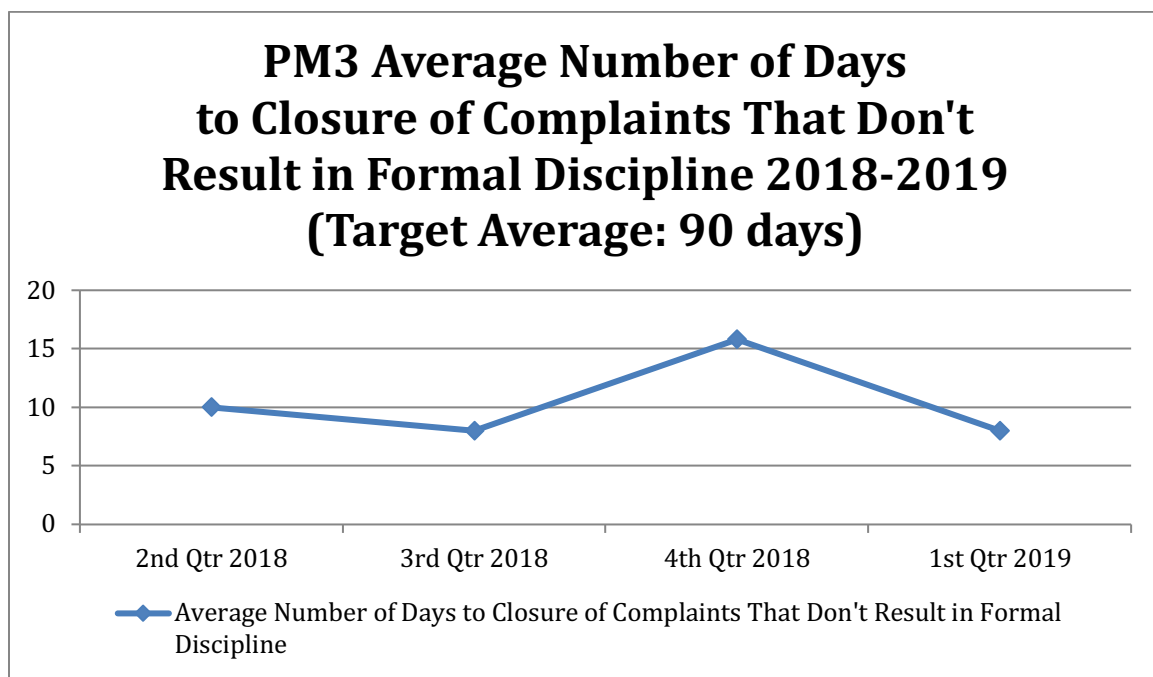
FIRST QUARTER 2019: 0 days to assignment.



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).

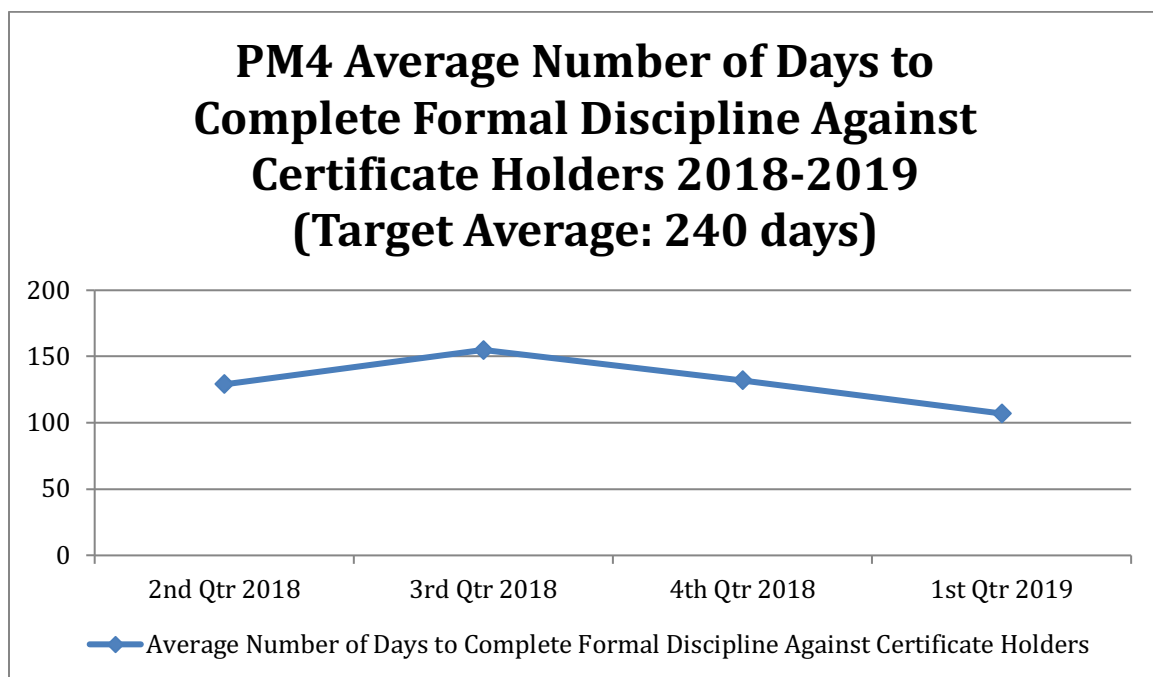
FIRST QUARTER 2019 (68 complaints resolved): 8 days is the average number of days to closure.



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 2019 (73 actions): 107 days is the average number of days from intake to final date of formal discipline.



CAMTC Bank Account Summary
As of 3/31/2019

	Bank	Type	Term	Maturity Date	Rate	Value	% of Portfolio	Valuation Date
1	Umpqua Bank	Checking	NA	NA	0.000%	753,593.87	32.7%	3/31/2019
2	Synchrony	CD	12 Mos	11/10/2019	1.487%	265,138.65	11.5%	3/31/2019
3	State Farm Bank	CD	36 Mos	11/26/2020	1.440%	266,489.46	11.6%	3/31/2019
4	Centennial Bank/Giant Bank	CD	36 Mos	11/26/2020	1.550%	250,000.00	10.9%	12/31/2018
5	EH National Bank	CD	24 Mos	12/5/2020	1.120%	261,103.73	11.3%	12/31/2018
6	First Internet Bank of Indiana	CD	24 Mos	12/8/2020	1.900%	250,615.75	10.9%	3/31/2019
7	Golden State Bank	CD	36 Mos	6/21/2019	1.000%	256,873.53	11.1%	3/31/2019
						<u>2,303,814.99</u>		

Preferred Bank closed Feb 2019

CD



CALIFORNIA MASSAGE THERAPY COUNCIL

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

May 21, 2019

TO: BOARD OF DIRECTORS CALIFORNIA MASSAGE THERAPY COUNCIL

FROM: STAFF

RE: REASONS FOR PROPOSED AMENDMENTS TO CAMTC'S
PROCEDURES FOR DENIAL OF CERTIFICATION OR
DISCIPLINE/REVOCATION

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 Procedures for Denial of Certification or Discipline/Revocation (approved April 4, 2019) with proposed amendments in red.

A short description of why the policy should be changed.

The proposed changes are needed to address the change in name from the "Rules Department" to the "Background Review Department."

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

None.

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

None.

Potential pro's and con's if the new policy is adopted.

Pros: The new language provides better clarity and reflects changes to operational

restructuring.

Cons: None.

The impact on current certificate holders and applicants.

No substantive change, just provides better clarity and addresses restructuring.

A suggested date for the change to be implemented.

June 1, 2019.



PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCATION

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council (the "Council" or "CAMTC") hereby adopts the following procedures relative to the denial of certification or the discipline/revocation of a certificate issued pursuant to California Business and Professions Code sections 4600 et. seq. (hereinafter the "Law"):

1. Reasons for denial or discipline/revocation. Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:
 - a. Failure to meet and/or maintain the criteria for certification listed in sections 4604, 4604.1, or 4604.2.
 - b. Failure to obtain a positive fitness determination after fingerprinting pursuant to section 4606.
 - c. Unprofessional conduct, including, but not limited to, any of the following:
 1. Engaging in sexually suggestive advertising related to massage services;
 2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
 3. Engaging in sexual activity while providing massage services for compensation;
 4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
 5. Providing massage of the genitals or anal region; or
 6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.
 - d. Procuring or attempting to procure a certificate by fraud, misrepresentation, or mistake.
 - e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or any rule or bylaw adopted by the Council.

- f. Conviction of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a certificate holder. A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of the Massage Therapy Act. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
- g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in the Massage Therapy Act for the issuance of a certificate.
- h. Impersonating a certificate holder or permitting or allowing a non-certified person to use a certificate.
- i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.
- j. Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.
- k. Failure to fully disclose all information requested on the application.
- l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.
- m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:
 - 1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - 2. Swim attire, if not providing a water-based massage modality approved by the Council.
 - 3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
 - 4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
 - 5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.
- n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may "discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter or is an applicant for certification pursuant to this chapter for the conduct of

all individuals providing massage for compensation on the business premises.”

o. Failure to meet the requirements in Business and Professions Code section 4608:

1. Failing to display an original CAMTC certificate wherever he or she provides massage for compensation.
2. Failing to have his or her CAMTC identification card in his or her possession while providing massage services for compensation.
3. Failing to provide his or her full name and certificate number upon the request of a member of the public, the Council, or a member of law enforcement or a local government agency that is responsible for regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
4. Failing to include the name under which he or she is certified and certificate number in any and all advertising of massage for compensation.
5. Failing to notify CAMTC within 30 days of any change in home address, address of massage establishment or other location where he or she provides massage for compensation (excluding those locations where massage is provided only on an out-call basis).
6. Failing to notify CAMTC of primary email address, if any, or failure to notify CAMTC within 30 days of a change in primary email address.

p. Engaging in an unfair business practice as defined in Business and Professions Code section 4611:

1. Holding oneself out or using the title of “certified massage therapist” or “certified massage practitioner” or any other term, such as “licensed,” “certified,” “CMT,” or “CMP” in any manner whatsoever that implies or suggests that the person is CAMTC certified when he or she does not currently hold an active and valid CAMTC certificate.
2. Falsely stating, or advertising, or putting out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or practitioner.

2. Investigations. Section 4615 of the Business and Professions Code provides:

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

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

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

If an applicant or certificate holder has been convicted of a felony, misdemeanor, infraction, or municipal code violation, whether expunged or not, CAMTC will conduct an investigation and review all convictions substantially related to the qualifications, functions or duties of a certified massage professional. Each application or certificate holder will be evaluated on a case-by-case basis. CAMTC will consider the factors identified in the Council's Criteria for Proof of Rehabilitation when making a certification or disciplinary determination. CAMTC will make the determination for approval or denial of certification or discipline of a certificate holder by evaluating the entire application, all supporting documentation, and all other evidence and information in its possession.

3. Actions relative to applicants for certification. The Council may:
 - a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.
 - b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.
4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:
 - a. Placing the certificate holder on probation, which may include limitations or conditions on practice.
 - b. Suspending the certificate and the rights conferred by the Massage Therapy Act on a certificate holder for a period not to exceed one year.
 - c. Revoking the certificate.
 - d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.
 - e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.
 - f. Notwithstanding any other law, if the Council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of section 647 of the Penal Code or any offense described in section 1.j. above, the Council shall take all of the following actions:

1. Immediately suspend, on an interim basis, the certificate of that certificate holder.
2. Notify the certificate holder within 10 business days, at the address last filed with the Council, that the certificate has been suspended and the reasons for the suspension.
3. Notify by email or first-class mail any establishment or employer that the Council has in its records as employing the certificate holder, that the certificate has been suspended, within 10 business days.
4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

Upon notice to the Council that the charges described above in this subparagraph f. have resulted in a conviction, the Council shall permanently revoke the suspended certificate. The Council shall provide notice to the certificate holder, at the address last filed with the Council, by a method providing delivering confirmation, within 10 business days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days from the date of the Council's mailing of the letter that the conviction is either invalid or that the information is otherwise erroneous. If a certificate is permanently revoked pursuant to this provision, the certificate holder shall not be allowed to re-apply for certification.

Upon notice that the charges described above in this subparagraph f. have resulted in an acquittal, have otherwise been dismissed prior to conviction, or the certificate holder has been convicted of an offense other than 647(b) or an offense described in section 1.j. above, the certificate shall be immediately reinstated and the certificate holder and any establishment or employer that received notice pursuant to these procedures shall be notified of the reinstatement within 10 business days.

- g. Notwithstanding any other law, if the Council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder, the Council may immediately suspend the certificate of that certificate holder. A determination to immediately suspend a certificate pursuant to this subdivision shall be based on the preponderance of the evidence and the Council shall also consider any available credible mitigating evidence before making a decision. Written statements by any person shall not be considered by the Council when determining whether to immediately suspend a certificate unless made under penalty of perjury. If the Council suspends a certificate in accordance with this subdivision, the Council shall take all of the following additional actions:

1. Notify the certificate holder, at the address last filed with the Council, within 10 business days by a method providing delivery confirmation, that the certificate has been suspended, the reason for

the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph 3 below.

2. Notify by electronic mail or any other means consistent with the notice requirements of this chapter, within 10 business days, any business or employer that the Council has in its records as employing or contracting with the certificate holder for massage services, and the California city or county that has jurisdiction over that establishment or employer, that the certificate has been suspended.

3. A certificate holder whose certificate is suspended pursuant to this provision shall have the right to request, in writing, an oral hearing or consideration of a written statement to challenge the factual basis for the suspension. If the holder of the suspended certificate requests an oral hearing or consideration of a written statement on the suspension, the oral hearing or consideration of a written statement shall be held within 30 days after receipt of the request. A certificate holder whose certificate is suspended based on this provision shall be subject to revocation or other discipline in accordance with paragraph 1 of these Denial Procedures.

5. Procedure for denial, suspension, revocation, or discipline of a certificate. Any denial or disciplinary decision shall be decided upon and imposed in good faith and in a fair and reasonable manner. Denial and disciplinary decisions shall be based on a preponderance of the evidence. In determining the basis for denial or discipline and making a final decision that denial or discipline shall be imposed, the Council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements. A final decision to deny or impose discipline may be based solely on a written statement or declaration made under penalty of perjury and the individual providing the written statement or declaration made under penalty of perjury shall not be required to appear at an oral hearing or provide additional documents or information beyond the written statement or declaration made under penalty of perjury that was already provided.

All denials, suspensions, revocations, and other discipline required or allowed by the Massage Therapy Act and these Procedures shall be carried out by two or more employees of the Council known as the Rules-Background Review Department (“BRD”). The BRD shall be assisted by Council staff and such other employees as shall be determined necessary by the CEO.

If Council staff determines that grounds appear to exist for denial of an application for certification or discipline of an existing certificate holder, staff shall forward the matter to the BRD or a CAMTC employee designated by the CEO to receive such information, and the procedures set forth below shall be followed (except in cases where the specific procedures in section 4.f. above apply):

- a. The BRD shall be responsible for reviewing and making determinations regarding individual proposed denials and discipline. CAMTC shall ensure that the BRD employees making proposed denial and discipline decisions and the Hearing Officers making final denial and discipline decisions do not

have a conflict of interest relative to the affected applicant or certificate holder subject to denial or discipline.

- b. If after reviewing the matter, the **BRD** determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- c. The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. Applicants and certificate holders may request a continuance of their oral telephonic hearing or consideration of a written statement hearing date. Reasonable continuance requests for applicants may be provided at the sole discretion of CAMTC. Reasonable continuance requests for certificate holders may be provided at the sole discretion of CAMTC only if ALL of the following conditions are met: 1) the certificate holder's certificate is already, and will remain, suspended during the continuance; and 2) the new proposed effective date of revocation or discipline, if the continuance is granted, will occur during the time period that the certificate holder is certified. The hearing shall be held, or the written statement considered, by at least two Hearing Officers, who together are authorized to determine whether the proposed denial of certification or proposed discipline should occur, should not be imposed, or whether some other form of discipline should be imposed. The decision of the Hearing Officers shall be final.
- d. Notice of the Hearing Officers' final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- e. Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the certificate denial or certificate holder discipline. Certification issued by the Council is not a fundamental vested right and judicial review of denial and disciplinary decisions made by the Council shall be conducted using the substantial evidence standard of review. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.
- f. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to these procedures, except for permanent revocations as described in section 4.f. above, shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation.



CALIFORNIA MASSAGE THERAPY COUNCIL

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May 22, 2019

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 November 15, 2018.

A short description of why the policy should be changed.

Beginning on January 1, 2019, a new closed school policy became operative. Pursuant to this newly operative policy, those individuals who had education from a school or schools that closed prior to July 1, 2016, and whose custodian of records was not a CAMTC approved school, were required to either: 1) provide proof of current and continuous permitting for massage for compensation, OR 2) take and pass an education hearing.

Under current and past process, all education from closed schools is individually reviewed and evaluated to determine if it meets CAMTC educational requirements. This review and evaluation process has not changed with the implementation of the new policy. Therefore, adding the additional requirement of taking and passing an education hearing in certain circumstances has added to the operational complexity of processing these applications, the volume of education hearings needed, and extended the time and expense it takes to potentially certify students with good education from closed schools.

There does not appear to be many instances where fraud is occurring in relation to these transcripts from closed schools, and were CAMTC to believe that fraud was occurring, CAMTC already has the legal authority to require just those students to take and pass education hearings. Staff is therefore recommending that the requirement to take and pass an education hearing be lifted for two years

so that it can evaluate whether the requirement should eventually be completely lifted.

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:

May result in decreased operating expenses for CAMTC since education hearings will no longer be needed. It will also result in a decrease in costs for applicants from closed schools as they will not need to pay for education hearings.

Potential pros and cons if the new policy is adopted:

Pros – Removes education hearing requirement for applicants from closed schools resulting in quicker certification for this group of individuals.

Cons – none.

The impact on current certificate holders and applicants.

May reduce wait times for education hearings due to a decrease in volume.

A suggested date for the change to be implemented.

Implemented immediately, with the change effective retroactively to January 1, 2019.



POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

In order to receive and maintain CAMTC 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 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 \$3,000 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~~20~~²⁰. 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 for the previous 5 years 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 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.
- 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 electronic pdf format on a flash drive:

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(s) attended by student.
 - (5) Date student started CAMTC approved program(s) and date student completed CAMTC approved program(s) or hours, 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(s) (included with application).
 - (7) Total number of supervised clock hours completed for CAMTC approved program(s).
 - (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 2021, 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 \$1,800.00 and the fee for consideration of a written statement shall be \$1,400.00.

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. 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) whose application(s) for CAMTC school approval have been received on or before December 31, 2018, but for whom a final decision has not been rendered as to school approval.
 - (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 cannot use education from the school for certification purposes.

- (1) An additional grace period for acceptance of individual certification applications will be instituted from January 1, 2019 through March 31, 2019 for schools whose application(s) for school approval have been denied effective January 1, 2017 through December 31, 2018. During this additional grace period, the schools' students who apply for certification, and any applications that are currently being 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 additional 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 one of the schools in this category for certification purposes.
- (c) Students with otherwise complete application packets and transcripts from schools that have submitted applications for CAMTC school approval and the application for CAMTC school approval has been pending for one and a half years or more and the school is listed on CAMTC's website, may request, in writing, an education hearing to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. The request shall be in a written form as determined by CAMTC. Students requesting an education hearing must acknowledge and agree to be bound by the terms of that request, including but not limited to the outcome of the hearing regardless of whether the school is ultimately granted CAMTC school approval. For those students that do not request an education hearing, the provisions of Procedures section 7.c.1.(a) and (b) apply.
2. All complete individual application packets for CAMTC certification submitted with transcripts from CAMTC 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.
3. For schools whose initial applications for CAMTC school approval are received on or after January 1, 2019, students may only use education from the school for certification purposes if the school is ultimately granted CAMTC school approval. Students who have attended schools whose initial applications for CAMTC school approval are received on or after January 1, 2019 and are denied CAMTC school approval may not use education from the school for certification purposes.

Agenda Item #13

Amendment to

Accounting Procedures

Tabled

Treasurer's Report through March 31, 2019

Board Meeting: May 29, 2019

Applications Received and Re-Certifications Billed

The Number of Certificate Holders

The number of Active Certificate Holders is a meaningful measure of CAMTC's performance. An important goal is to maintain or increase its share of massage therapists practicing in California. While the total size of the market is unknown, some observers think that the strong economy, with many job opportunities in other areas, may have inhibited growth in the massage therapist category.

Active Certificate Holder on March 31, 2019, at 49,435, is down about 4% from the prior year. However, it is similar to the average 49,774 for the year-end averages of the years 2015 through 2018. Because the number of Active Certificate Holders seems to be higher in odd numbered years (possibly because of the two-year renewal cycle) the pattern over the past few years continues to suggest that the certificate holder level is remaining fairly constant rather than declining.

The following table shows the number of certificate holders over time, beginning at year end in 2012:

DATE	NUMBER OF CERTIFICATE HOLDERS
March 31, 2019	49,435
December 31, 2018	49,698
March 31, 2018	51,323
December 31, 2017	51,038
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

Two thousand two hundred forty-five (2,245) New Applications were received during the first quarter of 2019, over three times the number (687) in the comparable quarter in 2018. This is the highest number of New Applicants in several years.

A noteworthy pattern took place during the first quarter of 2019. While New Applications was up dramatically, Recertifications Billed was down considerably, to 4,719 from 7,619 in the first quarter of 2018. This decline in Recertifications Billed is because fewer certifications expired during this period, probably reflecting the low levels of applications two years ago because of the now no longer required testing requirements. An important question is whether the jump in New Applications is also the because of the absence of testing requirements.

Through March 31, 2017, Recertifications accounted for just 68% of the total activity, the lowest share in recent years. The gain in New Applications largely compensated for the decline in Recertifications Billed so that the Total for the first quarter was similar to what it has been in odd numbered years.

Year	New Applications Received Per Week	Re-Certifications Billed Per Week	Total	Re-Certifications as a % of Total
2019*	173	363	536	68%
2018*	53	586	639	92%
2017*	48	450	498	90%
2016*	94	592	686	86%
2018	68	505	573	88%
2017	45	444	489	91%
2016	95	512	615	83%
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 March 31

Although the number of Recertifications Billed, In the period ended March 31, 2019 was low, the percent of those who were billed (Paid Recertifications), at 89% was the highest to date.

	Re- Certifications Billed	Re- Certifications Paid	% Billed That Are Paid
2019*	4719	4192	89%
2018*	7619	6428	84%
2017*	5844	4556	78%
2016*	7700	6429	83%
2018	26277	22836	87%
2017	23079	18702	81%
2016	26632	21844	82%
2015	21309	16136	76%
2014	23484	18618	79%
2013	12913	9871	76%
2012	15368	11687	76%
Through March 31			

Processing Time

The average number of days required to process and approve documents (assuming no background or education issues) was 24 days, similar to the 23 days reported in the first quarter of 2018. While comparable processing times are not available for the first quarters of 2017 and 2016, the average times required during those entire years were 90 days and 55 days, respectively; thus CAMTC has improved considerably on this measure.

What It All Might Mean

As previously noted, in recent years the number Total Active Certificate Holders has been little changed, with no evidence of long-term variation. Although the decline in Recertifications this quarter can be explained by the testing procedures set up in 2017 (and since modified), the challenge is to better understand the growth in New Applications. Whether this is an aberration or an opportunity for CAMTC will be better understood as this number is viewed over time.

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 that it substantially increased the revenue during 2017 over what it would have been under the previous allocation. Since more revenue was recognized in 2017, the backlog of revenue from prior years for New Applications and Re-Certification that was recognized in 2018 was less than it would have been under the previous accounting system.

This year, 2019, is the first year that meaningful comparisons can be made with the prior year under the new accounting system.

Overview Revenue, Expenses, and Net Income Relative to Budget and Prior Year

Revenue in the first quarter of 2019 exceeded Budget, while Expenses were near the budgeted amount. The result was a Net Income of \$120,128, well above the Budget figure of \$9,066.

Revenue through March 31 of 2019 was up 25% while Expenses increased only 8% over the same period of 2018. The result was a profit in 2019 compared to the loss in 2018.

SUMMARY OF FUNCTIONAL ACTIVITIES

31-Mar

	2019		2018		2019
	Actual	Budget	Actual	Budget	Change in Actual from 2018
Total Revenue	\$1,628,480	\$1,512,711	\$1,303,183	\$1,125,984	+25%
Total Expenses	\$1,508,352	\$1,503,645	\$1,396,567	\$1,535,334	+8%
Net Income	\$120,128	\$9,066	-\$93,384	-\$409,350	

The following sections discuss the Revenues and expenses both in absolute terms and relative to the budget.

Revenue Detail

Revenue exceeded Budget by 8%.

Re-Certifications – CY (Current Year) account for 64% of Total Revenue, with *New Certification Fees* – CY adding an additional 25%. These two sources, together, equal 89% of Revenue, reflecting accounting change that recognizes 88% of new fees at the time they are received.

Past Year New Certification and *Past Year Re-Certification Fees*, which make up 6% of Revenue, account for the majority of the balance.

Current Year Recertification Fees were the primary reason that Actual exceeded Budget revenues by 8%.

REVENUE March 31, 2019

	Actual	% of Total	Actual as a % of Budget
CERTIFICATION FEES			
New Certification Fees - CY	\$354,076	21.74%	99%
New Certification Fees - PY	\$12,725	0.78%	100%
Re-Certifications - CY	\$1,044,290	64.13%	116%
Re-Certifications - PY	\$84,215	5.17%	99%
Recertification Late Fees	\$22,545	1.38%	52%
Limited Recertification Fees	\$275	0.02%	183%
Total · CERTIFICATION FEES	\$1,518,126	93.22%	108%
Hearing Fees - Individuals	\$14,086	0.86%	87%
School Application Fees -	\$17,299	1.06%	109%
School Background Check Fees	\$3,034	0.19%	297%
School Hearing Fees	\$270	0.02%	8%
Interest and Other Income	\$8,819	0.54%	147%
Miscellaneous Fees	\$66,849	4.10%	101%
Total · REVENUE	\$1,628,480	100.00%	108%

Performance Relative to Budget by Major Expense Categories.

Expenses were virtually at Budget.

CAMTC has modified the method of presenting Expenses. Rather than categorizing expenses in sub-accounts under nine major categories, 42 expense accounts are listed separately.

Twelve (12) of those 42 accounts make up 88% of Actual expenses and 95% of Budgeted expenses in the first quarter of 2019. They are shown in the table below in the order they are listed in CAMT's financial statements.

Most expenses were close to the budgeted amounts.

Application Processing, at 32% of the total, is clearly the major expense category, followed by Legal, 9%, then by Legal In-house and Paralegals, each at 7%. Legal-related activity accounts for 23% of all expenses.

Major Expense Categories, March 31, 2019

Account	Amount	% of Total	Actual as a % of Budget
Senior Management	\$99,961	7%	101%
Management	54,793	4%	97%
Field Investigators	53,409	4%	107%
School Inspectors	32,956	2%	98%
Legal In-house	100,409	7%	98%
Paralegals	110,376	7%	86%
Payroll Taxes	47,461	3%	98%
Benefits	46,623	3%	97%
Communications & Outreach	90,701	6%	95%
Certification/Mats/Print/Mail	60,573	4%	186%
Legal	140,848	9%	108%
Application Processing	490,175	32%	103%
Total of Above Expenses	1,328,285	88%	102%
Total All Expenses	1,508,352	100%	100%

Statement of Financial Position (Balance Sheet)

Overview

CAMTC is in a weaker financial position on March 31, 2019 than it was at the same time a year ago however the organization is in no financial jeopardy:

- Assets, which are composed primarily of cash or cash equivalents are down about \$761,000 to \$2,554,917.
- Liabilities have increased approximately \$182,000 to \$773,673, primarily because of an increase in Accounts Payable. Liabilities to individuals and schools, which are deferred income, are essentially unchanged. However, even now, liabilities comprise only 30% of assets.
- Equity, at \$1,781,244, is down over \$963,000 from a year ago.

BALANCE SHEET, MARCH 31		
	2019	2018
Assets		
Current	\$2,303,815	\$2,981,817
Fixed	\$187,663	\$269,750
Other	\$63,439	\$64,170
Total Assets	\$2,554,917	\$3,315,736
Liabilities		
Current other than Individuals/Schools	\$196,228	\$13,837
Individuals/Schools	\$480,050	\$474,682
Vacation Accrual	\$97,394	\$82,490
Total Liabilities	\$773,673	\$571,009
Equity	\$1,781,244	\$2,744,727
Total Liabilities and Equity	\$2,554,917	\$3,315,736

Conclusions

- Whether the large increase in New Applications is an aberration or the result of the removal of testing requirements or an indication of changes in the category should be closely watched over the next few months.
- While CAMTC is in no immediate financial jeopardy, the relative weakening balance sheet is of concern and should be watched.

Respectfully submitted by
Michael Marylander,
Treasurer
May 22, 2019



CALIFORNIA MASSAGE THERAPY COUNCIL

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To: CAMTC Board of Directors

From: Beverly May, Director of Governmental Affairs, Anti-Human Trafficking and IT

Report for Board Meeting May 29, 2019

Legislation of interest

AB 193 is authored by Assembly Member Patterson. The intent is to require that all DCA regulated Boards prepare bi-annual reports on the necessity of regulatory requirements. It is a two year bill, dead for 2019.

AB 476, authored by Assembly member Blanca Rubio, titled the “California Opportunity Act of 2019”, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state’s workforce, as specified. The bill is in the Assembly, passed out the Appropriations Committee. The deadline to pass the Assembly Floor is May 31st.

AB 775, authored by Assembly Member Chau, would revise the time frames for CAMTC to notify schools of the approval or denial of applications for approval. It would also require all schools, including that that have not applied for CAMTC approval or that have been denied, to notify each student in writing that their education will not qualify them for certification. While CAMTC has no position on the bill, we are in contact with the author to provide information for possible amendments. The bill passed out of the Assembly. It is currently in the Senate Business and Professions Committee with no hearing date scheduled as yet.

There are five human trafficking bills being sponsored by the Coalition Against Slavery and Trafficking (CAST) and ten other human trafficking bills that have been introduced this year (nine still active). Two of the CAST sponsored bills pertain to massage.

SB 35 – Authored by Sen Ling Ling Chang and sponsored by CAST, this bill seeks to re-create a taskforce and study the extent of Human Trafficking in California. The bill passed out of Appropriations and is on the Senate floor with a May 31st deadline.

In 2005, California convened its first Task Force to examine human trafficking in the state. This Task Force, and its 2011 successor, brought together representatives from government and the private sector to examine legislative, policy, and justice strategies, and social services responses. This bill would establish the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to collect and organize data on the nature and prevalence of trafficking in persons in California and examine collaborative efforts between local and state

governments and nongovernmental organizations for protecting victims of trafficking, among other, related duties. The task force would be required to report specified findings and recommendations to the Governor, the Attorney General, and the Legislature by July 1, 2023.

SB 630, authored by Senator Stern and also sponsored by CAST, would require, as of Jan 2021, all businesses that are required to display the Human Trafficking poster (including massage) to provide 20 minutes of training on HT to all new and existing employees who might come in contact with a HT victim. This bill would also allow local governments to enact ordinances or regulations intended to prevent or address trafficking that exceed the requirements in this law. The bill has passed the Senate and is now in the Assembly Committee on the Judiciary.

Other bills of interest:

Note that bills are often held as two year bills in order to continue to gather support and not risk possible or likely failure in the first year. Some of these two year bills are later “gutted and amended” in the second year, inserting language to serve a completely different need.

AB 1271 (Diep) Licensing examinations: report

Status: This is a two-year bill and dead for 2019.

This bill would state the intent of the Legislature to reduce barriers to licensure by requiring the Department of Consumer Affairs to prepare and submit a study to the Legislature, by January 1, 2021, which contains information on (1) whether licensure requires completion of a board-approved training program, (2) whether licensure requires passage of a written or clinical licensing exam, (3) the exam fee that is required in addition to other application fees, (4) the average length of time between submitting a licensure application and taking a licensing exam, (5) the average passing rate of the licensing exam, and (6) the percentage of annual applicants due to exam failure.

AB 1592 (Bonta) Athletic trainers.

Status: This is a two-year bill and dead for 2019.

This bill would create, until January 1, 2028, the California Board of Athletic Training within the Department of Consumer Affairs. Among other provisions, this bill provides title protection and practice restrictions. Requirements to become a certified athletic trainer include a bachelors or master degree from an accredited professional athletic training program, passing a comprehensive Board Certification exam, and meeting ongoing continuing education requirements. Certified athletic trainers will be required to practice under the supervision and approved protocol of licensed medical physicians. The bill specifically states that it does not require new or additional reimbursement by a healthcare plan, insurer, workers' compensation plan, employer or state program for services of athletic trainers. It is the 13th attempt at licensing of athletic trainers.

AB 1540 (Holden) Music therapy.

Status: In Senate, referred to the Committee on Rules.

This bill would (1) establish the Music Therapy Act, (2) prohibit use of the term “board certified music therapist” unless specified educational and clinical training has been completed and a national exam has been passed, (3) clarify music therapists are not mental or occupational health professionals as provided in other practice acts, and (4) require music therapists to

adhere to a code of professional practice and recertify every five years. This bill is intended to provide a statutory definition and title protection for music therapists.

Board certified Music Therapists would need a bachelors' degree or higher from a music therapy program approved by the American Music Therapy Association), 1200 hours of supervised clinical work in pre-internship training as well as an internship through an approved university affiliated or national roster program. This bill is in the Senate Business and Professions Committee.

Other State Massage Laws

Iowa Governor Reynolds signed a bill into law that makes it a serious misdemeanor for a person to offer massage therapy without being a licensed therapist.

Iowa City and Cedar Rapids already have massage parlor ordinances that say therapists must prove that they have a state license. In Cedar Rapids, massage therapists also must be licensed through the city. Officials say it can help stop human trafficking by cracking down on places that offer illicit services.

Florida governor Ron DeSantis may sign a bill that would, amongst other provisions, create a "Soliciting for Prostitution Public Database" with names, addresses and color photos of anyone who is convicted or pleads no contest to soliciting prostitution.

Ohio has introduced a bill to close the loophole through which a person can offer massage without being state licensed by stating that they do not provide massage therapy, calling it a term such as "relaxation massage", "Asian Massage" or just "massage". In Ohio, massage is licensed under the Medical Board.

Local Government

A committee consisting of Shana Faber, Rick McElroy and I have been working on a packet of sample ordinances, most effective provisions, and sample language from other ordinances that meet specific needs of a jurisdiction, such as grandfathering of existing massage therapists and exemptions. This project took a different track from how I began it based on Shana's experience as a city attorney. We expect to have this complete this summer. Meanwhile I continue to send examples to cities and counties as requested, and to review their drafts.

Human Trafficking

Several former employees of Polaris Project formed a new organization, Collective Liberty. One of their projects has been to work with local jurisdictions across the country to train law enforcement as well as to establish local regulation of massage, in particular pertaining to businesses. They reached out to us and had a call with me and Rick McElroy. They do not plan much focus on California due to the level of involvement of CAMTC at the local level. Currently they are or have been working with 125 jurisdictions across the country.

I remain directly involved in Taskforces and Collaboratives in San Mateo, Santa Clara and San Francisco Counties.

Update on the Certification and Application Management System (CAMS)

Most of the focus at this time is twofold – fix remaining issues and build the new platform. Based on implementation of the new platform with their other clients, our vendor expects the new platform to streamline processing with few of the issues we have in the existing platform. By the time of the Board meeting we hope to be testing application processing in the new platform prior to deployment. Our vendor has a manager now assigned to our account and Jon Walters and I have begun working directly with him. The company President has stated that she will directly oversee our project. Meanwhile, our database administrator has been focusing on review of data, queries and preparing to move our backups to Amazon Web Services (AWS).



To: The CAMTC Board of Directors
From: Jon Walters, Director of Operations

Operations Report

May 29, 2019

Overview

The Operations division of the California Massage Therapy Council (CAMTC) continues to maintain application processing and customer service goals. The team's commitment to focus on primary objectives has enabled them to develop their workflow to increase efficiencies for the council, and its applicants and certificate holders - in spite of the ongoing technical challenges presented by the CAMS software platform. Multi-tasking and overextension, while sometimes necessary, can lead to shallow and short-lived results. Working smarter and focusing can yield superior results like what we have seen so far this year. Reducing interruptions, internal phone calls, emails, meetings, minor demands and busywork have helped us increase productivity substantially.

New Applications

As initially observed in 2019, new application review and certificate approval activity is setting a new bar for CAMTC in terms of capacity. With an average of 197 new certificate approvals per month in 2018 as a previous benchmark, the sharp spike reported each month over the first quarter of 2019 has persisted and established a level that is consistently higher (and roughly triple) what was seen compared to 2018:

- January 2019: 744 new certificates approved = 378%
- February 2019: 566 new certificates approved = 287%
- March 2019: 647 new certificates approved = 328%
- April 2019: 593 new certificates approved = 301%

With this sustained level of traffic, it has become necessary to make additions to our workforce. The “new normal” for the first four months of 2019 has been an average of 638 new certificate approvals per month.

Customer Service Phone Calls

Inbound phone calls to CAMTC Customer Service appear to have stabilized. The team handled over 15,000 customer calls in the first four months of 2019, again accelerating their speed of answer to less than 10 seconds throughout February, March and April. Considering that the starting position for improvement in this area in 2017 was between four and five minutes of average wait time, CAMTC is providing access to live support at a level that outperforms many (if not all) Fortune 500 companies.

Correspondence

Inbound emails initiated by applicants and certificate holders to CAMTC’s customer service and support accounts also appear to have stabilized. In April 2019 the team was able to achieve their best customer email response time ever recorded, responding to customer inquiries in an average of less than an hour and ten minutes, again providing a service level that rivals top-rated support offerings.

Recertifications

Recertification approvals have been flowing steadily and well so far this year. Due to the nature of the process and the predictability of recertification application activity there has not been a major threat to Operations’ recent achievements and excellent track record in this area over the last year and a half. While we saw approval times go from 6

days in December 2018 up to 14 days in March 2019 as the team diverted some resources and rallied around new certificate activity, Operations has cut recertification certificate approval times in half again since the last Board meeting, and by well over 88% overall in the last 20 months. Early indicators imply that performance in May will exceed expectations as well. Certificate holders without background issues who follow CAMTC's recommendations and apply at least two months prior to expiration are among those who have experienced the quality and speed of CAMTC's current recertification processing performance.

Customer Support System

After laying out a foundation, Operations has handed off the next steps to implement a customer support system to CAMTC actual.

Department of Justice (DoJ)

CAMTC successfully transitioned to the DoJ's new Applicant Agency Justice Connection (AAJC) platform two weeks ahead of schedule. The team continues to develop and refine procedures – both out of necessity and to take advantage of opportunities - due to this new system for communicating background check information. This is a critical element of the application evaluation process and we appreciate the friendly and helpful interactions from the DoJ's support team as we worked through the transition and reported user interface challenges with the new system (none of which have been significant to date).

Application Form Study

Operations recently elected to conduct a study of paper application forms and the most common causes of delays in being able to accept the forms in cases where they are sent back. In April 2019, 30% of new applications that were completed and approved for certification had been submitted to CAMTC by mail on paper. Also in April, recertification applications that were completed and approved for certification after being

submitted by mail on paper measured at 20%. The leading cause for the return of both new and recertification applications forms during the study has been failure to properly complete all areas of the Affidavit section of the application. Both types of applications also had payment issues as the third most frequent cause of delays. Various other causes are outlined below. The data gathered is offered to support the development of improvements that will increase the number of application forms that are completed properly so they may be used for processing. As many applicants have observed, CAMTC recently made major improvements to paper application forms and instructions. The Outreach division as well as schools, organizations and all those who assist CAMTC Certification applicants are encouraged to develop communications and materials that help to avoid the issues below as well. (Please note that totals may exceed 100% because some applications have more than one issue.)

New applications for certification:

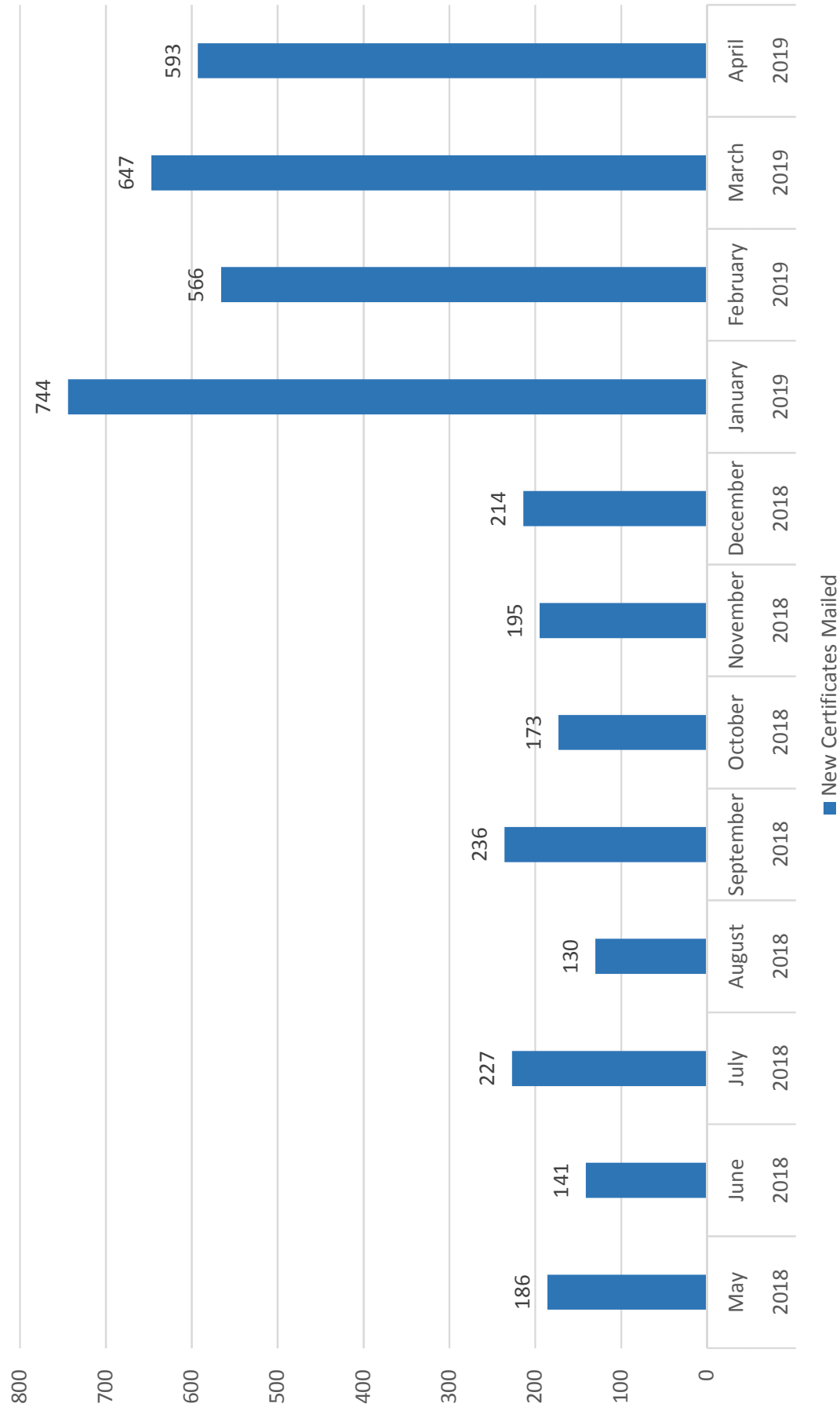
- 45% of the paper applications sent back had affidavit issues (e.g. boxes not checked; no name; no signature; incorrect dates, etc.)
- 14% had incomplete or incongruent information on question 25 (previous work locations)
- 11% involved payment issues (e.g. declined credit card, incomplete information, missing late fee, etc.)
- 11% had incomplete education/school information
- 8% were submitted using the wrong version of the form
- 8% did not include an answer to question 13 (place of birth)
- 8% did not provide complete information on question 15 (previous licenses, registrations and/or permits)

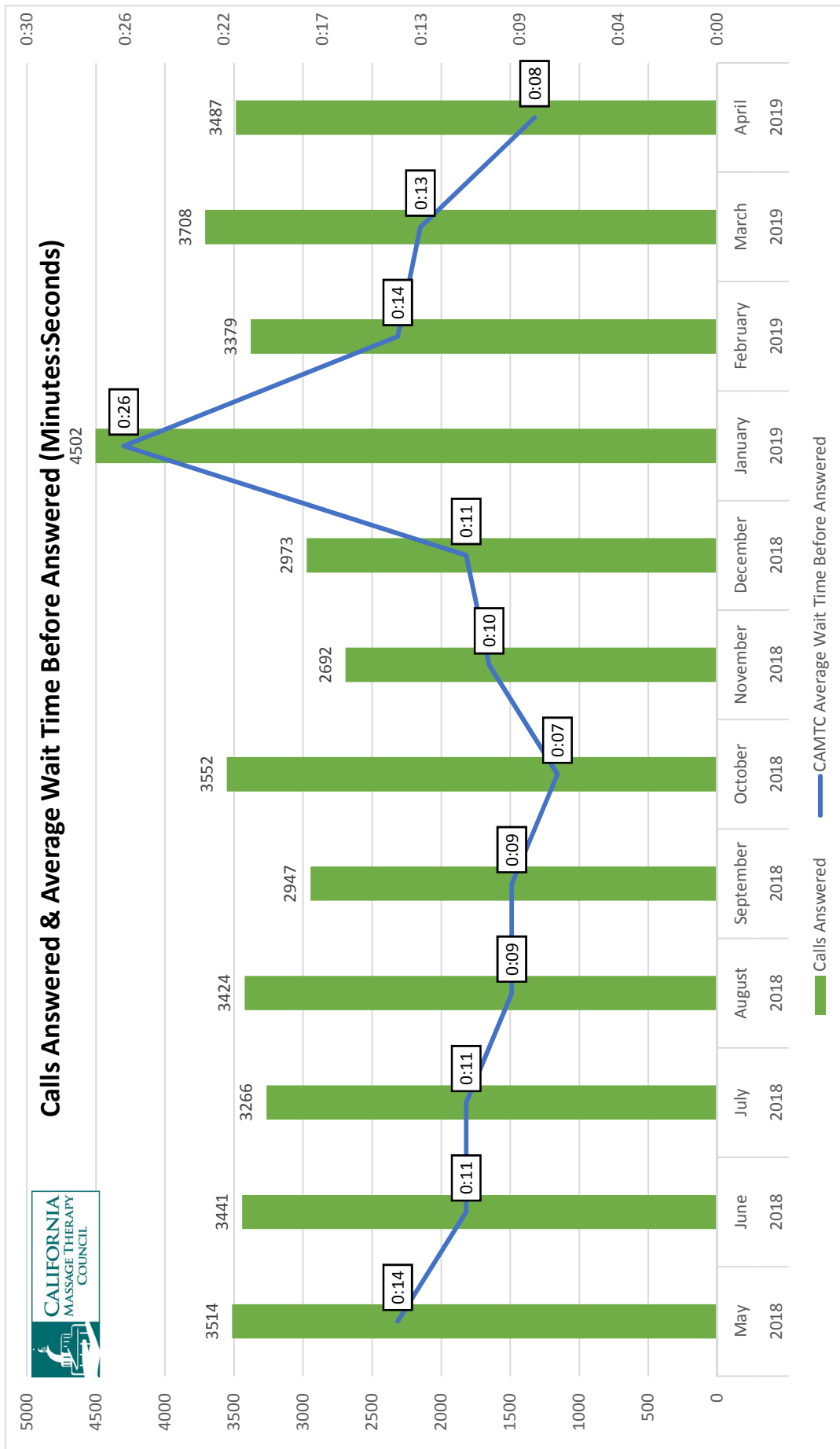
Recertification applications:

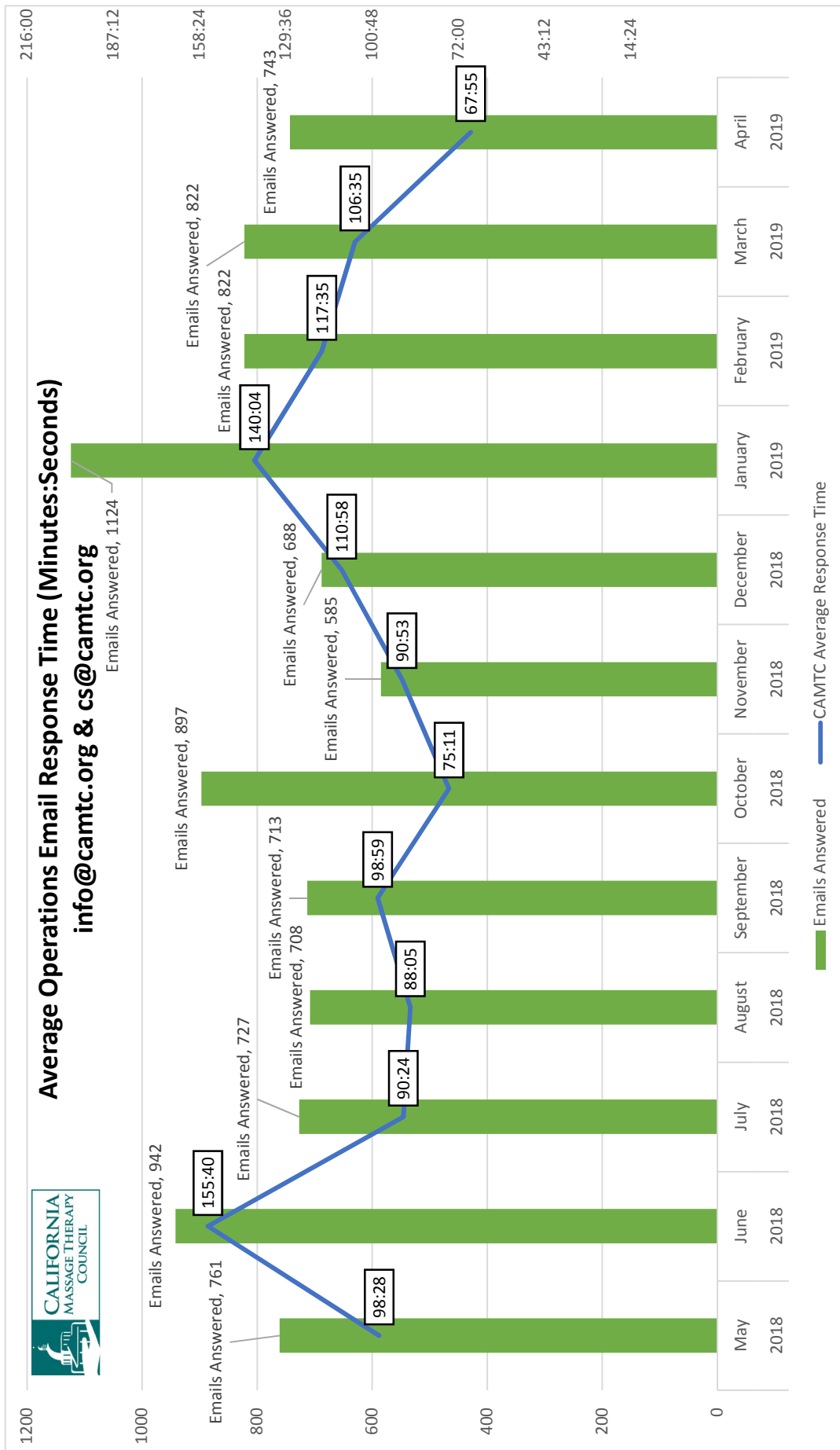
- 40% had affidavit issues (e.g. boxes not checked; no name; no signature; incorrect dates, etc.)
- 20% applied too early
- 17% payment issues (e.g. declined credit card, incomplete information, missing late fee, etc.)

- 11% wrong version of the form
- 9% did not provide date of birth
- 7% missing or modified pages
- 6% missing work status

CAMTC New Certificates Mailed

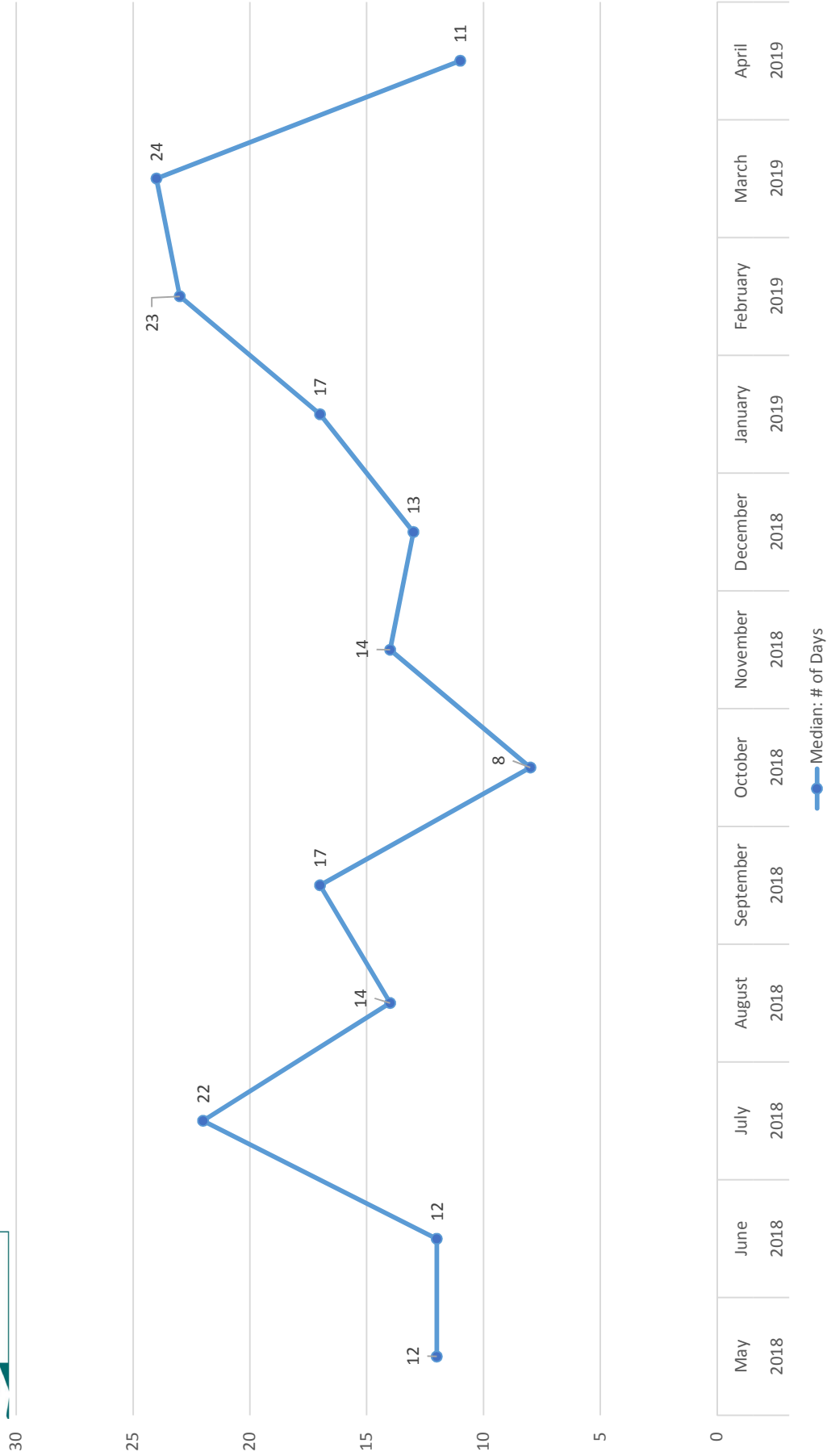






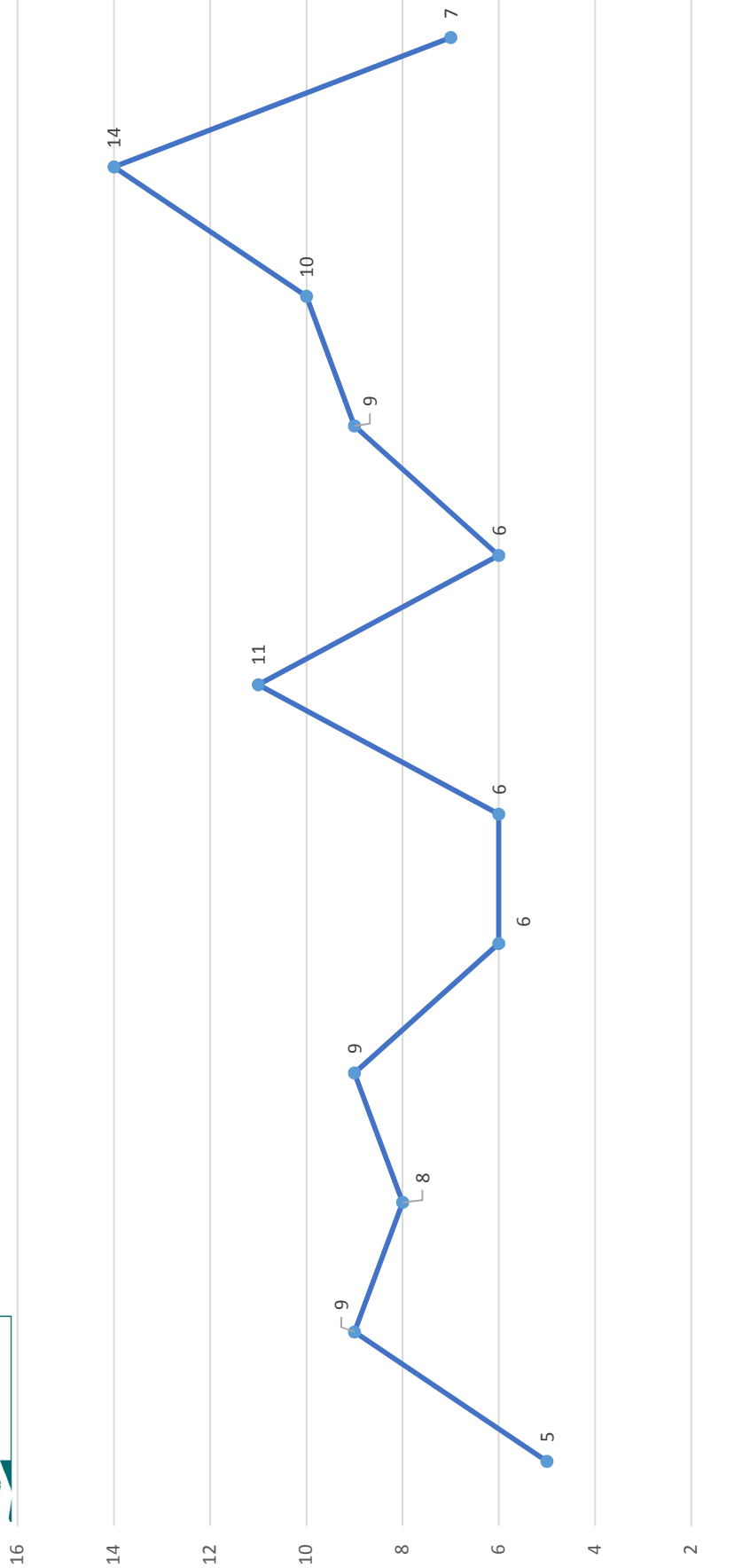


CAMTC Median Processing Time - New Applications with No Background or Education Issues





CAMTC Median Processing Time - Recertification Applications with No Background Issues



May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	January 2019	February 2019	March 2019	April 2019
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Median: # of Days



CALIFORNIA MASSAGE THERAPY COUNCIL

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To: CAMTC Board of Directors
From: Joe Bob Smith, Director of Educational Standards Division
For: Board Meeting – May 29, 2019

School Statutes Update

One approved school campus closed leaving 71 approved campuses, plus 3 provisionally approved schools. ESD has received 2 new applications.

ESD Communications

The quarterly CAMTC School Newsletter (Vol 3, Issue 1) was published and distributed to schools a few weeks after the April Board meeting. Communication highlights included CAMTC's 10th Anniversary and the important role schools have played, the new streamlined application for school staff changes, and the newly appointed Schools Advisory Committee.

The Schools Conference Calls have continued monthly on the 1st Wednesday of the month at 2pm as scheduled. We continue to see good participation from schools. Based on the positive feedback we've received, we plan to continue these monthly calls as a means of strengthening communication between schools and CAMTC.

I attended the World Massage Festival where I was honored to be inducted into the 2019 Massage Therapy Hall of Fame. This recognition extends beyond just a personal achievement but to CAMTC as well and the work we've done for the past 10 years to protect the public and elevate the massage profession, most specifically through our focus on strengthening minimum education standards and weeding out fraudulent schools.

Looking Forward

- Work with schools with pending applications to complete applications, corrective actions, etc., to issue final decisions or purge applications
- Process new approval and re-approval applications
- Monitor currently approved schools
- Continue processing education reviews as efficiently as possible

- Assist in creating a process for schools to submit transcripts electronically
- Streamline change application process for curriculum changes
- Work with Schools Advisory Committee on sunset recommendations
- Continue school newsletter and monthly schools call



**Joe Bob Smith Inducted into the
2019 Massage Therapy Hall of Fame
at the World Massage Festival**



CALIFORNIA MASSAGE THERAPY COUNCIL

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To: CAMTC Board of Directors
From: Rick McElroy, Director of Law Enforcement Relations (LER)
Re: Board Meeting – May 29, 2019

Law Enforcement Relations Training for Law Enforcement

Law Enforcement Relations (LER) continues to expand as well as return to some police departments for CAMTC training. So far for 2019, 331 attendees representing 102 agencies have attended the training. A trend that is continually occurring is representatives from building and safety, finance, planning departments and Chiefs of Police are attending the training. The cumulative total since 2014 is 2,069 attendees representing 683 agencies.

California Association of Code Enforcement Officers (CACEO) scheduled training For 2019

CACEO has arranged for me to train every code enforcement officer in California for 2019. I conducted the first trainings starting in January, 2019, and all will be complete by the date of the board meeting.

Working With LAPD

For the last year, Kellie and I have been working with LAPD to get their various departments to provide us with documents and declarations. It has been frustrating at times because just when we think we have solved a problem, another one crops up. This last effort involved Ahmos, Kellie and I meeting with Richard Tefank, Executive Director for the Los Angeles Board of Police Commissioners, to discuss how to overcome roadblocks. Mr. Tefank agreed to assist us, including arranging a second meeting with the commanding officers of the divisions that were giving us pushback. Kellie and I attended the second meeting and put to rest their concerns. I did a follow-up phone call to Valley Bureau Deputy Chief Kris Pitcher who informed me that Mr. Tefank had set up another internal meeting with all of the bureau chiefs asking them to all get on board and that it was in the city's best interest to cooperate with CAMTC. It is still a work in progress, but it looks as if this will be concluded within the next month or so and we will finally be getting reports as well as declarations.

Other pertinent projects

- Beverly and I are working on a new power point for the CACEO conference coming up later this year. We will be incorporating more information on human trafficking and will have Roberta clean it all up with our graphic arts folks.
- Beverly, Shana and I are working on a new model ordinance project designed to give cities several suggested ideas to help them create an ordinance that reflects all of the recent changes made by the legislature.



Outreach Report May 29, 2019

Presented by Roberta Rolnick

The trend for CAMTC Outreach is becoming more event-centric. Why? Because that trend has garnered results, not only by brand recognition, but also putting names & titles with faces, as we build relationships with a variety of stakeholders and strategic partners.

Our successful events have built relationships with many CAMTC stakeholders, which has led to more effective collaborations in terms of Massage Professionals, Massage Businesses and Massage Schools, which are core groups to “Raise the Profession” for the benefit of “Public Safety”. Especially effective to our “Public Safety” bottom line has been CAMTC’s collaborations with local law & code enforcement officers in terms of reducing prostitution and human trafficking abatement.

Upcoming & Recent Events

iConnection 2019 – Connecting Spa Industry Professionals

I attended the event for the first time to determine if there might be potential for us to collaborate on some level. It was well-organized, and we will discuss being a sponsor for future events.

CPCA/WLLE – 2019

This will be the second year to have CAMTC delegates at the California Police Chiefs Association's (CPCA's) Annual Symposium for Women Leaders In Law Enforcement (WLLE). Beverly May, Kellie Rodriguez and I will attend WLLE this summer to participate, network, and broaden our strategic partnership with CPCA.

CACEO – 2019

The California Association of Code Enforcement Officers (CACEO) will have their 2019 Annual Seminar this fall and CAMTC will once again be the Premier Sponsor. Primarily we're in the planning stage to have an even stronger presence this year and possibly a small focus group in order to discuss options and bridge our intentions with joint action steps going forward.

Educational Standards Division

ESD outreach is ongoing with CAMTC's Schools Advisory Committee (SAC) being able to give direct input to the Board of Directors. The quarterly CAMTC School Newsletter (April 2019 issue is included in the Board Packet) keeps massage schools current of any policies and changes that might affect schools. The newest format to improve communications with schools is the monthly CAMTC Schools Conference Calls, which is increasing in participants that call in for the monthly updates and to ask questions. Participants initiate new questions and Joe Bob provides thorough helpful answers directly to people on the call. The calls generally last about an hour and the number of participants has grown from 18-20 per call in the beginning to 29-34 most recently. We're in the planning stage currently to develop a Massage Schools Presentation that will be adaptable to upcoming events for massage school owners and administrators.

Law Enforcement Relations and Governmental Affairs & Anti-Human Trafficking

We continued our forward direction with the California Police Chiefs Association (CPCA) by taking out a full-page ad in the Spring Issue of the California Police Chiefs Magazine. While Beverly's and Rick's joint presentation for CPCA's executive officers debuted this winter, we are starting a fresh concept with Beverly's and Rick's new joint presentation for CACEO who are inspectors and investigators in cities and counties. Both presentations, whether the one for executives or the presentation for staff level officers, will impart strategies and action steps that support the core message: **Human Trafficking In Massage Stops Here!**



CALIFORNIA POLICE CHIEF

Serving as the voice of and resource of choice for California's municipal Police Chiefs

SPRING 2019



LEAVING A LEGACY

40 Years of Dedicated Service

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ALSO INSIDE

Conference Wrap Up

Five Ways A Law Enforcement
Search Engine Can Help
Improve Public Safety

Officer Wellness in the New Era
of Policing

GRAPPLING WITH HUMAN TRAFFICKING IN MESSAGE ESTABLISHMENTS IN YOUR CITY?



CAMTC CAN HELP!

HUMAN TRAFFICKING IN MESSAGE STOPS HERE!

The California Massage Therapy Council (CAMTC) has been on the forefront of the human trafficking issue since CAMTC's inception a decade ago. Our multi-faceted efforts are clearly working, with 50,000+ well-vetted CAMTC Certified Massage Professionals doing their part to keep California safe.

CAMTC has added significant resources to our investigation staff so that when a complaint is filed, we're able to quickly take appropriate action in cooperation with local law enforcement agencies. This rapid response team is a result of the unique independent structure of CAMTC, which allows us to act much faster than traditional governmental licensing agencies.

Get proven results for your police department. Schedule a **FREE CAMTC Training** in your local city within California. By coordinating your department's enforcement protocols with CAMTC's rigorous denial and disciplinary programs, you can help make a real impact to stop human trafficking in your community.

Contact Rick McElroy

- CAMTC Director of Law Enforcement Relations
- LAPD veteran with 28 years citywide vice enforcement.

Email rmcelroy@camtc.org

Learn more about CAMTC

<https://www.camtc.org/cpa-strategic-partners>



PARTNERS TO PROTECT
THE PUBLIC





Cal Chiefs Highlights Partners Working to Support Law Enforcement

The Strategic Partner Program was designed to create partnerships with leading organizations whose objectives include the support of the profession and the broader law enforcement community.

Corporate Circle members are listed on the Corporate Circle link on the website and members are encouraged to visit the link as a reference when they are in the market for police products and services. The link will serve as a centralized resource for agencies that are looking for cutting edge products and services in the law enforcement sector.

CAL CHIEFS WELCOMES THE FOLLOWING STRATEGIC PARTNERS:



CALIFORNIA
MASSAGE THERAPY
COUNCIL

Rick McElroy, CAMTC Division Director
805-390-0397
rmcelroy@camtc.org



FIRSTNETTM
Built with AT&T

Mieko Doi, Lead Channel Manager
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COPLINK

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Joel SteMarie
Director, Solutions Consulting
509-342-4124
jstemarie@forensiclogic.com

On 28th of April 2019, Ahmos Netanel was invited to participate in the Parade and Opening Ceremony of the 14th Thai New Year Songkran Festival at Thai Town on Hollywood Boulevard.







Members of Nuad Thai and Spa Association of America







CAMTC CELEBRATES

10TH *Anniversary*

Prior to 2009, most massage therapists in California were subject to onerous local permitting processes that required paying annually for multiple city permits, often subjected therapists to health exams, and unfairly targeted legitimate therapists. Few thought the unusual approach of voluntary certification through CAMTC would get off the ground, much less succeed.



10 years later, CAMTC has over 50,000 certificate holders and 71 approved schools; has denied, revoked, or disciplined several thousand individuals; has unapproved or denied over 80 mostly fraudulent schools; and helped legitimize the massage profession in the eyes of lawmakers, law enforcement, and the public alike.

CAMTC shares this milestone with all of its stakeholders, including the many great CAMTC Approved Schools across California. Here's to an even brighter future!

APPLICATION FOR CHANGE OF STAFF



Thanks to a helpful suggestion from a school on one of our monthly Schools Conference Calls, the Educational Standards Division has created a simplified application packet for staff changes to your school. You can find the CAMTC Application for Change of Staff packet on the website here:

<https://www.camtc.org/media/1628/camtc-application-for-change-of-staff-ver4119.pdf>

As a reminder, schools must inform CAMTC of all changes affecting their massage program including, but not limited to, changes to ownership, officers, school name, school address, BPPE approval, curriculum, instructors, and administrators. Use the application packet noted above for all changes of staff, including instructors, authorized transcript signers, and administrators. For all other changes, send an email to:

jbsmith@camtc.org



MONTHLY SCHOOLS CONFERENCE CALL



The monthly Schools Conference Call occurs the 1st Wednesday of every month at 2:00pm. The next call is May 1st. Calls are open to the public, but participation is prioritized for school owners and administrators. Please have your school-related questions ready for the call or email them in advance to jbsmith@camtc.org. Here's the info to phone in:

Phone number: 877-366-0711

Passcode: 82373574 #

Through these frequent conversations with schools, CAMTC has been able to share information more clearly, such as suspension of the exam requirement, fee changes, etc. We also solicit feedback (e.g., submitting transcripts electronically), receive feedback (e.g., streamlined staff change application process), and answer any questions schools may have.

SCHOOLS ADVISORY COMMITTEE

The Board has authorized the continuation of the Schools Advisory Committee (SAC). CAMTC acknowledges that SAC has provided the Board with much needed input over the past 2 years. This year, SAC is tasked with making recommendations to the Board regarding changes to include in the CAMTC Sunset Review Report due late 2019 to the State Legislature. After receiving interest from numerous outstanding candidates, Committee Chair Dr. Jeffrey Forman has named the 2019 members of the committee:

- **Jeff Forman** - CAMTC Board Member appointed by California Community College Chancellor's Office
- **Allison Budlong** - CAMTC Board Member representing California Association of Private Postsecondary Schools (CAPPS)
- **Keith Grant** - Former CAMTC Board Member and massage therapy instructor
- **Katie Mickey** - Santa Barbara Body Therapy Institute
- **Deborah Reuss** - Pacific College of Oriental Medicine
- **Patty Flanagan** - Hands On Healing Institute and Kali Institute
- **Kieu Vo** - International College of Holistic Studies

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



????????? QUESTION OF THE MONTH ???????????

Q

I am wondering if, as schools, we have the freedom to make exceptions to our attendance policy for students when that feels appropriate?

A

It is up to each school to establish its own attendance policy. What CAMTC looks for is that the school is following its own stated policy. The only requirement of CAMTC is that students successfully complete 500 hours of in-class education supervised by a qualified instructor, including

100 hours of core curriculum as outlined in the Procedures. Under no circumstances should a student receive credit for hours not attended. For example, if a student attends 80 of 100 hours under a school's 80% attendance policy, the student may pass and complete the course but only receives credit for the 80 hours. This means that schools offering the minimum 500 hours of education must have 100% attendance policies. All schools should accurately track and record detailed attendance, absences, make-up hours, leaves of absences, and any other information necessary to verify that a student has successfully completed the number of hours stated on the student's transcript.



AMERICAN MASSAGE THERAPY ASSOCIATION OF CALIFORNIA (AMTA-CA) 2019 ANNUAL CONFERENCE

CAMTC leadership and senior staff had a well-attended booth at the AMTA-CA Annual Conference. We were all ears for listening to massage professionals, business owners and

school owners. Our #1 goal was to listen and problem-solve in real time at our booth and to follow-up when needed.

(Pictured L-R: Joe Bob Smith, Mark Dixon, Beverly May, Roberta Rolnick
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FOREIGN EDUCATION

Currently, B&P Code only allows for CAMTC to accept out-of-state education that is: "... recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education." This generally precludes CAMTC from accepting foreign education. CAMTC is currently working with the Legislature to create a pathway for at least some acceptance of foreign education. If you have feedback or solutions to recommend, email:

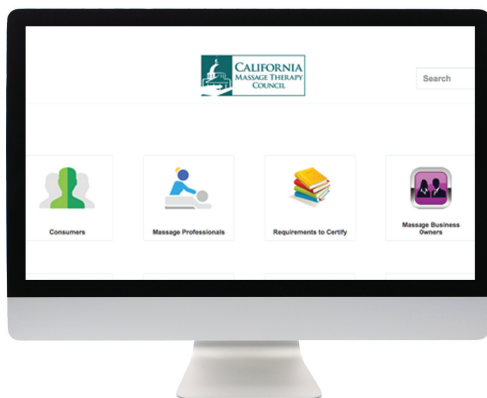
jbsmith@camtc.org



UPCOMING MEETINGS

The next Schools Advisory Committee meeting is scheduled for Tuesday, May 28, 2019. The next CAMTC Board meeting is scheduled for the following day, Wednesday, May 29, 2019. Both meetings are currently scheduled to take place in Northern California. The meeting location will be posted as soon as it's available.

All meetings are open to the public. Schedules are subject to change. You can find current meeting information, as well as minutes and audio for past meetings at <https://www.camtc.org/information-about-camtc/meetings/> and scroll down.



CAMTC WEBSITE UPDATE

A recently added feature on CAMTC's website is a comprehensive Sitemap. The Sitemap at <https://www.camtc.org/sitemap/> makes everything on CAMTC's website accessible on a single page and it can be accessed via a link at the bottom of every CAMTC webpage. Please email rrolnick@camtc.org if you have any feedback.

Missed a CAMTC School Newsletter?

Digital versions of all previous CAMTC School Newsletters can always be found here: <https://www.camtc.org/information-about-camtc/publications/> and scroll down.

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.

www.camtc.org



California Massage Therapy Council
One Capitol Mall, Suite 800
Sacramento, CA 95814

www.camtc.org