



CALIFORNIA
MASSAGE THERAPY
COUNCIL

Board of Directors Meeting

AGENDA

November 6, 2019

Hyatt Regency Los Angeles International Airport

Los Angeles, 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

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

Michael Marylander, Treasurer, Appointed by Board

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

Ronald Bates, Appointed by League of California Cities

Michael Callagy, Appointed by California State Association of Counties

Shana Faber, Appointed by Board

Heather Forshey, Appointed by San Mateo County Department of Health

John Lambert, Appointed by American Massage Therapy Association, California Chapter

Elna Leonardo, Appointed by Board

Bernadette Murray, Appointed by Associated Bodywork & Massage Professionals

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

Sean Thuilliez, Appointed by California Police Chiefs Association



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: October 26, 2019

NOTICE OF PUBLIC MEETING

Wednesday, November 6, 2019 -10:30 a.m.
Hyatt Regency Los Angeles International Airport
6225 West Century Blvd.
Los Angeles, CA 90045
Meeting Room: Core 2-3

AGENDA

1. Call to order, roll call, and establish quorum
2. Appointment of Board members and/or filling vacant Board seats
3. Elections of officers
4. Chair's Comments
 - Welcome/Introductions
 - Rules of Debate
5. Board training, including but not limited to training on the Bagley-Keene Open Meeting Act
6. Approval of minutes from September 11&12, 2019 meeting
7. Policies and Procedures for Approval of Schools
8. Closed session with CAMTC legal counsel pursuant to California Government Code Section 11126(e) - schools; lawsuits
9. Report from CAMTC's delegate to FSMTB's annual meeting

10. Review of draft Sunset report
11. Board discussion and possible votes on legislative changes to Massage Therapy Act
12. 2020 strategic priorities
13. Duty of Loyalty
14. Treasurer's report
 - Applications received
 - Financial statements
 - Conclusions
 - Comments/discussion on financial reports
15. Audit Committee – report; composition; proposals
16. Employee benefits
17. 2020 Preliminary budget
18. Selection of Legislator of the Year Award recipient
19. Proposed meetings schedule for 2020
20. Public comments regarding issues not on this agenda/suggested agenda items for future meetings
21. Chief Executive Officer's report
 - 2019 strategic priorities – update
 - Operations
 - Finance
 - Outreach
22. Director of Governmental Affairs, Anti-Human Trafficking and IT
 - Local government update
 - Anti-Human Trafficking
 - Legislative updates
 - Certification and Application Management System

23. Director of Operations' report

- Application Processing
- Customer Service

24. Director of Educational Standards Division's report

- School Status Updates
- School Outreach
- Looking Forward

25. Director of Law Enforcement Relations' report

- Interaction with law enforcement agencies
- Training

26. Outreach Director's report

- Upcoming Events
- Schools Outreach
- Law Enforcement Outreach
- Governmental Affairs Outreach

27. Items/suggestions from Board members for future meeting agendas

28. 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>

Proposed Outline of Orientation/ Training for New and Returning CAMTC Board Members

October 17, 2019

TO: CAMTC Board of Directors

FROM: Bernadette Murray CAMTC CMT #222 | CAMTC Director

Proposed: Move that the Board approves the outline of orientation/training and materials as listed in this memorandum and direct staff to provide to all Board members serving during the 2019-2023 term.

Rationale: This orientation will provide a minimum standard of training to support Board members in fulfilling their required duties and responsibilities as defined in statute and CAMTC Board Policies and Procedures.

Orientation Outline:

1. Review of the following with Question and Answer allowance:
 - a. By General Counsel:
 - i. Federal [Volunteer Protection Act of 1997](#) and CA Corporations Code [5230-5239](#)
 - ii. CA Corporations Code [6334 Rights of Inspection](#)
 - iii. Massage Therapy Act
 - iv. Bagley Keene Open Meetings Act
 - v. Oath (Duty) of Loyalty “ Board Orientation Document”
 - vi. CAMTC Bylaws
 - vii. CAMTC Board Policies specific to requirements for proposed policy changes
 - viii. CEO Contract and Performance Evaluation Process (Closed Session)
 - b. By CEO:
 - i. Mission Statement
 - ii. Delegation of Authority Schedule
 - iii. Reimbursement Policy and Procedures for Non-Employees
 - iv. Organizational Chart
2. Online Resources:
 - a. [Parliamentary Procedure Simplified](#) presented by David Rosenberg
 - b. [Tax Exempt Organization Workshop](#) on IRS website



POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

Effective January 1, 2020

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~~ must 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 for schools whose approval expires on or before December 31, 2019, and \$6,000 for schools whose approval expires on or after January 1, 2020, 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. A school offering a professional massage therapy program that has not been approved by CAMTC, before enrolling a student in the school, shall notify the student in writing and obtain a signed confirmation from the student that the student has received written notification of the following:~~

~~a. That the school is not approved by CAMTC.~~

~~b. That the education completed at the school cannot be used to satisfy any of the requirements for CAMTC certification as a massage therapist or massage practitioner in California.~~

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. Approval Process

a. For Applications for School Approval received on or before December 31, 2019, the approval process for a school shall be consistent with the following timelines:

1) 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.

2) 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.

b. For Initial Applications for School Approval received on or after January 1, 2020, the approval process for a school shall be consistent with the following timelines:

1) On or before 30 days from the date CAMTC receives an initial application for school approval, CAMTC shall notify the school whether or not, for the purpose of preliminary review, the application is complete.

A. A notice that an initial application is not complete for the purpose of preliminary review shall specify what additional documents or payment of fees the school is required to submit to CAMTC to make the application complete for the purpose of preliminary review.

B. Within 60 days from the date CAMTC notifies the school that the initial application is not complete for purposes of preliminary review, the school shall provide the missing information and pay the required fees. If a school fails to do so, CAMTC shall purge the application. CAMTC may, in its sole discretion, provide a school with an additional 30 days to make its application complete for purposes of preliminary review. A school with a purged application may submit a new application for school approval, including the required fees, without prejudice, after 180 days have passed from the effective date of purging. CAMTC shall post on its internet website the effective date of purging.

E.2) On or before one year from the date CAMTC receives an initial application for approval as a school, CAMTC shall approve the school, propose to deny approval of the school, or notify the school that corrective action is required. CAMTC reserves the right to issue a one-time notice of corrective action on an initial application. If the school fails to adequately rectify the deficiencies, CAMTC may deny the application.

ac. Provisional School Approval for New Schools and/or New Massage Programs. For new schools ~~and or~~ new massage programs, message programs that have been on hiatus, or massage schools or programs for which students are not currently enrolled or have not completed enough of the program for CAMTC to adequately determine if the minimum requirements for training and curriculum have been met, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit and the timelines set forth above. 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 those items which cannot be completed due to the school having no students or only having students for a short period of time. These items may include, but are not limited to, class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started and completed enough of the program to complete these ~~for~~ for CAMTC to adequately assess the remaining items. If granted,

CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

bd. 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, notwithstanding the limitations of section 2.E.b.2. above. CAMTC shall note on its internet website the date that a letter requesting corrective action has been sent to the school and the final outcome and date of that proposed action.

e. For purposes of this section, the following terms have the following meanings:

- 1) "Initial application" means a new application submitted by a school for school approval.
- 2) "Complete application," for purposes of preliminary review, means an application that CAMTC, after preliminary review, has determined contains all the necessary documents for CAMTC to begin a more thorough review process that allows CAMTC to make a decision to approve or propose to deny the application for school approval or request corrective action. A complete application is not an approved application and a determination by CAMTC upon preliminary review that an application is complete shall not prejudice CAMTC's ability to later determine that the application is not complete.
- 3) "Preliminary review" means an initial review conducted by CAMTC to determine if all fees have been paid and if all application and supporting documents have been submitted, so that CAMTC can move forward and begin a more thorough review process. The preliminary review process does not include completion of a site visit or completion of background checks for noncertified individuals.

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, 2020. 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~~ whichever 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. A minimum of 250 hours shall be in the supervised instruction of hands-on massage; California Business and Professions Code section 4601(e) defines massage as "the scientific manipulation of the soft tissues." 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.

(d) For Applications for School Approval received on or after January 1, 2020, within one year from the date that CAMTC notifies a school of its proposed decision to deny approval of an initial application for school approval, CAMTC shall notify the school of its final decision pursuant to any oral telephonic hearing or consideration of a written statement provided in opposition to the proposed decision to deny approval of the initial application for school approval.

(e) CAMTC shall note on its internet website the date that a letter proposing to deny a school's application for approval or reapproval has been sent to the school and the final outcome and date of that proposed action.

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) An appeal of CAMTC's final decision to deny approval of a school shall be heard at the next board of directors meeting with a date, as posted on CAMTC's internet website, that is at least 120 days from the last date for the school to timely request an appeal, unless a timely request for a continuance of the hearing date is granted. CAMTC may, in its discretion, for good cause, continue the date an appeal may be heard, in which case the appeal shall be heard at a later board of directors meeting.

~~(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 (in that it was not arbitrary or capricious) and supported by the evidence in the record.

(34) 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.



CALIFORNIA MASSAGE THERAPY COUNCIL

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

October 31, 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 May 29, 2019.

A short description of why the policy should be changed.

Beginning on January 1, 2020, the provisions of AB 775 become operative. The Policies and Procedures need to be amended to comply with the new provisions in the law.

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

Business and Professions Code sections 4615(b)-(e) contain the new provisions.

4615(b)(2) The approval process for a school shall be consistent with the following timelines:

(A) (i) On or before 30 days from the date the council receives an initial application for school approval, the council shall notify the school whether or not, for the purpose of preliminary review, the application is complete.

(ii) A notice that an initial application is not complete for the purpose of preliminary review shall specify what additional documents or payment of fees the school is required to submit to the council to make the application complete for the purpose of preliminary review.

(B) Within 60 days from the date the council notifies the school that the initial application is not complete for purposes of preliminary review, the school shall provide the missing information and pay the required fees. If a school fails to do so, the council shall purge the application. The council may, in its sole discretion, provide a school with

an additional 30 days to make its application complete for purposes of preliminary review. A school with a purged application may submit a new application for school approval, including the required fees, without prejudice, after 180 days have passed from the effective date of purging. The council shall post on its internet website the effective date of purging.

(C) (i) On or before one year from the date the council receives an initial application for approval as a school, the council shall approve the school, propose to deny approval of the school, or notify the school that corrective action is required. The council reserves the right to issue a one-time notice of corrective action on an initial application. If the school fails to adequately rectify the deficiencies, the council may deny the application.

(ii) Within one year from the date that the council notifies a school of its proposed decision to deny approval of an initial application for school approval, the council shall notify the school of its final decision pursuant to any oral telephonic hearing or consideration of a written statement provided in opposition to the proposed decision to deny approval of the initial application for school approval.

(D) A school may appeal the council's final decision to deny approval of the school. An appeal of the council's final decision to deny approval of a school shall be heard at the next board of directors meeting with a date, as posted on the council's internet website, that is at least 120 days from the last date for the school to timely request an appeal, unless a timely request for a continuance of the hearing date is granted. The council may, in its discretion, for good cause, continue the date an appeal may be heard, in which case the appeal shall be heard at a later board of directors meeting.

(3) The council shall exercise its authority to approve, deny approval of, and unapprove schools and specify corrective action in keeping with the purposes set forth in Section 4603.

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

(d) The council shall note on its internet website the date that a letter proposing to deny a school's application for approval or reapproval or requesting corrective action has been sent to the school and the final outcome and date of that proposed action.

(e) For purposes of this section, the following terms have the following meanings:

(1) "Initial application" means a new application submitted by a school for school approval.

(2) "Complete application," for purposes of preliminary review, means an application that the council, after preliminary review, has determined contains all the necessary documents for the council to begin a more thorough review process that allows the council to make a decision to approve or propose to deny the application for school approval or request corrective action. A complete application is not an approved application and a determination by the council upon preliminary review that an application is complete shall not prejudice the council's ability to later determine that the application is not complete.

(3) "Preliminary review" means an initial review conducted by the council to determine if all fees have been paid and if all application and supporting documents

have been submitted, so that the council can move forward and begin a more thorough review process. The preliminary review process does not include completion of a site visit or completion of background checks for noncertified individuals.

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

Unknown at this time. Providing shorter time lines to process and provide a final decision on initial school applications may require increasing staff, which may result in increased costs, which could potentially impact fee amounts.

Potential pros and cons if the new policy is adopted:

Pros – The changes identified will mean that CAMTC complies with the law.

Cons – none.

The impact on current certificate holders and applicants.

Unknown at this time.

A suggested date for the change to be implemented.

January 1, 2020.

TO: CAMTC Board of Directors

SUBJECT: Report on the Annual Meeting of the Federation of State Massage Therapy Boards
10 03-05 2019

CAMTC DELEGATE'S ORAL REPORT (3 MINUTES); delivered on 10 04 2019.

California Massage Therapy Council is not an agency of state government; rather, it was mandated by the California legislature in 2008 to create and operate a non-profit public benefit corporation to protect the public by certifying massage professionals that meet minimum standards as established in the California Massage Therapy Act and to approve massage schools and programs. CAMTC has sole responsibility to vet applications and renewals, and to enforce the Act and discipline certificate holders who fail to meet its standards. There are roughly 50,000 massage professionals certified in California, and 76 massage schools and programs meet our standards for approval. Over 10,000 certificates have been denied or revoked by CAMTC. Our policies are executed by a staff of 62 whose only work activity is to carry out the policies set by the Board in accordance with state law. Many of you have met and collaborated with Beverly May on Government Affairs and Joe Bob Smith on School Approval, two of our senior staffers.

The CAMTC Board of Directors voted last month to establish three strategic priorities, foremost of which is to effect a successful Sunset Review that will result in the continuation of CAMTC in status, structure, function and name.

Of nearly equal importance, CAMTC will prioritize protecting the public by continuing to work closely with anti-human trafficking organizations to address sex and labor trafficking in massage businesses.

Also, CAMTC will continue to work with cities and counties to assist them in bringing their massage regulations into congruence with the California Massage Therapy Act.

To wrap up: As with all the state boards, we have had one focus since day one: Public protection. And the unexpected, happy outcome of that focus has been that the massage profession in California has been elevated. We've earned the trust of Code and Law Enforcement, city and county governments, massage education programs and businesses – and most importantly the public. All have come to trust our standard of oversight in a way that has made life better for massage professionals and the public they serve.

So that's what we do: Protect the Public and Elevate the Profession.

##

Activities

10 03 2019 Posted Board Meeting

9:00am - 12:00pm was a pre-meeting wrap-up and not an official board meeting. It was a closed meeting.

10 03 2019 Delegate Orientation

5:00pm - 6:00pm I attended for reacquaintance with meeting procedures and to meet leadership and staff.

Any CAMTC board members who wish to have a set of the Meeting Resource Materials can contact the Delegate.

10 03 2019 Private Meeting

12:00pm – 3:00pm Met with Craig Knowles, VP, FSMTB and Chair of GA Board of Massage. Discussed areas of mutual interest in board oversight, relationships with law and code enforcement; school approval; function and actions of FSMTB Board and Staff.

10 03 2019 Welcome Reception

6:00pm - 7:30pm

There was no formal program. I met with the following Delegates and discussed various matters of interest:

ID – Justin Solace – New to the Federation, eager to learn about the CAMTC model and what it may offer to his state

MO – Brandy Mouser – Has had difficulties with fraudulent schools; sent her the Policies and Procedures for School Approval. MO has suspended reciprocity with FL – TX is next, because they can't trust the schools in either state.

TN – Marvis Burke – Her primary interest is in human trafficking and was eager to learn about our collaborative relationships with law and code enforcement, cities and counties and human trafficking support organizations; showed her our brochures, flyers and exhibit displays and told her how we have developed relationships with stakeholders.

NV – Dierdre Strunk – Vice President of Canyon Ranch; setting up a new location in California and wants to know about NV LMTs moving to CA and becoming certified. Sent her the Policies and Procedures on School Approval and referred her to the website for further Information.

NV – Sandy Anderson – Executive Director of Nevada Massage Board. We discussed a recent article in which she was quoted extensively on pervasive prostitution in massage establishments,

linked here: <https://thenevadaindependent.com/article/licensing-board-director-says-prostitution-at-massage-parlors-is-pervasive-but-hard-to-prevent>

UT – Roger Olbrot – Discussed difficulties in school approval; sent the CAMTC Policies and Procedures on School Approval.

AMTA-PA – Nancy Porambo, CPT Committee – discussed insurance billing in licensed states; third-party reimbursement; function and actions of AMTA national board and staff; performance metrics of CAMTC compared to state agencies.

FSMTB – Lorena Haynes, Government Relations Director – Discussed human trafficking and Government Relations; her attendance at the recent National Strategy Conference on Ending Human Trafficking in the Illicit Massage Industry; also attended by Beverly May, Antioch City Councilmember Monica Wilson, Laura Embleton (ABMP), James Specker (AMTA), Sandy Anderson, ED of Nevada Board of Massage, Lorena Haynes (FSMTB), CA AG Prosecutor, CA Police representatives. The conference was hosted by Polaris, Praesidium Partners, Restore New York and others.

AMTA – Christine Hooper (GR) – Claimed to be unaware of any interest on AMTA's part on state licensing in CA, said there is currently no AMTA GR function in CA.

ABMP – Laura Embleton – Cordial conversation on mandatory licensing in CA.

ADDITIONAL CONTACTS THROUGHOUT THE MEETING:

SD – Bridget Myers – Current SD board function; the board and Executive Staff have all turned over and the board is stable.

PA – Becca Cauffman – Discussed Government Relations/Legislative issues.

RI – John Balletto – School Approval and how CAMTC handles oversight; John was impressed with the tighter system of school oversight in CA; board issues in RI.

OK – Kelli Lene – School Approval and its reliability.

Various FSMTB board and staffers

10 04 2019 – 8:30am – Opened with 40 Delegates

President's Opening Remarks

FSMTB President Charlene Russell

Historical reference; how the Federation started; how it has grown; what it has accomplished; where it's going. Gratitude for the hard work and contributions of Delegates, volunteers and staff. We're stronger together.

The Federation is served by an eight-member Board, including the Executive Director as a non-voting member.

Committees

Eligibility	Policy
Exam	Nominating
Finance	Exam Development
License Renewal	Job Task Analysis
FAIR Task Force	Human Trafficking Task Force
Content Development	Eligibility Review

CE Registry is live; there will be a five-phase rollout; will be fully available in mid-2020; timing will be based upon responses from users. 17 states and DC are on board.

MBLEx Support Center has been built and staffed; to raise quality of care for candidates. New space is fully equipped, new staff has been trained. Expect increased efficiency in call response.

Strategic Planning for the Federation was clearly defined.

Massage Therapy Licensing Database (MTLD) is fully up and running, and being populated by the states.

Goals:

School Outreach – To create awareness by creating and providing resources for students. Membership Director Kevin Snedden has visited schools in 13 states.

Model Practice Act (MPA) Time is needed to update it.

Bigger coalition presence among stakeholders Develop a network.

Leadership Training & Recruitment For improved succession planning – combined with an active Call to Volunteer

Slate of Candidates for Board of Directors was presented by Diane Layton

Even though a Resolution to end the Slate Voting Process at last year's annual meeting failed, the Policy Committee was directed to consider the election process; namely, the Delegates' position that the Candidates should not be grouped as a slate, and the Delegates should be free to vote for each Candidate based upon individual qualities, with the votes tallied on a plurality basis. The Board considered it, but took no action because this year's election, with two candidates for the two open positions, was uncontested.

This year, each Candidate delivered a three-minute speech and answered three questions of a general nature, selected at random.

The vote count was not made public. The Press Release with Election Results follows:

FOR IMMEDIATE RELEASE: October 7, 2019

FSMTB 2019 Election Results

The 14th Annual Meeting of the Federation of State Massage Therapy Boards (FSMTB) was held in Atlanta, Georgia on October 3-5, 2019. In attendance were 40 state delegates, along with 50 additional registrants from member boards, businesses, and professional associations.

The delegate assembly, comprised of FSMTB member boards and agencies, re-elected David Cox, Maryland State Board of Massage Therapy Examiners; and Charlene Russell, Mississippi State Board of Massage Therapy (former), each to three-year terms on the board of directors.

Charlene Russell was elected to serve as president, Craig Knowles, Georgia Board of Massage Therapy, was elected to serve as vice president, and David Cox was elected to serve as treasurer of the board.

We wish to extend sincere thanks to Dr. Ed Bolden, Tennessee Board of Massage Licensure, who completed four years as an FSMTB Director, including two years serving as president.

The delegate assembly elected Micheal Black of the Utah Board of Massage Therapy, Lydia Nixon of the Florida Board of Massage Therapy and April Whiting of the Nevada State Board of Massage Therapy to serve on the 2020 Nominating Committee.

FSMTB Board of Directors

President - Charlene Russell - Mississippi State Board of Massage Therapy (former)
Vice President - Craig Knowles - Georgia Board of Massage Therapy
Treasurer - David Cox - Maryland State Board of Massage Therapy Examiners
Director - Robin Alexander - Louisiana Board of Massage Therapy
Director - Victoria Drago - Florida Board of Massage Therapy
Director - Dianne Layden - North Carolina Board of Massage and Bodywork Therapy (former)
Director - Thomas Ryan - Administrator, Division of Legal Services and Compliance, Wisconsin Department of Safety and Professional Services
Ex Officio - Debra Persinger - FSMTB Executive Director (Non-voting member)

Financial Report by Treasurer David Cox. Details are included in the October 2019 Annual Report, which will be on the Federation website by 11 05 2019. Annual membership dues will go to a maximum of \$3500. on 07 01 2020.

Closed Session

Without going into details, the following was discussed:

- MBLEx security and action concerning fraud by exam takers
- Current and settled litigation
- Communication with State Regulatory Boards and Agencies, Law Enforcement Agencies and informants/whistleblowers
- Matters of Education misrepresentations/Fraud

All the means of subverting exam security previously discussed during CAMTC closed session were discussed.

By virtue of CAMTC's membership in FSMTB, CAMTC board members wishing to have details on matters discussed in closed session may contact the Delegate by phone.

Mentioned during Closed Session, but public knowledge: After conferring with the FSMTB Executive Director and General Counsel, this report will mention that there is no current consideration of offering the MBLEx in any languages but English and Spanish.

Report by Adam Campbell, IL Board of Higher Education: Communicating with Regulatory Agencies

School Oversight Report on Collaborations with 21 states (including CA) and DC, and assistance they provided. Full discussion on what inspectors encounter in the field.

Mr. Campbell encouraged continued notifications on schools; MBLEx testing and security protocols; Institutional verification
Education and Training

Continued outreach and collaboration:

- State & Federal regulatory bodies
- PA Dept. of Education
- U. S. Senator Dick Durbin (IL)
- ICE
- Human Trafficking Task Forces
- Law Enforcement Agencies
- Department of Homeland Security

2019 Member Board Reports – CAMTC Directors may contact the Delegate for a copy.

Report by Kristin Paiva, General Counsel, Massage Envy:

Normalizing Massage – Safety measures in Massage Envy Establishments

There are 18,000 massage professionals working in 1200 Massage Envy establishments nationwide.

Presented the Business Model – Industry Leading Safety Models.

Showed a brief promotional video: KEEP YOUR BODY WORKING

Presented a two-minute Primer on Franchising

Reviewed the Brand Owner and Provider Requirements in exhaustive detail

Discussed mandatory semi-annual training for franchisees and providers

Business Policies necessary to remain a Massage Envy franchisee

Covered policy in cases of guests behaving inappropriately

Self-Care commitment; Education; Resources; Cultural Standards

Licensed mental health clinicians are available to all providers any time, anywhere, free of charge.

The presentation appeared intended to reassure the Federation members that all appropriate steps are being taken by Massage Envy to recover and build its image as a safe provider of massage care.

Lorena Haynes, FSMTB Dir. of Government Relations

Online Education for Entry-Level Training

Four states accept online education. Per a recent FSMTB survey, six said they do – and none of those are the same states. So from this she learned that some work is needed to bring knowledge in sync with current facts (California does not accept on-line education for new or renewing certificate holders). Another wrinkle is that there are accredited colleges that do, but don't stipulate it on their transcripts; so there may be states that unknowingly license massage professionals using on-line education to meet requirements.

Several states reported on plans to consider adding it – or to eliminating it.

DAY TWO – 40 Delegates present

Operation Mississippi Delta – a case study

Presented by Debra Persinger, PhD, FSMTB Executive Director

Dr. Persinger reported on an analytical study conducted by the Federation to measure performance based upon MBLEx pass rates in a state (MS) with a seriously declining number of massage programs. The report described in detail the design of the analysis, its conclusions, and resources available to the programs to support success of students and graduates who sit for the exam.

Working with Law Enforcement

Presented by Sandy Anderson, Executive Director of Nevada Board of Massage. Ms. Anderson reported on steps she has taken in NV to partner with law enforcement and code enforcement. She urged the state boards that have not done so to make these relationships a priority.

Many of her points mirrored current best practices at CAMTC.

She also stated the importance of the states' Executive Directors to attend the annual FSMTB Executive Summit, offered at no charge to the boards as an indispensable intrastate networking and learning tool.

Establishment Regulations

Tom Ryan, Esq., member of the FSMTB board

Only cursory notes are offered here, as CAMTC does not have jurisdiction over establishment regulation.

(Delegate's Note) By show of hands, and not represented as accurate or factual, 16 states have establishment licensing as part of state law; 14 do not. It's possible that the Delegates who responded to the hand count are not aware of their law. The moderator stated to me when I asked that "The most I was able to conclude is that the number of states' licensing establishments seems to have increased from some years ago. The only way to be sure would've been to search each jurisdiction's laws".

Regulations take the following into account:

- Ownership and control of premises; it's important to track establishment owners and property owners
- Criminal background checks of property and establishment owners
- Close tracking on changes in property ownership
- CE training on the law for non-massage therapist owners
- Inspections: Initial and annual, announced and unannounced
- Public input into land use
- Fire & Safety
- Sanitation & Health Safety
- Code of Ethics – posted in common area

- Recourse for the public, posted in common area, including help line phone numbers
- Public access to advertising violations
- Violated premises restrictions for ____ years, depending on the will of the jurisdiction

Awards

Presented to:

- Charlene Russell for Leadership and Distinguished Service; Service on the board since 2017
- David Cox for Service on the board since 2017

Facilitated Discussion: Deregulation

Several states weighed in on current consideration of deregulation.

AK: Working with a checklist overseen by Americans for Prosperity, a conservative anti-regulation non-profit. It's clear AfP wants to increase the difficulty of becoming licensed to practice massage.

PA: Four boards have recently been disbanded. There are 29 now; all have been reviewed

AL: The Policy Institute (TPI) has been attacking all boards. Every LMT has spoken up and demanded that the massage law remain in place, with success so far. Part of a strong association of state boards to communicate in mutual support.

MA: TPI has declined to engage in dialogue with the massage board to discuss its concerns.

SD: Dept. of Labor was asked by the Governor to review all boards.

UT: All boards were asked to defend their reason for being; specifically, to define how a person could be harmed by an untrained massage professional.

OK: Last year the MT law was reviewed and eliminated. The Cosmetology Board came to the MT's defense and it was reinstated.

AZ: A bill was brought forward to deregulate massage. Once the legitimate MTs got wind, the entire MT population rose up, and the grass roots action was effective.

Facilitated Discussion: CBD

These comments are included for the record, and for future reference.

AK: It's unregulated, but being used.

MA: Per recent Marijuana legislation, it's legal.

PA: The government has not spoken about it. Athletes have lost Olympic positions because trace amounts of THC have shown up in the bloodstream. Massage professionals can be charged for civil liability

FL: Transdermal application is considered medicine, which is forbidden in massage practice. Topical is OK, and the use is determined by *intent*, which has

been found to be difficult to establish. Allowed to use it or not, there is nothing in approved school programs teaching its safe and effective use.

OR: Legal for transdermal use. Gloves are recommended. Massage professionals cannot sell it. The board recommends not using it at all due to possible liability.

LA: Dept. of Health must approve it, and Alcohol and Tobacco Control must provide a permit for its use.

WA: Products must be tested for purity and label claim, and LMTs who use it must keep records by date, amount used.

Per moderator: Many states are holding off on regulations, awaiting Federal guidelines for safe and effective use.

ABMP was queried on whether its liability insurance covers use of CBD, and answered: If your state does not disallow it, and it's in your scope of practice, licensed therapists are covered.

AMTA was queried on whether its liability insurance covers use of CBD, and answered: They don't discuss or cover its use, and won't until it's completely legal under Federal law.

NC: Legal with physician's consent for Multiple Sclerosis

AL: There's nothing in the massage law, so it's a matter of the AG's opinion, which is on the state board's website.

NV: Nobody knows what's legal. The state Surgeon General is vehemently against it, wants 20 years of peer-reviewed evidence that it's safe and effective.

Closing Remarks

President Russell expressed gratitude to all concerned with producing, presenting and attending the event; made a cheerful call for volunteers.

In personal terms, thanked everyone for the years of encouragement and respect, and the humbling opportunity to serve. Urged the Delegates to always contribute, never hesitate.

Next Year's Annual Meeting

10 15-17, 2020 Chicago

Following Year's Annual Meeting

10 07-09, 2021 Charlotte

Respectfully submitted,

Mark W. Dixon, CMT, BCTMB, 2019 Delegate to the
FSMTB Annual Meeting

History and Function of CAMTC

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

Protection of the public has been the highest priority for the California Massage Therapy Council (CAMTC) since it was established in 2009. This includes not only customers receiving massages and members of the public at large, but also potential victims of human trafficking. CAMTC has been at the forefront of anti-human trafficking efforts since inception.

CAMTC is a private nonprofit corporation that carries out the responsibilities and duties set forth in Chapter 10.5. of Division 2 of the Business and Professions Code (Massage Therapy Act), a Title Act.¹ CAMTC implements a voluntary statewide certification program for massage professionals and approves massage schools. Massage professionals who are certified by CAMTC may provide massage for compensation in any California city or county without being required to obtain a local permit to practice their profession.

CAMTC is a private, not for profit, 501(c)(3) corporation, which was established in 2009 by private individuals in response to the enactment of the Massage Therapy Act the prior year. Not being part of California State government, CAMTC has never used any taxpayer monies, State funds or other public funding. In order to launch its operations,

¹ SB 731 (Oropeza, Chapter 384, Statutes of 2008) established the Massage Therapy Act and allowed for the voluntary certification of massage therapists on a statewide basis instead of permitting by local jurisdictions and authorized a Massage Therapy Organization (MTO) with the authority to implement a certification program. The name of the MTO was changed to the current CAMTC by AB 619 (Halderman, Chapter 309, Statutes of 2011).

CAMTC raised \$184,410 in loan commitments from five private sources. All loans were fully repaid (principal and interest) by February 17, 2010. CAMTC has never relied on any State agency infrastructure, administrative, logistical, technical or legal support.

As a non-profit organization, CAMTC has the ability to take action in situations where a state licensure board cannot, all while providing fair procedure in an efficient and cost-effective manner that directly supports law enforcement and strengthens local communities. It's current school approval program, and predecessor un-approval program, is a prime example of the benefit of its non-profit and voluntary status. On July 1, 2016, CAMTC began actively approving massage schools and began requiring that only education completed at CAMTC approved schools could be used for CAMTC certification purposes. CAMTC's school approval program ensures that approved schools meet the highest standards for massage education and are not being used as conduits for human trafficking.

Human traffickers want the air of legitimacy provided by businesses that appear to be legitimate massage establishments but are actually fronts for illicit activity. In order to accomplish this, traffickers need individuals working for them who have clean criminal history records and evidence of massage education. But traffickers don't want to take the time required to have victims actually complete massage education. Instead, it is much more cost effective to purchase transcripts and immediately set victims up in brothels disguised as massage establishments. Fraudulent schools looking to make a quick buck feed into and support this system of victimization. CAMTC's streamlined efforts to only approve schools that are actually providing all of the education listed on the transcript cuts at the heart of human traffickers, closing off this avenue. Its diligent efforts to deny and revoke certification to those who engage in prostitution related activity also cuts off the easy flow of victims and takes them out of the stream of commerce, making it more expensive and complicated for human traffickers to engage in their criminal enterprise. Through these efforts and its cooperation with law enforcement agencies, CAMTC is working to stem the tide of human trafficking.

CAMTC went through its first Sunset Review in 2014, at which time its statute was reorganized and significantly revised by AB 1147. On January 1 of 2015, the statutory changes authorized by AB 1147 became effective. In September of 2015, the existing 20-member Board of Directors (BOD) was replaced with the currently configured 13-member BOD, of which five seats are held for local government officials, three are for representatives of the therapeutic massage profession, one represents an anti-human trafficking organization, one is appointed by the Office of the Chancellor of the California Community Colleges, one is a public member appointed by the Department of Consumer Affairs, one is appointed by the California Association of Private Postsecondary Schools and one is chosen by the Board to provide knowledge of the massage industry or expertise in the operation of the council. There are no advisory bodies required by statute.

In 2016, CAMTC went through its second Sunset Review. AB 2194 re-authorized the Massage Therapy Act for another four years. Numerous changes were made regarding denial and disciplinary procedures and local government authority. These are explained more fully in response to Question No. 3 of this report.

In September of 2016, CAMTC amended its mission statement to reflect its new role approving massage schools. CAMTC's mission statement is:

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.

Since 2015, there have been numerous amendments to the law. The statutory changes have accomplished many things, such as:

- removing the exam requirement for two years,
- clarifying local government regulation of massage businesses,
- limiting regulatory fees imposed on massage businesses by local governments to only those that are reasonable and necessary,

- clarifying some portions of CAMTC's denial and disciplinary process, and
- addressing CAMTC's voluntary program to approve massage schools.

In addition, the 2016 Sunset bill required CAMTC to provide a number of reports to the appropriate legislative committees, such as a feasibility study for licensure and detailed performance metrics information. At this time, all of the requested reports have been submitted.

CAMTC also participated in a Joint Informational Hearing of the Business and Professions Committee in June of 2016 on the "Role of Regulated Professions in Combatting Human Trafficking." CAMTC played a key role in assisting committee staff with the hearing by helping to identify and contact participants. As the issue of sex trafficking under the guise of massage, and the prevalence of fraudulent schools that enable human traffickers by providing fake transcripts has been uncovered, CAMTC has been at the forefront of efforts to prevent and abate sex trafficking in massage establishments while working with and in coalitions to support wise policies and effective victim services.

Makeup and Function of the Board of Directors and Committees

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

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

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

A. Executive Committee

This committee consists of the elected officers of the BOD and has the authority to review and recommend changes to the bylaws and to other operating policies to the

BOD. The Executive Committee also has the authority delegated to it by the BOD, if any.

B. Audit Committee

This committee is charged with oversight of financial reporting and disclosures. The committee interfaces with the auditing firm, the Chief Financial Officer, and the Chief Executive Officer, and makes recommendations to the BOD as to the approval of the annual audit report. It also files the organization's tax returns. This committee is currently comprised of two BOD members.

C. School Advisory Committee

This committee makes recommendations to the BOD as to issues affecting CAMTC approved schools and their students. This committee is currently chaired by a BOD member and is comprised of one other BOD member and five other individuals who are either owners or administrators of CAMTC Approved Schools. This committee recommends changes to the Policies and Procedures for Approval of Schools and other school related policies, many of which have been adopted by the BOD.

BOD Attendance

Table 1a. Attendance

[NOT YET COMPLETED]

Current BOD Member Roster

Table 1b. Board /Committee Member Roster

[NOT YET COMPLETED]

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

In the past four years, the BOD has never missed a meeting and was able to hold all meetings with a quorum.

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

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

Internal Changes

Reorganization

In 2019 the Professional Standards Division (PSD), was completely restructured and new departments were created in order to:

- Improve the process and flow of cases thereby creating operational efficiencies;
- Set up walls between the various departments engaged in different job functions to eliminate any perception of bias, and;
- Allow the former Director of PSD to focus on a new role as the Director of Law Enforcement Relations.

(Please see the current organizational chart, Section __, Attachment __.) Prior to the restructure, groups of PSD employees engaged in significantly different categories of job duties, but were all housed under one division. PSD was the division responsible for the investigation and review of applicant and certificate holder background issues, and making proposed and final denial and disciplinary decisions.

While from a high level view all job tasks previously performed by employees working in the division are still being performed, the restructuring has allowed those tasks to be performed in a more efficient manner, in part by eliminating redundancies. What was formerly the PSD has now been divided into four different departments:

1. Investigations and 2. the Background Review Department, which both report directly to the CEO; 3. Hearing Officers, which are now under the direct supervision of the Legal Department; and 4. the Director of Law Enforcement Relations, who was previously the Director of PSD and is now a stand-alone department.

Investigations does just that. The department is dedicated to identifying, gathering, and reviewing information related to potential violations of the Massage Therapy Act. The Investigators regularly interact with law enforcement and code enforcement officials, witnesses, complainants, and victims of sexual assault. Once investigations are complete, cases are sent to the Background Review Department (BRD).

The BRD is the department with the authority to make proposed decisions to deny or discipline, or decide that no action should be taken. The BRD reviews information related to violations of the Massage Therapy Act and makes proposed decisions to deny applications, discipline certificate holders, or clear the issue(s). If an individual receives a proposed decision to deny their application or impose discipline, they may request an oral telephonic hearing or consideration of a written statement to challenge that proposed decision. The Hearing Officers are the ones who hear those challenges and make final decisions to deny or discipline.

The Director of Law Enforcement Relations is primarily focused on providing training and is a dedicated point of contact for law enforcement agencies, code enforcement agencies, and local government agencies that regulate massage. This new role has allowed the Director to be a readily available direct point of contact for law enforcement, where he is continually available to provide guidance and support as situations unfold.

Change in Leadership

Day-to-day application processing tasks related to individual certification, such as fee collection, application intake and processing, certificate and ID card printing, and customer service, are generally performed for CAMTC by a contract management firm, Advocacy Management Group (AMG). At the end of 2017, the Operations Manager, an

AMG employee, left the organization. With her departure, a new individual was engaged by AMG to oversee CAMTC's day-to-day operations. This individual reviewed application processing and the job tasks performed by AMG for CAMTC, analyzed the then current process, and then substantially restructured operations to create significant increases in processing efficiencies, reduced processing times, and created more robust fail-safe systems, all without a significant increase in staff. This individual was therefore quickly promoted to Director of Operations, a position he currently holds.

Strategic Planning

Each year the BOD establishes a set of Strategic Priorities for the following year. The strategic priorities guide the operations of CAMTC and provide the organization with a list of objectives it will be focusing on for that specific year. They are also used to set budget priorities. Following are the Strategic Priorities set every year by the BOD:

2016 Strategic Priorities

1. Continue CAMTC as a private non-profit organization administering voluntary massage certification programs until such time as the results of the feasibility study are completed and implemented.
2. In preparation for Sunset review, to continue to meet the goals and priorities outlined by the Legislature in the AB 1147 process, in particular assisting local governments and law enforcement in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and improving communications with local government and law enforcement.
3. CAMTC to conduct a feasibility study of licensure for the massage profession, including proposed scope of practice, legitimate techniques of massage, and related statutory recommendations by January 1, 2017.

2017 Strategic Priorities

1. Public Protection

- 1.1 Monitor legislative initiatives and take appropriate action
- 1.2 Take appropriate action to ensure that CAMTC's approved exams eligibility requirements do not weaken CAMTC's ability to protect the public.

2. Schools. Evaluate the accessibility of massage education in the state of California and review school-related policies.

- 2.1 By April 1, 2017, conduct a study to identify population areas where no massage education for the purpose of CAMTC certification is available.
- 2.2 By July 1, 2017, Examine CAMTC's potential role in mitigating the shortage of professional massage educational opportunities, if such exist.
- 2.3 Establish and support a fully functioning schools advisory committee and conduct its first meeting by March 1, 2017.
- 2.4. The schools advisory committee shall evaluate CAMTC's school-related policies and submit its recommendations to the Board by September 1, 2017.
- 2.5 Develop and implement an outreach plan by December 1, 2017, that informs prospective massage students about the ramifications of enrolling in massage programs which are not approved by CAMTC.
- 2.6 By October 1, 2017, develop and analyze data pertaining to correlation between individual schools and disciplinary actions against applicants and certificate holders.

3. Accountability. Hold CAMTC accountable to the public by ensuring that all stakeholders can review CAMTC's progress in meeting its public protection mission.

- 3.1 Regularly track quarterly disciplinary performance measures and make them easily available by prominently posting that data on the website every 90 days.

4. Local Government. Promote collaboration with cities and counties and evaluate the implementation of Business and Professions Code section 4603.1

- 4.1 Develop and offer education to local government officials, especially to city attorneys, about CAMTC's certification, school approval program, and the use of revocable registration.

- 4.2 Continue with outreach initiatives to city and county managers and elected officials and law enforcement to offer support and encourage proactive improvements to local ordinances.
- 4.3 Continue to build a positive relationship with the League of California Cities and California State Association of Counties throughout 2017.
- 4.4 Track how well cities comply with their legal responsibility to impose and enforce only reasonable and necessary fees and regulations on massage businesses throughout 2017.
- 4.5 Submit a report to the Legislature by December 31, 2017, on how well local government keeps with the requirements of existing law to be mindful of the need to protect legitimate business owners and massage professionals, particularly sole providers.
- 4.6 Institutionalize information about CAMTC by developing MOU's with cities and counties that documents CAMTC's and local governments' respective protocols, obligations and duties.
- 4.7 To initiate, in cooperation with law enforcement, the development of proactive protocol, budget and staff to discipline certificate holders that may be engaged in sexually suggestive advertising.
- 5. Businesses. Establish communication channels with business owners.
 - 5.1 Develop a comprehensive statewide database which will enable CAMTC to establish an ongoing communication with owners of establishments where massage professionals practice.
- 6. Certificate Holders. Help certificate holders better understand what constitutes a violation of CAMTC's statute.
 - 6.1 Develop easy to understand summaries regarding violations of CAMTC's statute and widely disseminate this information to certificate holders, applicants and schools.

2018 Strategic Priorities

1. Public Safety

As part of the Board's public safety goal for 2018, CAMTC has entered into strategic a partnership agreement with the California Police Chiefs Associations

(CPCA). CAMTC was also the premier sponsor of CPCA's Annual Training Symposium (March 18-22, 2018). CAMTC was also a major sponsor and presenter at the California Association of Code Enforcement Officer's conference.

2. Customer Service

Jon Walters was promoted to CAMTC's Director of Operations. Under his leadership numerous application processing and customer service protocols have already been implemented. AMG and CAMTC entered into a new service agreement to further increase CAMTC's ability to meet the Board's customer service objectives. The quality and efficiency of CAMTC's customer service has shown a remarkable improvement in 2018.

3. Non-English Speakers

CAMTC reported to the Legislature on the findings of CAMTC's assessment of contact with non-English speakers (attached). Based on the findings of the assessment, staff recommends that in 2019 CAMTC start the process of offering all publicly available written and electronic materials provided to certificate holders and applicants in Chinese in addition to English. These materials will not include examinations, denial and disciplinary legal documents or email communications.

4. Schools

The Schools Advisory Committee continued its important work in 2018 and made significant contributions to improving CAMTC's school-related policies and protocols. We continued our close relationship with schools by enhancing communication and the accessibility of relevant information. CAMTC instituted a public monthly conference call with schools. CAMTC's Educational Standards Division Director hosts the conference call.

5. Local Government

CAMTC sent a letter (attached) to all city and county managers throughout the state offering to assist with ordinance amendments that will improve public safety. We received numerous responses from local government executives

requesting CAMTC's assistance and continue to receive others on a regular basis.

2019 Strategic Priorities

1. Sunset Review

In preparation for the 2019-2020 Sunset review, prioritize all organizational functions for a successful outcome for the Sunset review. Specifically, the continuation of CAMTC as a nonprofit organization, implementing a state-wide voluntary certification program for massage professionals and approval of educational programs. Sunset review shall be the highest priority for CAMTC in 2019.

2. Accountability

Continue to implement a transparent system of performance measurement.

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

3. Exam

Evaluation of feasibility of CAMTC developing and administering its own exam.

4. Non-English Speakers

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

5. Outreach to Schools and Students

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

Legislation

CAMTC has made it a priority to work with the legislature as bills affecting it are proposed and introduced. Proposed legislation identifies important areas of stakeholder concern and makes CAMTC more responsive to local government, the community it serves, and all interested stakeholders. CAMTC has worked cooperatively with the legislature on many bills that have been introduced since the last Sunset. While

CAMTC has not sponsored legislation since the last Sunset review, the following bills which affect CAMTC were passed since the last Sunset report. For most of these bills CAMTC has been an integral part of the legislative process, including assisting legislative staff with their efforts to draft technically appropriate language.

AB 2194 (Salas, 2016)

AB 2194 was the most recent Sunset bill for the Massage Therapy Act. This bill made a number of significant changes to the Act, therefore only the most substantive changes will be discussed.

AB 2194 moves previous intent language related to fees imposed by local governments and codifies it as Business and Professions Code section 4603.1, which states that, local governments, “shall impose and enforce only reasonable and necessary fees and regulations on massage businesses and massage establishments, in keeping with the requirements of existing law and being mindful of the need to protect legitimate business owners and massage professionals, particularly sole providers.”

AB 2194 clarifies that a final decision to deny or impose discipline can be based solely on a written statement or declaration made under penalty of perjury. It further states that an applicant or certificate holder seeking to challenge a denial or discipline decision in court must do so within 90 days from the effective date of the denial or discipline. The bill further provides that a certificate issued under the Act is not a fundamental vested right and judicial review of a denial or disciplinary decision is to be conducted using the substantial evidence standard of review. The bill additionally authorizes the council to notify an establishment or employer of the suspension of a certificate by first-class mail.

AB 2194 prohibits a local jurisdiction from requiring a massage establishment to have a shower or bath as part of its facility. It further clarifies previous statutory language which prohibits local government from requiring “background checks” of CAMTC certificate holders.

The bill also requires that various reports be submitted to the Legislature at specified dates. Those reports, all of which have been submitted, are as follows:

1. Feasibility study for licensure of the profession;
2. CAMTC's compensation guidelines and current salary levels;
3. Status of revisions to the school approval process; and
4. Detailed performance metrics data related to denials, suspensions, revocations, discipline, school inspections, and complaints.

AB 2194 also extends the Massage Therapy Act for a period of four years, to January 1, 2021.

SB 314 (Nguyen, 2017)

SB 314 became effective January 1, 2018. It requires CAMTC, pursuant to its policies and procedures, to accept hours earned by an applicant for certification as a massage therapist if those hours were completed before July 1, 2016, and were earned from a school providing education in California and that school was unapproved by the council on or after July 1, 2016, based solely on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school. This very narrow exception applies only to one massage school in California.

SB 315 (Nguyen, 2017)

SB 315 became effective January 1, 2018. It initially requires CAMTC to assess its contact with non-English speakers and provide a report to the legislature with that assessment on or before January 1, 2019. The bill then requires CAMTC to determine what language(s) other than English are used by a substantial number of non-English speakers in contact with CAMTC. After this determination is complete, the bill then requires that CAMTC offer and make available all publicly available written and electronic materials provided to certificate holders and applicants in this other non-English language or languages. The bill excludes examinations, denial and disciplinary legal documents, and email communications from the materials that must be made available in languages other than English.

SB 1480 (Hill, 2018)

SB 1480 became effective on January 1, 2019. This bill suspends the certification requirement mandating passage of a CAMTC approved exam as a condition of certification for a two-year time period, spanning from January 1, 2019, through December 31, 2020. The bill also changes the recognition of education from certain schools that were unapproved by the council based solely on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school.

AB 775 (Chau, 2019)

AB 775 was introduced this year and will become operative on January 1, 2020. CAMTC supported this bill. The bill establishes specified timelines for the approval and reapproval of schools, including requiring the council to approve a school, propose to deny approval of a school, or notify the school that corrective action is required on or before one year from the date CAMTC receives an initial application for school approval. The bill also requires that an appeal be heard within a specified time period.

AB775 also requires CAMTC to note on its internet website the date that a letter proposing to deny a school's application for approval, reapproval, or requesting corrective action has been sent to the school and the final outcome of the proposed action. The bill also requires a school offering a professional massage therapy program that has not been approved by CAMTC to notify, and obtain a signed confirmation from each student, that the student has been notified that the school is not approved by CAMTC and that education completed at the school cannot be used to satisfy any of the requirements for CAMTC certification in California.

SB 630 (Stern, 2019)

Currently, Civil Code section 52.6 addresses the posting of Human Trafficking notices and associated penalties for failure to do so. SB 630 will allow local governments to further enact ordinances or regulations intended to prevent or address human trafficking, that contain additional requirements and increased penalties beyond the

requirements currently contained in Civil Code Section 52.6. This bill has been signed and chaptered and will become operative on January 1, 2020.

Changes to Bylaws

The statutory changes made to the Massage Therapy Act since the last review do not create any conflicts with CAMTC's bylaws, nor do they establish mandates that require bylaw revisions. Therefore, CAMTC's bylaws have not been amended since the last Sunset report.

4. Describe any major studies conducted by the CAMTC.

Assessment of Contact with Non-English Speakers

CAMTC has conducted an assessment of its contact with non-English speakers, pursuant to Business and Professions Code section 4602(l). Upon assessment, it was determined that 11.8% of contacts were from non-English speakers. Of this 11.8% of contacts, 9.8% reported Chinese as their primary language, 0.7% reported Thai as their primary language, 0.4% reported Korean as their primary language, 0.3% reported Spanish as their primary language, 0.2% reported Lao as their primary language, 0.2% reported Vietnamese as their primary language, and 0.2% reported Russian as their primary language. Based on this assessment, it was determined that Chinese is the only language other than English that is spoken by a substantial number of individuals in contact with CAMTC. Based on this determination, CAMTC has decided that it will offer and make available all publicly available written and electronic materials provided to applicants and certificate holders in Chinese as well as English. These materials will not include examinations, denial and disciplinary legal documents, or email communications. CAMTC currently utilizes Google translate on its website, making it available in more than 100 languages. The full assessment results can be found as attachment ____ to section ____.

Feasibility Study for Licensure of the Profession

CAMTC funded a feasibility study that addressed the potential for licensure of the massage profession pursuant to Business and Professions Code section 4620(a)(1).

The feasibility study was performed by Blue Sky Consulting Group, an independent consultant firm recommended to CAMTC by the Chief Consultant for the Senate Business and Professions Committee. The legislature requested the study as it wanted an unbiased group to provide it with a bottom line understating of the feasibility of licensure for the profession. The study discussed the feasibility of adopting a license act, and concluded that CAMTC certification provides the greatest benefits at the lowest cost.

The study concluded that:

*Given the relative lack of conclusive evidence supporting the effectiveness of regulation in achieving its most important stated goals, our conclusion is that **the additional costs of a licensure model are not warranted**. In fact, our review suggests that – while evidence is limited – **the certification model is likely superior to a licensure model in accomplishing the goal of distinguishing legitimate practitioners from sex workers**. And, a certification model has the capacity to accomplish this goal without raising prices for consumers or costs for the profession or restricting the ability of would-be massage therapists to work in their chosen field.*

(Emphasis added.) The study can be found in Section __, Attachment __ to this report.

National Associations

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

CAMTC understands the importance of belonging to national and local organizations that share its goals. Participation in local organizations provides CAMTC with ties to

local communities, keeps the organization informed of the issues that are most relevant to each local community, and allows CAMTC to get insight from people that are dedicated to the issues they champion.

National Associations

CAMTC currently belongs to the following National Associations:

Federation of State Massage Therapy Boards (FSMTB)

FSMTB is a membership organization that primarily develops and administers a national entry level massage proficiency exam, the Massage and Bodywork Licensing Examination (MBLEx). CAMTC is a member and has voting rights at the Annual Conference, the same as other members representing 43 states, Puerto Rico, the US Virgin Islands, and the District of Columbia. CAMTC's Chair serves as the Delegate to the Annual Conference and attends each year. CAMTC has presented at several annual FSMTB conferences on issues related to fraudulent schools and human trafficking. For the past three years, FSMTB has also hosted a meeting of Executive Directors of member boards. Members of CAMTC's Executive staff attend each Annual Conference.

International Spa Association (ISPA)

ISPA's stated mission is to advance the spa industry by, "providing invaluable educational and networking opportunities, promoting the value of the spa experience and speaking as the authoritative voice to foster professionalism and growth." CAMTC is a member of this association, but does not have voting rights on policy issues.

Anti-Human Trafficking Taskforces/ Coalitions/ Organizations

CAMTC also participates in the following groups related to human trafficking issues:

Santa Clara Coalition to End Human Trafficking

CAMTC is a voting member of this coalition, as well as Stop the Traffick, an off-shoot of the Coalition which addresses specific issues regarding trafficking. CAMTC's Director of Governmental Affairs and Anti-Human Trafficking has attended most of the

Coalition's monthly meetings since joining, as well as all of the quarterly meetings of Stop the Traffick in the past year.

San Mateo County Human Trafficking Program

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking attends all of these meetings and has since inception of the organization in 2017. There is no formal voting membership.

San Francisco Mayor Taskforces - Adult Trafficking and General Trafficking

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking has participated in these taskforces since their inception in 2013. As the focus has shifted from massage, due in part to enhanced cooperation between CAMTC and local jurisdictions, CAMTC has chosen not to retain voting rights, but still attends most of the meetings.

San Francisco Coalition Against Human Trafficking (SFCaHT)

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking has participated in this countywide taskforce since inception. SFCaHT meets quarterly in San Francisco. CAMTC's representative is a voting member, is on the steering committee, and has assisted in planning the SFCaHT annual conference as well as presenting and moderating a panel on human trafficking at the 2016 annual conference.

Stanislaus County Human Exploitation and Recovery Taskforce (290 Project)

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking has also participated in this countywide taskforce since its inception in 2013. The 290 Project currently meets every two months in Modesto, hosted by the District Attorney, but met monthly until 2014. CAMTC has been monitoring this taskforce but has not participated in recent meetings.

Contra Costa Coalition against Human Trafficking

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking has participated in this taskforce and is currently attending its meetings.

Alameda County Heatwatch

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking has participated in this taskforce and has attended most of the quarterly meetings for the past several years. This taskforce does not have voting members and has not met recently but expects to resume in the near future.

Sacramento Coalition on Human Trafficking

CAMTC's Director of Governmental Affairs and anti-Human Trafficking has just begun participating in this coalition.

Polaris Project

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking has been an active participant in the current massage initiative organized by the Polaris Project. Executive staff attended its October, 2019 conference titled, "National Strategy Convening: Large-Scale Network Disruption of Human Trafficking in the Illicit Massage Industry," organized by Polaris and Praesidium Partners, a group formed by former FBI agents. Polaris does not have memberships.

Coalition to Abolish Slavery & Trafficking (CAST)

CAMTC participates in the monthly legislative update calls of CAST and has supported this organization by attending its annual Galas.

In addition to the organizations noted above, CAMTC monitors and communicates with numerous other coalitions, collaboratives, and taskforces throughout the state. This year CAMTC plans greater participation in coalitions in Southern California, including the San Diego Human trafficking Advisory Taskforce chaired by an Assistant District Attorney and the Los Angeles Regional Human Trafficking Taskforce.

CAMTC's Director of Governmental Affairs and Anti-Human Trafficking monitors these taskforces:

**Central Valley Coalition,
Freedom Coalition,
Marin County Coalition,
Monterey Peninsula Coalition**

CAMTC will also be following the Little Hoover Commission's study on Labor Trafficking, an issue believed to go hand in hand with sex trafficking.

Use of National Exams

The Massage Therapy Act does not currently require passage of an exam for certification. This requirement has been suspended for a two-year time period, from January 1, 2019, through December 31, 2020. The requirement to pass an approved massage therapy exam has been a difficult and controversial issue for the legislature. While the requirement is currently suspended, CAMTC anticipates that this issue will be reviewed again and discussion on the exam requirement will continue.

If the legislature decides that passage of an exam is required, the following exams have been approved by CAMTC: the MBLEx; the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) and the National Certification Examination for Therapeutic Massage (NCETM) if taken prior to February of 2015; the Board Certification Examination for Therapeutic Massage and Bodywork (BCETMB); and the New York State Massage Therapy Exam.

Involvement in Development, Scoring, Analysis, and Administration of the Exam

CAMTC's Director of Educational Standards Division served on the Job Task Analysis Taskforce for the MBLEx in 2017. This taskforce made recommendations to FSMTB regarding the proportional weight of specific categories of questions that are to appear

on future MBLEx exams. Aside from providing these recommendations, CAMTC is not now, and has never been, involved in the development, scoring, analysis, or administration of any of these exams.

DRAFT

Performance Measures

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

CAMTC established initial average performance targets for performance measures 1-4 for its disciplinary program on July 15, 2015. Please see CAMTC's response to Question number 29 in this Sunset Report for a discussion of the process used to establish the average performance targets. CAMTC has met its disciplinary performance targets every quarter since it began tracking this data in 2015. All performance measure data reported is from the second quarter of 2015 through the third quarter of 2019. (See Section ____, Attachments ____, for the performance measures (PM) reports.)

CAMTC has been well under its target PM numbers for every quarter since it began tracking this data. CAMTC's initial PM targets for 2015 – 2016 were:

PM2 target average – 9 days

PM3 target average – 180 days

PM4 target average – 480 days

Starting in 2017, the target PM numbers were lowered to the following:

PM2 target average – 4 days

PM3 target average – 90 days

PM4 target average – 240 days

As a point of comparison, the target averages for DCA boards are as follows: PM2 – 11 days; PM3 - 204 days; and PM4 – 540 days.

The following charts summarize CAMTC's performance metrics data for 2015-2019².

(See Section ____, Attachments ____ for the Performance Metrics reports.)

Performance Metrics 1 – Total Complaint Volume (total number of complaints received on average per month)				
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
2015	N/A	41	39	34
2016	37	48	34	36
2017	46	43	43	44
2018	45	64	45	41
2019	41	48	52	

Performance Metrics 1.1 – Complaint Volume, Certificate Holders (total number of complaints received on average per month against Certificate Holders)				
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
2015	N/A	26	28	22
2016	27	31	20	20
2017	28	30	26	31
2018	26	42	26	25
2019	20	32	37	

Performance Metrics 1.2 – Complaint Volume, Certificate Holders, Complaints From Law Enforcement (total number of complaints from Law Enforcement received on average per month against Certificate Holders)				
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
2015	N/A	18	22	17
2016	17	17	8	10

² For consistency, all numbers in the performance metrics charts have been rounded to whole numbers, though some numbers were rounded to the first decimal point in the attached Quarterly Performance Metrics reports.

2017	9	12	9	13
2018	10	29	14	17
2019	10	11	23	

Performance Metrics 2 – Intake, All Complaints (number of days from receipt of complaint to assignment to Investigator) Current Target Average – 4 days				
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
2015	N/A	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	0	0	

Performance Metrics 3 – Complaint Intake and Investigation, Informal Resolution (average number of days from intake to closure) Current Target Average – 90 days				
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
2015	N/A	12	14	10
2016	7	14	16	9
2017	11	11	15	9
2018	9	10	8	16
2019	8	11	14	

Performance Metrics 4 – Average Number of Days to Complete Formal Discipline (average number of days from intake to effective date of discipline) Current Target Average - 240 days				
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
2015	N/A	189	117	147

2016	118	116	89	140
2017	204	112	116	151
2018	119	129	155	132
2019	107	144	83	

Customer Satisfaction Surveys

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

CAMTC asks that complaints against applicants or certificate holders be submitted through a link on its website, located here: complaints@camtc.org. For every complaint that is received, CAMTC sends an automatic email message with the following message:

CAMTC has received your email. Thank you very much.

To better serve the public, please save this web address link at <https://www.research.net/r/CAMTC-Customer-Survey> in order to take the CAMTC Customer Survey once your concern has been addressed.

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

1. *How did you contact CAMTC?*
2. *The Complaint link was easy to use. (Yes or No – and space for comments)*
3. *I received an acknowledgement of my complaint in a timely manner. (Yes or No and space for comments)*
4. *I Found the Frequently Asked Questions (FAQs) helpful. (Yes or No and space for comments)*
5. *Was your complaint regarding a massage establishment and/or business practice? (Yes or No and space for comments)*
6. *Was your complaint regarding a CAMTC certified massage professional? (Yes or No)*

- 7. If you answered yes to question #6, were you provided with a CAMTC contact person to obtain updates? (Yes or No and space for comments)*
- 8. Do you think the information you provided will assist CAMTC in protecting the public? (Yes or No and space for comments)*

Multiple responses are allowed to each question. As of June 30, 2019, 152 responses to the survey have been received since the last Sunset review. Please find a summary of the responses to the survey following this discussion. Please also note, in relation to Question Number 7 of the survey, if CAMTC receives a complaint that is not actionable (since it is not against an applicant or certificate holder, or is an issue CAMTC does not regulate), it does not assign a CAMTC contact person for “updates,” since there is nothing to update. Instead, CAMTC sends an email notifying the person who filed the complaint that their complaint is not actionable by CAMTC. For all actionable complaints, CAMTC immediately assigns a contact person for obtaining updates.

As of October 2019, the auto-response suggests that the complainant save the link and respond once the concern has been addressed, although they can respond at any time.

The table below displays the results of CAMTC’s Consumer Satisfaction Survey.
(Section __, Attachment __.)

Consumer Satisfaction Survey					
Question					Total Responses
1. How did you contact CAMTC?	Website – 73 48.3 %	Phone – 29 19.08 %	US Mail - 4 2.63 %	Email – 88 58.58 %	152
	Yes (number of responses)	Percentage Yes	No (number of responses)	Percentage No	
2. The Complaint link was easy to use.	131	86.7 5%	19	12.58 %	151
3. I received an acknowledgement of my complaint in a timely manner.	131	86.75 %	18	11.92 %	151
4. I found the frequently asked questions (FAQs) helpful.	75	52.45 %	55	38.46 %	143
5. Was your complaint regarding a massage establishment and/or business practice?	60	40.54 %	90	60.81 %	148
6. Was your complaint regarding a CAMTC certified massage professional?	91	69.47 %	41	31.30 %	131
7. If you answered yes to question #6: were you provided with a CAMTC contact person to obtain updates?	36	36 %	62	62 %	100
8. Do you think the information you provided will assist CAMTC in protecting the public?	92	73,02 %	31	24.6 %	126

Fiscal Issues

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

Current Reserve Level and Spending

CAMTC seeks to take a conservative approach to spending that maintains a consistent level of operating expenditures and a prudent level of reserves. As of June 20, 2019, CAMTC's reserve level was equal to five months of current operating budget.

Statutory Reserve Level

There is no statutory reserve level in the Act, however CAMTC budgetary planning has established three months of operating expenses as a prudent goal of revenues in reserve.

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

No deficit is projected to occur. Based on projected spending levels, and revenues received, and possible cost adjustments, no fee increase or reduction is currently anticipated. However, should there be an unanticipated problem, costs may need to be adjusted.

CAMTC Fund Condition

TABLE 2. FUND CONDITION

Table 2. Fund Condition				
(Dollars in Thousands)	2016	2017	2018	2019 (Jan - June)
Beginning Balance	\$3,654,523	\$3,489,112	\$3,169,548	\$2,200,230
Total Revenue	\$4,066,294	\$4,385,072	\$4,597,505	\$3,028,740
Expenditures	(\$4,231,705)	(\$4,704,636)	(\$5,566,823)	(\$2,979,741)
Fund Balance	\$3,489,112	\$3,169,548	\$2,200,230	\$2,249,229
Months in Reserve	10	8	5	5

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

For amount of expenditures by program component, please see Table 3 below.

Expenditures by Program Component

Table 3

Table 3. Expenditures By Program Component				
	2016	2017	2018	2019**
Individual Denials and Discipline (PSD/BRD & Legal Department)*	\$1,926,887	\$2,033,249	\$2,447,232	\$1,285,484
Educational Standards Division (Schools)	\$217,357	\$381,837	\$366,427	\$209,372
Administration (non-AMG)	\$1,083,874	\$1,143,702	\$1,376,568	\$723,085
Administration (AMG)	\$1,003,587	\$1,058,984	\$1,274,600	\$669,523
TOTALS	\$4,231,705	\$4,617,772	\$5,464,827	\$2,887,464
* Also includes a portion of AMG, database development and maintenance, executive staff, and outside legal.				
**Through June 30, 2019.				

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

Fees for Individual Certification

CAMTC's authority to set fees is provided in Business and Professions Code section 4602(i), which states that the BOD "shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties." The BOD reviews the certification and recertification fees annually. Business and Professions Code section 4602(i) further provides that the fee for certification and recertification shall not exceed \$300. Additionally, Business and Professions Code sections 4602(k) and (l) state that notice must be given at least 90 days before a BOD meeting where a vote on a proposal to increase the fees will occur and, if the fees are increased, affected applicants and certificate holders must be notified by email within 14 days of the BOD's action.

CAMTC has adopted a conservative approach to fees. Fees for an initial application for certification and for a recertification application (each of which results in certification for a two-year time period) were initially set at \$150 (\$75 a year) and remained at this amount through December 31, 2018. This fee was raised to \$200 (\$100 a year) beginning on January 1, 2019.

On January 18, 2011, the BOD established a \$75 late fee for recertification applications received after their certificate expiration date, with the provision that if an application for recertification is received 180 days or more after the expiration of a certificate, the applicant has to re-apply as a new applicant. This means that the applicant would be required to meet the current requirements for certification, including the current education and examination requirements. On September 13, 2012, the BOD replaced the \$75 late fee with a sliding fee scale. This sliding fee scale was in place through

December 31, 2018. The sliding fee scale for late recertification applications during this time was as follows:

Applications for recertification received or postmarked:

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

Fees were raised to cover increases in operating expenses on January 1, 2019. The late fees were therefore raised to the following:

Applications for recertification received or postmarked:

1-10 days after expiration -	\$50
11-29 days after expiration -	\$80
30-180 days after expiration -	\$180

On September 15, 2011, the BOD established a fee for oral hearings and consideration of written statements for all applicant proposed denials and certificate holder discipline. The initial fee for an oral hearing was \$95 and the fee for consideration of a written statement was \$65. On September 13, 2012, the fees were raised to \$135 for an oral hearing and \$90 for consideration of a written statement. On January 1, 2019, the fees were raised to \$270 for an oral hearing and \$180 for consideration of a written statement. The hearing fees charged do not come close to covering expenses. CAMTC grants fee waivers to individuals who demonstrate that they are financially unable to pay the hearing or consideration fees.

Fees for School Approval

In April of 2015, CAMTC began offering CAMTC approval of massage programs. The initial fee for an application for two years of school approval was \$750 (\$375 a year). On January 1, 2017, the fee for initial applications and re-approvals was raised to \$1,500 for two years (\$750 a year). On September 6, 2017, the BOD voted to allow re-approvals for a four-year time period (instead of the then current two-year time period),

so that fee was imposed at \$3,000 (\$750 a year). Beginning on October 1, 2018, the initial application fee for school approval was raised to \$3,000 (\$1,500 per year). Starting on January 1, 2020, the new fee for school re-approval for four years will be \$6,000 (\$1,500 per year). The fees for school approval do not come close to off-setting the costs associated with this program.

In February of 2016, CAMTC's BOD set a fee for participating in hearings challenging the proposed denial/revocation of CAMTC school approval. This fee was \$450 for an oral telephonic hearing and \$350 for consideration of a written statement. On January 1, 2017, this fee was raised to \$900 for an oral telephonic hearing and \$700 for consideration of a written statement. The fee was raised on October 1, 2018, to \$1,800 for an oral telephonic hearing and \$1,400 for consideration of a written statement. The current fees do not come close to covering the costs of providing this service.

Fee Schedule and Revenue

Table 4. Fee Schedule and Revenue

[NOT YET COMPLETED]

Staffing Issues

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

The BOD does not have issues with staffing vacancies of CAMTC employee positions. CAMTC is unusual in that it has both its own employees and a contract management firm, AMG, that provides day-to-day services. CAMTC employees hold all executive positions with the exception of the Director of Operations (CEO, Director of Governmental Affairs/ Anti-Human Trafficking and IT, Director of Law Enforcement Relations, Outreach Director, and Director of ESD) and generally administer the denial and disciplinary program against individuals (Investigations, BRD, and Legal). CAMTC employees also generally administer the school approval, denial, and disciplinary program (ESD). AMG generally provides administrative services. AMG administers the

day-to-day operations related to individual certification, such as: 1) processing applications for certification, and recertification; 2) processing payments; 3) providing telephonic and email customer support; 4) maintaining applicant and certificate holder information and documents; and 5) printing and issuing certificates and ID cards. AMG also employs staff that provides administrative support to Investigations, BRD, and ESD. AMG hires the staff dedicated to CAMTC's account. For more information about AMG, please see Section 3, response to Question 14 of this Sunset Report.

Additionally, CAMTC works with an outside law firm that provides general counsel and special counsel services related to denial, disciplinary, school, litigation, and other matters, much like the Attorney General's Office provides services to the Department of Consumer Affairs' boards and bureaus. CAMTC also employs three staff attorneys and three paralegals that work exclusively on denial and disciplinary matters against individuals and schools, under the direction of Special Counsel. Please see the 2019 Organization Chart for the division of tasks. (Section __, Attachment ____.) Neither AMG nor CAMTC has had significant turnover and staff retention is excellent. The CEO, Director of Governmental Affairs/ Anti-Human Trafficking and IT, Director of Law Enforcement Relations, Outreach Director, and Director of ESD positions have not changed since they were initially hired.

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

CAMTC holds one annual in-person training day related to individual certification denial and disciplinary matters for BRD, Investigations, and the Legal department (including Hearing Officers), conducted by Special Counsel. In 2015, 2016, 2017, and 2018, this training day was held in December. This training is also scheduled to occur in December of 2019. Additional telephonic and in-person trainings are also conducted on an as needed basis. Special Counsel also regularly provides training on legal issues to AMG and other CAMTC staff as needed. As an entity operating in a changing legal landscape, it is imperative that CAMTC employees and those working on CAMTC

matters be continually brought up to speed on the implementation of the law and best practices for combating human trafficking.

CAMTC works with employees to identify those who are interested in expansion of their roles. Whenever possible, CAMTC will offer opportunities to move staff into new positions with additional responsibilities. For example, recently a part-time employee became full-time.

ESD began operating in 2015. The Director provides informal training as needed to the School Inspector and other administrative staff.

The total cost for all staff training annually was as follows:

2016: \$5,700.48

2017: \$8,524.88

2018: \$6,062.91

January 1 through June 30, 2019: \$122.62.

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

AMG provides CAMTC with administrative services, such as: 1) processing applications for certification and recertification; 2) processing payments; 3) providing telephonic and email customer support; 4) maintaining documents and information; and 5) printing and issuing certificates and ID cards. AMG also employs staff that provides general administrative support, such as planning, organizing, and coordinating BOD meetings. AMG's bookkeeper processes and issues checks to CAMTC staff and BOD members for expense reimbursement requests. AMG contracts with a payroll service for payment of CAMTC employees' payroll.

As of June 30, 2019, there were 23 full-time and 2 part-time AMG employees working exclusively on CAMTC's account, including the Director of Operations. Four other AMG

employees provide services such payroll, event planning, bookkeeping and IT support on a part-time as needed basis.

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

CAMTC contracts with inLumon to continue the development, creation, implementation, and administration of the database and document management system (CAMS). This system allows applicants to complete applications online, allows CAMTC to manage and provide access to documents in a cohesive fashion, and allows for data and document management and tracking.

CAMTC contracts with Datavail, a database administration firm, to help secure data and stabilize its system.

The current auditing firm is Damore, Hamric, & Schneider, Inc., CPAs. They provide independent auditing services.

CAMTC contracts with J. S. Financial Group to provide Chief Financial Officer services.

CAMTC contracts with Sterling (formerly Talent Solutions/ TalentWise) to perform background checks for school owners, administrators, and instructors of those schools that apply for CAMTC approval. These background checks report on Criminal Database Searches, Nationwide Sex Offender Registry, and Credential Verification.

Certification Targets

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

CAMTC set a goal for 2018 and met it. CAMTC's goal is to maintain a median processing time for complete new application packets, with no outstanding issues, within 45 days of the application packet becoming complete. This goal was established by the BOD as a 2018 strategic priority on November 2, 2017. By March of 2018, the goal was achieved and has been maintained every month since. As of June 30, 2019, the median processing time for complete new application packets with no outstanding issues was 10 days.

On November 2, 2017, the BOD also established a goal of maintaining a median processing time for complete recertification applications, with no outstanding issues, within 30 days of the application packet becoming complete. By April of 2018, this goal was achieved and has been maintained every month since. As of June 30, 2019, the median processing time for complete recertification applications with no outstanding issues was 6 days.

Application and Certification Processing Times

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

Increase or Decrease in Average Time to Process Application and/or Issue Certificates

In January of 2018, the median processing time to issue a certificate for approved new applications, with no outstanding issues, was 66 days from the date that the application packet was complete. After the goal of reducing this to 45 days was set, processing time dropped rapidly and the goal was achieved within two months, with a median processing time of 10 days as of June 30, 2019.

In January of 2018, the median processing time to issue a certificate for approved recertification applications, with no outstanding issues, was 32 days from the date the application was complete. After the goal of reducing this to 30 days was set, the goal was achieved within three months, with a median processing time of 6 days as of June 30, 2019.

This acceleration was achieved through a combination of leadership change and the application of various process improvement methodologies.

Complete Application Packets With No Education, Criminal, or Background Issues

The time needed to issue certificates depends largely on the receipt of the items required for certification and if there are any outstanding education, criminal, or background issues which are, for the most part, outside of CAMTC's control. CAMTC bases its application processing statistics from the date that an application packet is complete. A complete application packet is one for which CAMTC has received a signed, dated, and fully filled out application form that includes all required attachments, the application fee, Livescan results from the DOJ and FBI, official transcripts received directly from an approved school or schools, and test results from a CAMTC approved exam received directly from the testing organization (when required). Application packets that are not completed within one year are purged. As of June 30, 2019, the median processing time for complete application packets with no education, criminal, or background issues was the following:

New Applicants - 10 days;

Re-certifications - 6 days.

Application Packets With Education, Background, or Other Issues

As of June 30, 2019, the median processing time for approved, complete, new applications with education, background, or other issues was 43 days. The median processing time for approved, complete recertification applications with education, background, or other issues was also 43 days.

Complete application packets for applicants with education issues (education from purged or denied schools or where CAMTC has a reason to question whether the applicant received the education listed on the transcript) are generally grouped together and sent education only Proposed Denial Letters, with hearings set approximately 90 days from the date the letter is sent. Additionally, those students that apply to CAMTC with education from a school that has applied for school approval before January 1, 2019, but the school's application is still pending, are generally held until a final decision is made to approve, deny, or purge the school's application for school approval. If the school is ultimately approved, then the hold on the applicants is lifted and their applications are processed in accordance with standard procedures. This can result in longer applicant processing times while a school moves through the process and the applications are held. For applications for school approval received on or after January 1, 2019, their students will only be able to use the education for certification purposes if the school's application is ultimately approved.

Likewise, applicants with background issues are sent for review, and move through the process described in the response to Question 32 of this Sunset Report. As described, CAMTC makes its best efforts to immediately identify applicants with easily cleared issues and moves them quickly through the background review process. CAMTC believes that its efforts can be seen in the fact that as of June 30, 2019, applicants with education, background, or other issues (new and recertifications) had a median processing time of 43 days.

Pending Applications

Currently, there are no significant backlogs for pending applications. CAMTC is processing applications and issuing certificates for complete applications in a very short amount of time.

Performance Barriers

The BOD has balanced the operational needs of the organization and certificate holder requests for faster processing times with its reticence to increase fees. CAMTC has worked very hard to create as many processing efficiencies as possible while still maintaining the integrity of its system. Fees were recently raised on January 1, 2019, in part to fund the resources needed to continue to maintain faster processing times and maintain improved customer service response times. At the current time, CAMTC is quickly processing applications of all types and does not see a need to increase fees in the foreseeable future.

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

Please see Tables 6 and 7 for this information for 2016 through June 30, 2019.

Table 6. Certification Population

Table 6. Certification Population				
	2016	2017	2018	2019*
Active	46,801	51,038	49,698	50,551
* This number represents all active and valid certificates as of June 30, 2019. CAMTC does not have “delinquent” certificates, as certification is not mandatory.				

Table 7. Total Certification Data

[NOT YET COMPLETED]

Information Verification and Requirements

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

Process to Check Prior Criminal History, Disciplinary Actions, and Unlawful Acts of the Applicant.

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

CAMTC also communicates regularly with cities, counties, and local law enforcement agencies to gather information about local disciplinary actions taken against an applicant or certificate holder applying for certification or recertification. Email communication with cities, counties, and law enforcement agencies related to applicants

and certificate holders is continuous and on-going. Weekly notifications of all suspensions, reinstatements, and revocations are sent to all authorized contacts.

Certificate holders must apply for recertification every two years. In between, certificate holders are required to notify CAMTC of any arrests, citations or administrative or disciplinary actions. Information received is reviewed and, when warranted, investigated to determine if a violation of CAMTC's statute has occurred.

The receipt of information from local jurisdictions is critical. The DOJ and FBI reports are limited to criminal arrests and convictions and do not include administrative citations or civil actions related to a local massage or business permit, as these are commonly civil, not criminal, matters. Additionally, local municipal code violations that are criminal don't always show up on DOJ reports, since in many cases these violations don't require fingerprinting, so there is no DOJ reporting. Local jurisdictions may also provide evidence that an applicant or certificate holder has engaged in conduct that violates CAMTC's statute. Since the last Sunset report, CAMTC has seen a substantial uptick in reporting from local cities, counties, and law enforcement agencies.

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

Fingerprinting of Applicants

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

Fingerprinting of Certificate Holders

This has been a statutory requirement since the enabling law became effective, therefore every certificate holder has submitted fingerprints for criminal background checks.

National Databank

Currently, there is no functional national databank related to disciplinary actions against massage professionals. While one has recently been developed by the Federation of State Massage Therapy Boards, it is not fully populated with data from the member boards at this time. It is unknown how many states will upload data and allow full access. Therefore, the exact manner in which it will operate, and the quality of the data it will provide, is not known.

Primary Source Documentation

CAMTC does require primary source documentation. CAMTC requires that open schools directly submit transcripts to CAMTC, and will not accept transcripts submitted by students. For schools that have closed, and no independent verification of education exists, CAMTC accepts compelling evidence of attendance and graduation submitted by the applicant. Information submitted by an applicant is assessed by staff. Applicants may also be required to pass an interview with a CAMTC curriculum expert who has many years of expertise in the profession. Test scores from CAMTC approved exams (NCETMB, NCETM, BCETMB, New York State Massage Therapy Exam, and MBLEx) are also sent directly to CAMTC.

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

Out of State Applicants

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

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

When CAMTC receives an application from an applicant that is licensed, registered, or certified in another state, it first assesses whether the license is from a state that meets or exceeds the educational requirements in CAMTC's statute. Since 2015, CAMTC has required 500 hours of education (or credit unit equivalent), with 100 of those 500 hours in core curriculum subjects (anatomy and physiology, contraindications, health and hygiene, and business and ethics). (Bus. & Prof. Code §4604(a)(1)(A).) The Act also requires that if the education is not provided by a school that meets the requirements in Business and Professions Code section 4601(a), it must be provided by a school that "is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education." (Bus. & Prof. Code §4601(a)(5).) For applicants who hold valid licenses from these states with education that meets these requirements, the state license is considered to meet the educational requirements in CAMTC's statute. These applicants are still assessed to determine whether they meet the other background requirements in the Act. They must still pass CAMTC's background check. They were also required to pass a CAMTC approved exam, during the time that this was a requirement for certification.

For applicants who have licenses from states that do not meet or exceed the educational requirements in CAMTC's statute, or have education completed in other states, their education is considered on a case-by-case basis in accordance with a set of strict protocols. CAMTC has the statutory authority to give credit for comparable work completed outside of California. CAMTC has experts that assess out of state transcripts and determine the credit that should be given for each transcript and whether it meets CAMTC's educational requirements, including the core curriculum requirements, and whether the education was provided by an entity that meets the requirements of Business and Professions Code section 4601(a)(5).

Out of Country Applicants

Business and Professions Code section 4601(a)(5) states that out-of-state schools must require "equal or greater training than what is required pursuant to this chapter and is recognized by the corresponding agency in another state or accredited by an agency

recognized by the United States Department of Education.” CAMTC is not aware of any international schools that are recognized by a corresponding agency in another state or accredited by an agency recognized by the United States Department of Education. Therefore, CAMTC is unable to consider education from international schools.

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

There is currently no backlog in sending NLIs to the DOJ for those that have been denied or revoked. CAMTC sends No Longer Interested (NLI) notifications to the DOJ on a regular and ongoing basis. To the extent that individuals have completed Livescans on or after the date that CAMTC began using the electronic system (April 17, 2019), CAMTC sends the NLIs electronically. For all other individuals, NLIs are sent using the DOJ form provided for this task, and mailed to the DOJ.

Examinations

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

Due to a change in the law, no exam is currently required for CAMTC certification. (Bus. & Prof. Code §4604(a)(3).) This requirement will become operative again on January 1, 2021. When passage of a CAMTC approved exam was required (January 1, 2015 through December 31, 2018) the following examinations were approved: the MBLEx (offered by FSMTB); the NCETMB and the NCETM if taken before February 1, 2015, and the BCETMB (all of which are offered by NCBTMB); and the New York State Massage Therapy Exam.

CAMTC does not now, nor has it ever, administered its own exam, therefore Table 8 is not applicable to CAMTC.

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

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

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

CAMTC does not believe that existing statutes are hindering the efficient and effective processing of applicants. CAMTC's statute provides it with the ability to process applications in both an efficient and effective manner, as can be seen by its short processing times. Information sharing with local agencies, codified in CAMTC's statute, provides it with the ability to effectively evaluate a significant amount of information. CAMTC's broad statutory authority for denials and discipline also affords it ample opportunity to effectively assess applicants and discipline certificate holders when necessary.

School Approvals

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

Business and Professions Code section 4601 defines an approved school as:

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

- (1) Is approved by the Bureau for Private Postsecondary Education.
- (2) Is approved by the Department of Consumer Affairs.
- (3) Is an institution accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:
 - (A) A public institution.
 - (B) An institution incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.
 - (C) A for-profit institution.

(D) An institution that does not meet all of the criteria in subparagraph (B) that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit.

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

(5) Is a school requiring equal or greater training than what is required pursuant to this chapter and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

Business and Professions Code sections 4615(b)-(c) requires CAMTC to develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools, consistent with section 4601, and provides for CAMTC to charge a reasonable fee for the inspection or approval of schools. (See Section __, Attachments __ for the Policies and Procedures for Approval of Schools.)

To become a CAMTC Approved School, a school must:

- Have a massage program approved or accredited by an entity designated in Business and Professions Code section 4601(a) (generally BPPE);
- Submit a completed Application for School Approval;
- Pay all required fees;
- Undergo background checks for all owners and massage program staff who are not currently CAMTC Certified; and
- Host at least one in-person site visit by CAMTC inspectors.

Additionally, CAMTC collects information about the school from third parties such as BPPE, accreditors, cities and counties, and other states. CAMTC works with BPPE to verify if a school is approved by BPPE. The two organizations also share information upon request about disciplinary actions that have been taken against a school. Schools must meet all of the requirements stated in CAMTC's Policies and Procedures for Approval of Schools, which predominately relate to curriculum, instructor qualifications, and recordkeeping.

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

As of August 1, 2019, there were 71 approved campuses and 5 provisionally approved campuses. The initial approval period for a school is 2 years and re-approvals were also initially set for a 2-year time period. After receiving substantial input from interested stakeholders, most notable those on the School Advisory Committee and legislative staff, and a review of BPPE processes, the re-approval period was extended to every 4 years. Approved schools are required to submit and receive approval for changes made while approved. CAMTC continuously monitors and makes regular unscheduled and scheduled site visits to schools. CAMTC may revoke a school's approval if necessary. (Please see Policies and Procedures for Approval of Schools, section __, attached to Section __, attachment __.)

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

Section 4601(a)(5) states that out-of-state schools must require "equal or greater training than what is required pursuant to this chapter and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education." CAMTC is not aware of any international schools providing 500-hour massage programs that are recognized by a corresponding agency in another state or accredited by an agency recognized by the United States Department of Education. Therefore, CAMTC is unable to consider education from international schools.

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

As of August 1, 2019, since CAMTC School Approval began on July 1, 2016, CAMTC has approved 100 campuses with 5 schools provisionally approved, denied 6 schools, purged 39 school applications, and re-approved 61 campuses.

Continuing Education/Competency Requirements

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

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

There is not now, nor has there ever been, a continuing education requirement.

Enforcement Program Performance Targets

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

In 2015, CAMTC engaged in a project to establish performance targets for its program. Since there are no other programs exactly like CAMTC to review for comparison value, CAMTC decided to review existing DCA programs to get a sense of what targets those programs were setting and achieving. While this data was not directly on point, we hoped it would serve as a starting point. After completing its review, CAMTC discovered that it was providing discipline in a faster and more cost-effective fashion than DCA boards, while still providing appropriate fair procedure. CAMTC surveyed 36 DCA boards and bureaus and calculated an average for each measure. For the 36 boards and bureaus researched, the following aggregate averages were found for Q2 fiscal year 2014-2015:

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

The most recent DCA aggregate averages for Q4 2017 (April- June) shown below were substantially similar to the 2014 numbers, with the PM4 aggregate average showing an even longer number of days to complete formal discipline in 2017 than it was in 2014:

- DCA Boards and Bureaus Aggregate Average Q4 2017 – PM1 - Volume of complaints per month, on average: 274;
- DCA Boards and Bureaus Aggregate Average Q4 2017 – PM2 - Intake, target average was 11 days, actual average: 8 days;
- DCA Boards and Bureaus Aggregate Average Q4 2017 – PM3 - Intake and Investigation (does not include cases resulting in formal discipline), target average was 204 days, actual average was: 165 days;
- DCA Boards and Bureaus Aggregate Average Q4 2017 – PM4 - Imposition of Formal Discipline, target average was 540 days, actual average was: 741 days.

After reviewing DCA's 2014 actual aggregate averages, and believing that it could significantly out perform those numbers, CAMTC established the following performance targets for its program on July 15, 2015:

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

CAMTC has been well under its target averages for every quarter since it began tracking this information. Therefore in 2017, these target averages were lowered to the following:

- PM2 – Intake Target Average- (Average cycle time from complaint receipt to the date the complaint was assigned to an Investigator) – 4 days;

- PM 3 - Intake and Investigation Target Average (Average cycle time from complaint receipt to closure of the investigative process. Does not include cases forwarded for formal discipline) – 90 days; and
- PM 4 - Formal Discipline Target Average (Average number of days to complete the entire enforcement process for cases resulting in formal discipline.) – 240 days.

CAMTC's performance numbers have been well below the target averages for every quarter that it has been tracking this data. For example, the PM4 for the third quarter of 2019 was 83 days. Please see response to Question Number 6 in this Sunset Report for all quarterly numbers. CAMTC high level of performance is based on its statutory authority, legal standards, and the design of its program.

Enforcement Performance Targets					
	DCA Performance Targets	DCA Actual Aggregate Averages for 4th Qtr 2017*	CAMTC 2015 Initial Performance Targets	CAMTC 2017 Adjusted Performance Targets	CAMTC Actual 3rd Qtr 2019
PM 2 - Intake	11 days	8 days	9 day	4 days	0 days
PM 3 - Intake & Investigation	204 days	165 days	180 days	90 days	14 days
PM 4 - Imposition of Formal Discipline	540 days	741 days	480 days	240 days	83 days
*DCA's Fourth Quarter is April – June, as their year begins on July 1.					

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

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

Trends in Enforcement Data

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

CAMTC defines "enforcement" as action against certificate holders, and does not include denial of applicants. However, in order to better fully inform the Committees about CAMTC's activities, CAMTC is providing information in response to this question related to applicants as well.

Proposed Revocations/Discipline

Overall, the total number of proposed revocation/ disciplinary actions against certificate holders has remained fairly constant since the last report. For example, the total number of proposed revocation/discipline letters sent in 2016 – 2018 were: 137, 134, and 139. While these numbers are slightly higher than what was seen in 2014 (94), they have generally remained constant for the last few years and are on track to remain stable, if not slightly down in 2019 (51 for the first six months of 2019).

Education Only Proposed Denials

The number of proposed education denials tends to fluctuate based on the status of schools, with an overall downward trend. For example, in 2017 there was an increase in education only proposed denials (458 in 2017 versus 212 in 2016) based on the new school policy that went into effect on July 1, 2016. However, this increase was still smaller than the 773 education only proposed denials in the first nine months of 2015. Overall, the number of education only proposed denials are much lower than the historic highs seen in 2010-2012, and continue to move in a downward direction. The number of education only proposed denials is expected to continue this downward trend, since as of January 1, 2019, schools that apply for and are denied school approval will no longer be allowed to have their students apply for and get certification as long as they take and pass an education hearing.

Suspensions

One significant change has been an increase in the number of cases where suspensions are proposed to be imposed as a form of discipline, for both new applicants and certificate holders alike. As collaboration with local jurisdictions continues to occur, and there is increased information sharing from cities and counties, who are now familiar with CAMTC and share ever expanding amounts of information, CAMTC has received more evidence of violations of the Act that are less serious in nature, such as failure to notify CAMTC of a new business address. This has resulted in proposed suspensions (up to one year) as a form of discipline instead of denials or revocations. This change may not be apparent from the data as previous approvals with conditions for education only proposed denials (a different form of discipline) have gone down and essentially disappeared at the same time that these suspensions as a form of discipline have increased, making the total discipline imposed number appear fairly constant.

Overall, suspensions based on evidence (generally cases where declarations are received showing the certificate holder engaged in acts punishable as a sexually related crime) have increased (95, 108, and 146 for 2016-2018, and 69 for the first six months of 2019), while suspensions based on operation of law (cases where CAMTC has notice that criminal charges were filed against a certificate holder for 647(b) prostitution or acts punishable as a sexually related crime) have settled in at a steady rate (82, 85, and 75 for 2016-2018, and 40 for the first six months of 2019). We believe that the reason for the increase in suspensions based on evidence is again due to the increased cooperation from local jurisdictions, who continue to regularly provide information, including signed declarations, to CAMTC. As time moves on and relationships are cemented and new relationships form, the level of cooperation from local jurisdictions continues to increase. It is predicted that the number of suspensions based on evidence will also continue to increase.

BRD Review for Recertifications With Past Issues

In 2018, CAMTC changed a long-standing process to better protect the public, which has resulted in a significant increase in the number of individuals applying for

recertification sent to In House review. Prior to the change in policy, applications for recertification were reviewed by AMG and if a prior issue had been cleared by PSD, then the application was not sent again to PSD for review, but was instead processed for recertification. The problem with this process was that it was not appropriate for AMG to determine if an issue seen on an application for recertification was the same exact issue that had already been cleared by PSD when it reviewed a previous application, or if instead it was a new issue that had cropped up but not yet been addressed. For this reason, in an abundance of caution, this process was changed to require PSD/BRD review before recertifying these individuals. This has resulted in a significant increase in the number of cases reviewed by PSD/BRD, as can be seen in Table 9a. (1,419 PSD reviews in 2016 versus 4,033 PSD reviews in 2018).

Performance Barriers

CAMTC is pleased to report that since the last Sunset review, the cooperation from local jurisdictions has continued to improve. Cooperation is regular, ongoing, and a statewide standard has been established with an extraordinary level of trust and respect flowing between CAMTC and local jurisdictions. More law enforcement agencies and local government agencies that regulate massage are continuing to cooperate with CAMTC and deepening their cooperation. This is a direct result of the trainings provided to law enforcement and local jurisdictions, including code enforcement officers. These trainings are provided by CAMTC's former PSD Director, who has been assigned to this role on a full-time basis in 2019, in the newly created position of Director of Law Enforcement Relations. CAMTC continues to work hand in hand with local jurisdictions and these interactions are bearing fruit for both parties. CAMTC is receiving more information than ever before, and putting this information to good use, resulting in an increase in suspensions based on evidence. Likewise, local jurisdictions are using CAMTC's help to close down illicit establishments.

CAMTC regularly reviews its processes to create efficiencies wherever it can. This review has recently resulted in the restructuring of the organization to create more

operational efficiencies. These are further described in response to Question No. 3 of this report.

In the past CAMTC was hampered by a lack of cooperation from local law enforcement agencies. Much of the evidence needed to build a case against a certificate holder comes directly from local agencies. For example, Business and Professions Code section 4609(a)(8) allows CAMTC to revoke a certificate if the certificate holder receives an administrative citation, and a certified copy of the citation is conclusive evidence that disciplinary action has been taken against the certificate holder. But if the local agency won't provide CAMTC with a copy of the administrative citation, then CAMTC doesn't have the evidence it needs to take action on that basis. Likewise, local jurisdictions regularly provide declarations to CAMTC stating that applicants or certificate holders engaged in unprofessional conduct, such as offering to provide a sex act in exchange for money. Without the cooperation of local jurisdictions, CAMTC would not have received evidence of these conduct-based violations.

Improvement Plans and Plans To Address Issues

CAMTC plans to continue to provide no-cost training to law enforcement agencies, code enforcement departments, and agencies that regulate massage. These efforts help educate individuals in local jurisdictions about CAMTC's statute and processes and how all parties can work together to achieve our mutual goals. From 2014 through September 11, 2019, CAMTC has provided no cost training to 827 agencies and 2,168 individuals. CAMTC will continue to reach out to local agencies and share information with them and provide no cost training.

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

CAMTC's general process for applicant denials and certificate holder discipline based on background issues is essentially the same, though the timelines are different. Applicant proposed denials and certificate holder proposed disciplinary actions move on parallel tracks through the system, with priority given to actions against certificate

holders. (Section __, Attachment __.) CAMTC does consider “enforcement” and “discipline” to be taking action against certificate holders, not applicants. CAMTC denies applications and disciplines certificate holders. For this discussion however, CAMTC will describe both the denial and disciplinary process in order to fully inform the Committees about CAMTC’s program.

CAMTC’s program is unique in that certificate holders are only certified for a two-year time period. 120-days before the two-year certificate expires, certificate holders become applicants for recertification and are required to complete an application for recertification and put through another background review before they can be re-certified (this background review does not require submitting new fingerprints as CAMTC continues to receive DOJ and FBI updates on certificate holders seeking recertification). Former certificate holders seeking recertification are considered to be “applicants” before they are re-certified.

Applications for certification or recertification are initially processed by AMG. (Section __, Attachment __.) AMG first ensures that an application packet is complete. A complete new application packet is one for which all portions of the application have been fully and completely filled out, all required documents and attachments have been received, all fees have been paid, DOJ and FBI results have been received, official transcripts have been received directly from the school(s), exam results (when required) have been received, and information from local government representatives in the cities and counties where the applicant has lived or worked in the past 10 years has been received. A complete application packet for recertification is one where all portions of the recertification application have been fully and completely filled out, all required documents and attachments have been received, and all required fees have been paid.

Applications With Education Issues

CAMTC’s process for new applicants with “complete applications” as described above, but who have submitted a transcript from a school (or schools) where they are required to provide additional proof of adequate education, or there is a reason to question if they

have the education on the transcript, and there are no other outstanding background issues, is to have AMG group these individuals together in batches approximately once a month, so that they can be sent a proposed denial letter based on education only. These applicants are given a hearing date approximately 90 days from the date the letter is mailed. If there is room on the hearing calendar to schedule an earlier education hearing date, and the applicant requests it, CAMTC will schedule the hearing for an earlier date. Applicants may also request a continuance of their hearing date and be heard on a later date, as long as the request is timely made. Applicants sent education only proposed denial letters follow the same hearing (oral telephonic hearing or consideration of a written statement) and final decision procedures, which are described below, as all other denials. (See Denial and Disciplinary Procedures, Section __, Attachments ____.)

Applications/ Certificate Holders With Background Issues

When a complete new application packet or application for recertification is received, and there is information indicating that the person might have violated a provision of the Massage Therapy Act, or information is received regarding a certificate holder indicating that the person might have violated a provision of the Act, AMG notifies BRD that the individual needs to be reviewed. Also, if a complaint come to BRD through the complaint link, BED will also put these individuals in line to be reviewed. These notifications, and the BRD reviews they generate, usually occur on a weekly basis, with the exception of critical notifications (such as a subsequent arrest notice from the DOJ indicating a certificate holder arrest for sexual assault), which occur immediately. BRD has a detailed process that allows it to quickly identify those cases that appear to be minor in nature and those that appear to be more complex or serious. Complex and serious cases are immediately assigned by the BRD Supervisor to an Investigator for review, while cases that are minor are sent to the BRD in house clearance process. The goal is to clear minor background issues as quickly as possible through in-house clearance to allow for certification with minimal waiting. Mid-level routine cases that do not appear to require further investigation (for example a recent prostitution conviction that the applicant failed to disclose) may be addressed directly by BRD at a weekly meeting.

In-House Clearance

Applicants and certificate holders whom AMG identifies (based on criteria established by BRD) as needing review, but which are not critical notifications, are first reviewed by BRD through the in-house clearance process. Those cases that can be quickly cleared by BRD are, and these individuals are then sent back to AMG for further processing (certification or recertification if an applicant, or no action if a certificate holder). (Section __, Attachment __.) The vast majority of cases that move through the in-house clearance process are cleared at this stage. (See Table 9a.)

Cases that qualify for in-house clearance are generally those with commonly occurring criminal convictions that on their face are not substantially related to the qualifications, functions, or duties of a certificate holder, such as convictions for check fraud, DUIs, and vandalism. This in-house clearing process allows for the quick processing of applicants and certificate holders, so they are not waiting in line to be reviewed by BRD behind more complicated and resource-intensive cases. Those cases that can't be cleared through the in-house clearance process are then sorted into two separate categories (minimal review cases and other cases) and proceed in the manner discussed below. Those cases that appear to need minimal review for clearance, but can't be cleared through the in-house clearance process, are sent to a Minimal Review Cases meeting, which are held at least once a month. The other cases are sent to BRD, where they are either immediately assigned to an Investigator or reviewed by BRD.

Minimal Review Cases

Meetings to consider Minimal Review Cases are scheduled once a month but happened more often if needed. At these meetings BRD employees consider applicants and certificate holders who have issues that BRD believes can easily be cleared but don't meet the qualifications for in-house clearance. Issues that are reviewed at these meetings include, but are not limited to, non-criminal issues such as: 1) a complaint that a certificate holder smells like cigarettes; 2) a citation by a city for too many garage

sales in a calendar year; 3) a complaint about the price charged for a massage; or 4) a complaint that a 60 minute massage only lasted 58 minutes. They may also include things like reported but unrelated and uncommon criminal convictions, such as a certificate holder conviction for poaching salmon. The issues reviewed are generally unrelated to the qualifications, functions, or duties of a certificate holder, or are non-actionable, but still need to be reviewed and considered by the BRD. The majority of people considered at a Minimal Review Cases meeting are cleared and sent to AMG for processing (applicants are certified or re-certified and no action is taken against certificate holders). The very small number of people who are not cleared after this review are sent to BRD and will either be immediately assigned to an Investigator or the matter will be handled directly by BRD.

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

BRD Review

As previously discussed in response to Question 3 of this report, BRD assigns cases to Investigators to investigate matters outside of the weekly BRD process. The Investigators perform investigations, gather evidence related to applicants and certificate holders, interview witnesses and victims, obtain relevant documentation, and at the conclusion of their investigations, make a recommendation to BRD regarding violations of the Act and proposed denial or discipline. BRD has the authority to clear cases, or make proposed decisions to deny applications or discipline certificate holders. The Investigators do not have this authority.

BRD meets by telephone conference weekly to consider applicants and certificate holders under review. Special meetings can be added when needed to accommodate high volume, though this has not occurred since the restructure. At these weekly teleconference meetings, the BRD employees present discuss cases and evidence,

determine whether or not there is sufficient evidence to take proposed action, and make final decisions on whether to clear applicants, take no action against certificate holders, propose to deny applications, or propose to discipline certificate holders. In cases where applicants are cleared or no action is taken against certificate holders, AMG is notified and pending applications are processed accordingly (applicants are certified or re-certified). However, if, on the other hand, a majority of the BRD employees present determine that there is sufficient evidence to propose to take action against an applicant or certificate holder, a proposed decision to deny the application or discipline the certificate holder is made (discipline includes revocation, suspension for an identified period of time not to exceed one year, and/or imposition of probationary terms not to exceed one year).

In making its decision to propose denial of an application or impose discipline on a certificate holder, BRD makes factual and legal findings, including identifying the Denial Procedures provisions that it believes the individual has violated. (Attachment ____.) It also determines the appropriate level of proposed discipline: revocation, suspension for a set period of time, and/or imposition of probationary conditions. Decisions to propose to deny applications or discipline certificate holders must be made by a majority. It takes a minimum of two staff members to make a decision in any specific case, though in most cases three BRD staff members make decisions. Most decisions are unanimous.

Suspensions Based on Evidence

Suspensions based on evidence are one of the strongest and most effective tools CAMTC has. Suspensions based on evidence generally occur while an investigation is ongoing and provide a fair and transparent process that allows certificates to be suspended immediately in cases where an individual has engaged in acts punishable as a sexually related crime. Pursuant to Business and Professions Code section 4610(g),

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 upon a 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.

At the point in time when BRD has sufficient evidence to suspend a certificate holder based on evidence, it will request that the suspension occur, even though the investigation may still be ongoing and the final decision to propose to revoke the certificate has not yet occurred. Suspensions based on evidence are an interim measure. In the vast majority of cases, BRD proposes at a later time to revoke the certificates of certificate holders suspended based on evidence.

Suspensions Based on Operation of Law

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

Proposed Denial/ Disciplinary Letters

In accordance with the Massage Therapy Act and the Denial Procedures, when BRD makes a proposed decision to deny an applicant or discipline a certificate holder, a letter must be sent to that individual notifying them that CAMTC is proposing to take action against them, and informing them of the legal and factual basis for the proposed action (Proposed Denial Letter “PDL” or Proposed Revocation/Discipline Letter “PRL”). BRD refers individuals it has decided should receive a PDL or PRL to the Legal Department so that the PDL or PRL can be drafted. After this referral, BRD is generally

no longer involved in the process, as the investigation and proposed decision to deny or discipline has been made.

The PDL or PRL identifies the factual and legal basis for the proposed action and the provisions of the Denial Procedures that the BRD believes have been violated. (Section __, Attachment __.) Accompanying every letter is a copy of the Denial Procedures. (Section __, Attachment __.) If the proposed denial or discipline is based on a declaration(s), the declaration(s) is also sent to the applicant or certificate holder with the PDL or PRL. Also, if the proposed action is based on a criminal conviction, the record of the crime is also sent to the individual in accordance with State law. It is important to note that at this point, the action is only proposed. Before a proposed action becomes final and effective against an individual, they are given notice and an opportunity to be heard. (Bus. & Prof. Code §4610(e).)

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

- the right to request, in writing (email preferred), an oral telephonic hearing or consideration of a written statement (their choice);
- the date of the hearing (approximately 30 days from the date the letter is mailed, though the law only requires 15 days);
- the effective date of the denial or discipline (generally 21 days from the date of the hearing, though the law only requires 5 days);
- the last day to request a fee waiver;
- the last day to request an oral hearing or consideration of a written statement;
- the last day to submit documents; and
- the last day to pay the hearing fee, the manner in which the hearing fee can be paid, and the amount of the hearing fee.

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

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

The Hearing Officers review and consider all of the evidence and documents already submitted related to each particular matter prior to the hearing date. Applicants and certificate holders are generally not limited in the number or type of documents or evidence that they may submit prior to a hearing, though video and audio recording submissions are limited to one hour, with a transcript required for audio or video evidence exceeding this time limit. Each piece of evidence submitted is given appropriate weight. In the past the Hearing Officers have considered evidence and documents that have ranged from legal briefs submitted by attorneys and declarations of certificate holders and witnesses, to music notes and illegible scribbles and drawings.

If the Hearing Officers make a decision to approve an application or not impose discipline against a certificate holder, the individual is notified of that decision in writing. AMG is also notified so that they may process the individual appropriately (certify or re-certify an applicant or take no action against a certificate holder). If the Hearing Officers make a decision to uphold the proposed denial or discipline, or impose different discipline than originally proposed, the individual is sent a letter notifying them of that

decision, the factual and legal basis for the denial or imposition of discipline, the final and effective date of the denial or discipline, and that they must wait two years from the effective date of the denial or discipline before reapplying for certification. (Section __, Attachment __.) AMG is also notified of this outcome so that the applicant or certificate holder's status may be marked accordingly. The decision at this point is final, and there is no further review through CAMTC. This process is similar to the process used by cities and counties to deny or revoke local permits.

33. Please explain any fees related to enforcement activities.

Fee waivers are granted for individuals who are able to demonstrate that they are financially unable to pay the hearing fees. (Section __, Attachment __.) CAMTC uses the same financial guidelines to determine indigence that California courts use. In accordance with Business and Professions Code section 4602(i), the BOD is authorized to "establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties." The only fees associated with the denial and disciplinary process are a \$270 fee for an oral telephonic hearing or \$180 fee for consideration of a written statement, and a \$50 fee if a recording of an oral hearing is provided. These fees are well below CAMTC's actual costs for engaging in the denial or disciplinary process.

Enforcement Statistics

CAMTC considers "enforcement" to be action against certificate holders, not applicants, however it has included data about both applicants and certificate holders in some of the following tables in order to provide the Committees with more comprehensive information.

Table 9a. Enforcement Statistics – Applications and Applications for Recertification

	Sent to PSD/ BRD for Review** (includes App. and Re-cert)	Cleared by PSD/ BRD (includes App. and Re-cert)	Background Issue Proposed Denial (letter sent in year noted)	Education Only Proposed Denial (letter sent in year noted)	Oral hearing/ written stmtnt (in year noted)	Pending ***	Approved (in year noted)	Denied (in year noted)	Prob. terms or Susp. Imposed
2016 Applicants	1419	1069	125	186	45/120	0	22	338	4
2017 Applicants	1809	1185	206	456	43/189	0	16	588	27
2018 Applicants	4033	3644	163	288	66/146	0	45	428	44
2019* Applicants	2402	2164	69	227	30/71	17	35	194	36

*2019 is through June 30, 2019.

** Includes all who are applicants at the time they are sent to PSD/BRD for review.

*** Pending means that a proposed denial letter has been sent but the applicant is still in process in that the final outcome for the matter has not yet occurred as of June 30, 2019.

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

Table 9a. Continued - Education Upgrades*

	Education Only Upgrade Proposed Denial (letter sent in year noted)	Education Only Upgrade Approvals (Approved in year noted)	Education Only Upgrade Denials (Denied in year noted)	Pending***
2016 Applicants	26	7	111	0
2017 Applicants	2	0	6	0
2018 Applicants	2	1	2	0
2019** Applicants	6	4	1	1

*Education Upgrades are individuals certified as CMPs who submit additional education and request that their certification status be upgraded from CMP (250 hours of education) to CMT (500 hours of education). Those denied the upgrade remain certified as CMPs.

**2019 is through June 30, 2019.

***Pending means that a proposed denial letter has been sent but the application is still in process in that the final outcome for the matter has not yet occurred as of June 30, 2019.

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

	Sent to PSD/ BRD for Review **	Cleared by PSD/ BRD (in year noted)	Perm. Revo.	Proposed Revo./ Discipline (letter sent in year noted)	Oral hearings / Written Statements (occurred in year noted)	Pending ***	No Action (in year noted)	Revoked (in year noted)	Prob. terms or Susp. Imposed (in year noted)
2016 Certificate Holders	757	513	8	137	19/33	0	1	98	34
2017 Certificate Holders	684	449	7	134	27/32	0	1	93	27
2018 Certificate Holders	818	498	10	139	33/16	0	5	123	16
2019* Certificate Holders	516	301	6	51	9/15	2	1	32	20

*2019 is through June 30, 2019.

** Includes all individuals who are certificate holders at the time that they are initially sent for review, even though while under investigation they may expire and ultimately be sent a proposed denial letter for their application for recertification, or may expire before action can be taken. Also includes those who may have been suspended pursuant to B&P Code sections 4610(f) and (g).

*** Pending means that a proposed revocation/discipline letter has been sent but the certificate holder is still in process in that the final outcome for the matter has not yet occurred as of June 30, 2019.

Table 9c. Enforcement Statistics - Certificate Holder Suspensions

	Suspension based on operation of law (4610(f)) (suspended in year noted)	Suspension based on evidence (4610(g)) (suspended in year noted)	Oral hearings / Written Statements (4610(g)) (occurred in year noted)	Pending* * (4610(g))	Suspension lifted after hearing (4610(g)) (in year noted)	Suspension upheld after hearing (4610(g)) (in year noted)	Reinstatements/ lifting of suspension (4610(f)) (in year noted) ***
2016 Certificate Holders	82	95	38/2	0	0	40	21
2017 Certificate Holders	85	108	33/5	0	3	35	44
2018 Certificate Holders	75	146	39/8	0	4	43	63
2019* Certificate Holders	40	69	20/3	0	2	21	19

*2019 is through June 30, 2019.

** Pending means that a certificate holder has requested an oral telephonic hearing or consideration of a written statement for their suspension based on evidence, but the individual is still in process in that no final outcome has occurred as of June 30, 2019.

*** Reinstatements are for individuals suspended pursuant to B&P Code section 4610(f), and who are required to be reinstated pursuant to 4610(f)(3) because the relevant charges have been dismissed or they have been acquitted.

Table 9d. Enforcement Statistics - Complaints			
	Total Complaints Received ALL **	Complaints Against Certificate Holders	Complaints Against Certificate Holders submitted by Law Enforcement Agencies
Total Received 2016	461	299	158
2016 Monthly Average	38	25	13
Total Received 2017	529	344	131
2017 Monthly Average	44	29	11
Total Received 2018	582	357	209
2018 Monthly Average	49	30	17
Total Received January – June, 2019	267	156	61
2019* Monthly Average	45	26	10
*2019 data is through June 30, 2019.			
** "Total complaints" includes all complaints received, including those that were not against CAMTC applicants or certificate holders.			

Enforcement Aging

CAMTC is exceeding its disciplinary performance targets and is providing swift discipline to certificate holders (83 days on average for Formal Discipline in the third quarter of 2019). (Section ____, Attachment _____.) Please see the response to Question 6 of this Sunset report, where performance measures are more specifically discussed. Please also note, CAMTC certificate holders are only certified for a two-year time period. This means that in no case can CAMTC take longer than two years to discipline a certificate holder, as it loses its jurisdiction over a certificate holder once the certificate has expired.

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

Overall, the total number of proposed revocations/ disciplinary actions against certificate holders has remained fairly constant. The number of proposed education only denials is overall trending downward, while proposed denials for background issues have been trending slightly upward. Suspensions based on operation of law have held steady while suspensions based on evidence have been trending upwards. With the continued increase in cooperation from local jurisdictions, it is predicted that this upward trend for suspensions based on evidence will continue.

Case Prioritization

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

CAMTC has a robust case prioritization policy that fast tracks cases against individuals accused of engaging in sexual assault. It is important to note that CAMTC's denial and disciplinary process is not driven just by complaints, but is also based on background reviews that occur when applications for certification/ recertification are received or when subsequent arrest notices are received from the DOJ.

Complaint Prioritization Policy

CAMTC seeks to quickly address all complaints received. CAMTC treats notifications from law enforcement as complaints, and asks that any information local jurisdictions have to share with CAMTC be communicated through the complaint link. When a complaint is received through CAMTC's complaint link, an email is automatically sent letting the person know that the complaint has been received. Complaints come directly to the Background Review Department Supervisor for task assignment and are either immediately assigned to an Investigator, are acted on immediately when warranted (such as suspensions based on operation of law (Bus. & Prof. Code §4610(f)), are assigned to BRD for review when assignment to an Investigator is not warranted, or are designated as "non-actionable" (for example, the complaint might be about a business or an unidentified person). Immediate review allows CAMTC to quickly identify, prioritize, and assess high-risk cases and take action as quickly as possible.

Allegations of Sexual Assault

Investigations investigates and BRD reviews cases against both applicants and certificate holders. Denial and disciplinary cases where allegations of sexual assault have been made are given top priority, with cases against certificate holders being prioritized first (as these individuals are already providing massage for compensation using a CAMTC certificate), cases against those seeking recertification³ taking second priority, and cases against applicants taking third priority.

For cases against certificate holders, all efforts are made by Investigators to quickly obtain sufficient evidence to allow BRD to suspend certificates based on evidence in as short a time frame as possible, when warranted. (Bus. & Prof. Code §4610(g)). CAMTC can act very quickly in these situations, and in some cases has suspended a certificate merely days after a victim's declaration was received. Unlike DCA Boards or Bureaus, CAMTC acts quickly, fairly, and very cost effectively. Suspensions based on evidence are the first line of defense and occur when sufficient evidence is obtained to allow for the suspension, even though CAMTC's investigation is still ongoing. For these

³ CAMTC is mindful of the fact that applicants for recertification are current or past certificate holders and their ability to work may be impacted by the time it takes to investigate and make a proposed decision on a matter.

cases, CAMTC will continue its investigation into the matter and in the vast majority of cases BRD will later propose to revoke the certificate of that same certificate holder when the investigation is complete. It is important to note that the bases for revocation/discipline of a certificate encompass a broader scope of violations beyond the limited basis of what can be used to suspend a certificate based on evidence.

Meanwhile, suspensions based on operation of law (Bus. & Prof. Code §4610(f)) occur whenever CAMTC receives notice that a certificate holder has been arrested and charges have been filed for 647(b) - Prostitution or engaging in acts punishable as a sexually related crime. These suspensions do not require BRD review and occur immediately upon notice of charges being filed. Due to CAMTC's ability to take action so quickly, in a typical situation where a sexual assault is alleged, and the victim has notified the police, CAMTC will first suspend based on evidence, then suspend based on operation of law when it is notified that criminal charges have been filed by the DA, and then revoke the certificate when CAMTC's investigation and disciplinary process is completed. Typically, criminal convictions occur well after CAMTC's disciplinary process has ended.

As previously noted, allegations of sexual assault against past certificate holders seeking recertification take second priority, and allegations of sexual assault against applicants take third priority.

All other complaints and identification of potential violations of the Massage Therapy Act against applicants and certificate holders (such as engaging in prostitution related activity) flow in parallel paths through the system, with more resources devoted to complaints against certificate holders, resulting in a quicker path through the process.

Complaints that are non-actionable are identified by BRD staff when they are received. These complaints are gathered up and reviewed once a month at a meeting held just to address these non-actionable complaints. The majority of these complaints are against individuals or entities that are not applicants or certificate holders, though some may be broader non-actionable issues, such as complaints about a Groupon.

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

CAMTC is not subject to any mandatory reporting requirements, nor are other entities required to report information to CAMTC. CAMTC does receive Subsequent Arrest Notifications from the DOJ and FBI. It also regularly receives information from local jurisdictions about administrative, civil, and criminal actions taken against applicants and certificate holders.

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

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

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

CAMTC has no jurisdiction over uncertified activity. Its authority is limited in statute to applicants and certificate holders. However, local jurisdictions benefit from working with CAMTC. Most local jurisdictions do regulate massage and massage businesses, with only a relatively small number of rural jurisdictions being the exception. In the regulated cities and counties, practicing massage without being certified, or having a local permit if certification is not mandated, violates local massage codes and is enforced by police or code enforcement. CAMTC does send cease and desist letters to individuals who are using terms reserved for CAMTC certificate holders in their advertising.

In regards to the underground economy, on a positive note, CAMTC has brought many thousands of massage professionals into the open, obtaining CAMTC certification and local business licenses as professionals for the first time.

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

Cite and Fine

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

CAMTC does not have cite and fine authority.

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

CAMTC does not have cite and fine authority.

Cost Recovery and Restitution

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

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

CAMTC does not have cost recovery authority and therefore does not seek cost recovery.

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

CAMTC does not have restitution authority and therefore does not seek restitution.

For the annual volume of oral telephonic hearings and consideration of written statements, please see Table 11 in response to Section 13, Question Number 9.

Table 12 is not provided as CAMTC does not have legal authority for restitution.

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Public Information Policies

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

CAMTC posts notices on its website related to issues of certificate holder and applicant concern on an as needed basis. This includes changes to the law, BOD policy such as changes to how applications from closed schools are reviewed, proposed fee changes and the current fees, and a summary of common actions that violate CAMTC's law.

CAMTC posts statuses of certificate holders on its public, "Verify Certification" website. This information applies only to current and expired certificate holders, including those whose certificates have been suspended or revoked. Individuals can be searched by certificate number, name, or city of work as reported by the certificate holder.

Pursuant to Business and Professions Code section 4602(j) and the rules of the Bagley-Keene Open Meeting Act, CAMTC also posts notices and agendas of all meetings 10 days in advance on its website at <https://www.camtc.org/Meetings.aspx>. All meetings are open to the public. Prior to every vote on each issue listed on the agenda, time is provided for public comment. Additionally, public comment is also allowed for issues not on the agenda and suggestions for future meetings. Board Packets are emailed upon request to each requesting party, and copies are available at the meeting for guests. Board Packets are also posted on the website prior to each meeting and remain there indefinitely. Final meeting minutes are posted on CAMTC's website within fourteen days of being approved. Final minutes remain on the website indefinitely. Draft minutes are not posted. Audio recordings of the open session portions of the meetings are also posted to CAMTC's website and remain there indefinitely.

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

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

CAMTC does not webcast its meetings and currently has no plans to do so, as the cost is prohibitively expensive. For example, a recent search lists the cost to webcast a meeting at anywhere from \$3,000 - \$6,000 a day, not including additional costs such as travel time, addition rental fees for the room, or hotel stays for the engineer. CAMTC does not want to have to increase fees to cover these additional costs.

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

Yes, CAMTC has had this policy since November 18, 2015.

46. Does the CAMTC post accusations and disciplinary actions?

CAMTC is a nonprofit corporation with its own denial and disciplinary process. CAMTC seeks fairness and transparency and does not post accusations on its website. Additionally, CAMTC's denial and disciplinary process does not result in the creation of accusations, and therefore there are no accusations to be posted on its website.

On its public "Verify Certification" website, CAMTC only shares information about certificate holder discipline when the matter has reached a resolution. So, for example, CAMTC posts information about suspensions and revocations on its public "Verify Certification" website when they are imposed. It does not post information about

proposed imposition of discipline on certificate holders or applicant denials.

For schools that have applied for CAMTC approval, CAMTC does post dates of denial and dates of purging of incomplete applications. Once AB 775 becomes operative on January 1, 2020, CAMTC will begin posting the dates that it issues proposed denial and disciplinary letters to schools.

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

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

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

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

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

CAMTC has created brochures for consumers regarding certification. These are available to certificate holders at no charge to distribute to consumers. Copies of these brochures may be found in Section ____, Attachments ____.

There is also an FAQ section on the website with information specific to consumers, as well as a link and information regarding complaints on CAMTC's website. That information can be found by going to: www.camtc.org, clicking on the icon, "File a Complaint," or by emailing complaints@camtc.org.

CAMTC's website also has links to the Massage Therapy Act, Policies and Procedures for Approval of Schools, Policies and Procedures for Unapproval of Schools, Denial and Disciplinary Procedures, Criteria for Proof of Rehabilitation, and CAMTC publications such as the Sunset reports, School Newsletters, and quarterly Disciplinary Performance Measures.

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

CAMTC is unique in that it has both its own employees and uses a management firm, AMG, to provide application processing and some administrative services. CAMTC's principal place of business is located at One Capitol Mall, Suite 800, in the city of Sacramento, California. This is also the address where all of its mail is received. These are the offices of AMG.

All CAMTC employees work out of their own locations, at various places around the State. For example, the CEO and the Division Director for ESD are located in southern California, while the Director of Governmental Affairs and Staff Attorneys are located in northern California. CAMTC employees engage in regular telephone conference calls to conduct staff meetings and interact with each other. Additionally, CAMTC has a database where information needed to perform job duties can be remotely viewed and shared.

Online Practice Issues

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

Massage is a hands-on profession that cannot be practiced online.

Since certification is voluntary, uncertified activity is generally not an issue. To the extent that local jurisdictions choose to require certification for all massage providers in their city or county, or have a local permitting process which allows noncertified individuals to provide massage for compensation, each jurisdiction decides what works best in their specific location. The cities and counties then enforce their specific process related to violations of their local municipal code. In this way, CAMTC's structure provides cities with the local control they want to determine what works best in their local jurisdiction instead of the top-down approach taken with state licensure. In some jurisdictions this means administrative or civil action, and in others it means criminal prosecution.

CAMTC helps local agencies in whatever way it can to prosecute these cases. If a local jurisdiction requires that all individuals providing massage for compensation have CAMTC certificates, CAMTC works closely with that jurisdiction to provide the evidence needed for them to prosecute their case for uncertified activity, to the extent that it has such information (for example – providing evidence of current certificate status, such as expired or revoked). On the other side, when local jurisdictions take action against applicants or certificate holders, they also share that information with CAMTC, allowing CAMTC to take action as well. This continual sharing of information back and forth works to the advantage of all parties.

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

CAMTC has the legal authority to deny applicants and discipline certificate holders that engage in the following conduct, which violates the Act:

- Engaging in unprofessional conduct by engaging in sexually suggestive advertising (including online advertisements) related to massage services (Bus. & Prof. Code §4609(a)(1)(A));
- Failing to include the name under which he or she is certified and his or her certificate number in any and all advertising (including online advertising) of massage for compensation. (Bus. & Prof. Code §4608(c)); or
- Falsely stating or advertising (including online) 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 massage practitioner. (Bus. & Prof. Code §4611(a)(2)).

CAMTC also has the legal authority to prevent non-certified individuals from engaging in the following conduct:

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 council.

(Bus. & Prof. Code §4611(a)(1).) The Act states that engaging in the above described conduct is engaging in an unfair business practice. (Bus. & Prof. Code §4611(a)(1).)

CAMTC usually addresses this type of activity by sending a cease and desist letter. If the individual fails to correct this conduct, CAMTC is authorized to take legal action against them.

Workforce Development and Job Creation

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

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

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

CAMTC has not conducted any assessments of the impact of certification delays. At the current time, there are no certification delays for complete application packets. CAMTC is more than meeting the BOD's goals for issuing certificates to new and recertifying applicants. As of June 30, 2019, the median processing time for complete application packets with no education, criminal, or background issues, was 10 days for new applicants and 6 days for recertifications. For those with education, background, or other issues, as of June 30, 2019, CAMTC's median processing time for approved and complete new applications and recertification applications was 43 days. Please see CAMTC's response to Question 16 of this Sunset Report for further information.

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

CAMTC requires approved schools to include information about CAMTC in their school catalogs and on their enrollment agreements, in addition to including their 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. CAMTC verifies that approved schools comply with these requirements through the approval and re-approval processes.

CAMTC requires schools that have applied for approval, but have not yet received a final decision on their application, to distribute notice 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. CAMTC supplies a full-color, trifold brochure free of charge to schools and a printable FAQ for this purpose. (Section __, Attachment __.) AB 775 extends this requirement to all schools with a massage program whether the school applies with CAMTC or not.

CAMTC regularly communicates changes, updates, and current happenings to all schools through its school newsletter and school conference call. Newsletters are emailed to schools four times per year and archived on CAMTC's website. (Section __, Attachments __.) Conference calls are regularly scheduled for the first Wednesday of every month with dial-in information and reminders emailed to schools and posted on CAMTC's website. Additionally, CAMTC responds quickly to calls and emails from individual schools with specific questions or concerns.

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

a. Workforce shortages.

CAMTC currently does not collect such data.

b. Successful training programs.

Through the CAMTC school approval process, CAMTC began collecting data on numbers of reported graduates in 2017, as well as passage rates for the MBLEx exam, which applicants were required to pass for certification at the time. However, the exam requirement was removed at the end of 2018, therefore this information was not requested or received for that year. Once the exam requirement is reinstated, this

information will again be collected. Schools that consistently fall below the national passing rate for the MBLEx may lose their CAMTC school approval. (Section __, Attachment __.)

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Current Issues

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

In 2015, CAMTC began working with an outside vendor (InLumon) to develop the parameters for a more comprehensive certification and document management system that would serve multiple functions, the most important of which was to allow for the electronic acceptance of applications. This system became operative in November of 2016. The new Certification and Management System (CAMS) serves as a database, interface for submitting new and recertification applications, and document management system. Prior to CAMS implementation in 2016, CAMTC did not have the capacity to accept applications electronically. Like most software and data systems, it has its' strengths and weaknesses. While its implementation has allowed CAMTC to accept applications electronically, it does not currently have the reporting functions CAMTC has requested. CAMTC is therefore working with InLumon and Datavail to both update the current system and provide more detailed data reports.

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

Performance goals for certificate issuance and certificate holder discipline have been established. CAMTC has met, and been well under, all of its target averages since it began tracking this information.

CAMTC's goal is to maintain a median processing time for complete new application packets, with no outstanding issues, within 45 days of the application packet becoming complete. This goal was established by the BOD as a 2018 strategic priority on November 2, 2017. By March of 2018, the goal was achieved and has been maintained

every month since. As of June 30, 2019, the median processing time for complete new application packets with no outstanding issues was 10 days.

On November 2, 2017, the BOD also established a goal of maintaining a median processing time for complete recertification applications, with no outstanding issues, within 30 days of the application packet becoming complete. By April of 2018, this goal was achieved and has been maintained every month since. As of June 30, 2019, the median processing time for complete recertification applications with no outstanding issues was 6 days.

CAMTC established average targets for its disciplinary performance metrics on July 15, 2015. CAMTC is processing cases in well under these target averages. (Section __, Attachment __.) The process used to initially establish these standards is described in response to Question Number 29 of this Sunset Report. CAMTC has consistently reduced the average targets for its performance metrics, and they currently are as follows: 4 days for PM2; 90 days for PM3; and 240 days for PM4. Please see the summary of PM data provided in response to Question 6 of this Sunset Report.

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

There are some minor changes to the Massage Therapy Act that would be beneficial and CAMTC respectfully requests that the changes listed below be made. Each is addressed individually in turn.

1. Require Name Updates Within 30 Days of a Legal Name Change.

Currently, certificate holders are required to notify CAMTC of changes to their home address, work address, and email address within 30 days of the change. (Bus. & Prof. Code §4608(d).) When they are at the location where they provide massage for compensation, certificate holders are also required to provide their “full name and certificate number” upon request to any member of the public. (Bus. & Prof. Code §4608(b).) Certificate holders are also required to include the name they are certified under in any advertisement for massage for compensation. (Bus. & Prof. Code

§4608(c).) However, there is no legal requirement that they notify CAMTC of a legal name change within a specified period of time. This can create disparities between the name listed on a certificate and an individual's legal name. CAMTC therefore requests that the Massage Therapy Act be amended in the following manner to address this issue (additions in red, bold):

4608. In addition to the other requirements of this chapter, a certificate holder shall:

...
(d) Notify the council within 30 days of any changes in the certificate holder's **legal name**, home address, or the address of any massage establishment or other location where he or she provides massage for compensation, excluding those locations where massage is only provided on an out-call basis. A certificate holder also shall notify the council of his or her primary email address, if any, and notify the council within 30 days of a change of the primary email address.

2. Change BOD Appointment to Include Retired City Attorney.

The Business and Professions Code requires that the city attorney appointment be a currently practicing city attorney. Broadening the appointment category to allow a retired city attorney to be on CAMTC's board would allow someone with the required knowledge and expertise to serve on the board who also has sufficient time to actively engage in board responsibilities. CAMTC therefore requests that the Massage Therapy Act be amended in the following way (additions in red, bold):

4602 (f)(11) The members appointed to the board in accordance with paragraphs (1) to (10), inclusive, shall appoint three additional members, at a duly held board meeting in accordance with the board's bylaws. One of those appointees shall be an attorney licensed by the State Bar of California, who has been practicing law for at least three years and who at the time of appointment **or as their last position before retirement** represents **or represented** a city in the state. One of those appointees shall represent a massage business entity that has been operating in the state for at least three years. The council shall establish in its bylaws a process for appointing an additional member, provided that the member has knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603.

3. Allow Broader Information Sharing With State and Federal Law Enforcement Agencies and Professional Licensing Agencies

CAMTC recommends the following statutory change so that it has more flexibility to fully share information with state and federal law enforcement agencies and state agencies that license professions. Under the language of the current law, it appears to contemplate sharing “other information in the council’s possession that is necessary to verify facts relevant to administering *a local ordinance*,” (emphasis added) which is limiting. This limitation can hinder sharing financial information with state and federal law enforcement agencies who are investigating complicated organized crime schemes such as human trafficking. CAMTC has also been receiving requests from state boards and bureaus that are not law enforcement agencies for information about applicants and certificate holders. CAMTC therefore recommends that the following changes be made to the Massage Therapy Act (proposed changes in red, bold, and strikethrough):

4614. (a) Upon the request of any law enforcement agency, **state agency**, or any ~~other~~ representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage or massage establishments, the council shall provide information concerning an applicant or a certificate holder, including, but not limited to, any of the following:

- (1) The current status of an application or certificate.
- (2) Any history of disciplinary actions.
- (3) The home and work addresses of the applicant or certificate holder.
- (4) The name and home and work addresses of any person whose certificate has been suspended and the length of the suspension, **if the work address is located within the jurisdiction of agency making the request.**
- (5) Any other information in the council’s possession that is necessary to verify facts relevant to administering **the a local massage or massage establishment ordinance, enforcing state law related to massage or massage establishments, federal law related to massage or massage establishments, local law related to massage or massage establishments, or regulating a California licensed profession.**

4. Modify Statute to Further Clarify That CAMTC Can Take Action on Nolo Contendere Pleas

The Massage Therapy Act, in Business and Professions Code section 4609(a)(1)(9) currently specifies that CAMTC may deny an application or discipline a certificate holder for:

Being convicted of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder. *A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.*

The intention has always been, based on the language in italics noted above, to allow action to be taken on convictions that are based on nolo contendere pleas. However, recently some individuals have not found the language above to clearly identify this intent. Therefore, in order to further clarify the intent of this language, CAMTC requests that this provision be amended to the following:

Being convicted 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 this section.** A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.

5. Add language allowing denial or revocation if not fit to perform the duties of a certificate holder for reasons of criminal insanity or mental health.

The Massage Therapy Act does not provide a specific provision stating that if an applicant or certificate holder is unfit to perform the duties of a certificate holder for mental health reasons or reasons of criminal insanity, that CAMTC can deny their application or revoke their certificate. When an individual is found to be not guilty of a crime based on reasons of criminal insanity, they don't end up with a criminal conviction. This can then create a loophole, requiring CAMTC to certify an individual (or allow them to remain certified) even though there is evidence that they are a threat to public safety. In order to address these issues, CAMTC requests that the following provision be added to Business and Professions Code section 4609(a):

(12) Being determined to be unfit to perform the duties of a certificate holder based on mental health reasons or findings of criminal insanity.

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

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

Following, please find a summary of the most important decisions made by the BOD, organized by meeting date.

November 18, 2015

At the November 18, 2015, BOD meeting, the BOD made the following significant decisions:

- The BOD approved the following 2016 Strategic Priorities:
 - o Continue CAMTC as a private, non-profit organization administering voluntary massage certification and school approval programs
 - o In preparation for Sunset Review, continue to meet the goals and priorities outlined by the Legislature in the AB 1147 process, in particular assisting local governments and law enforcement in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and improving communications with local government and law enforcement.
 - o Conduct a feasibility study of licensure for the massage profession and related statutory recommendations by June 1, 2016.
- The BOD also added the New York State Massage Therapy exam as a CAMTC approved exam.
- The BOD voted that it was neither feasible nor in the interests of public safety to pursue development of its own independent exam in a foreign language.
- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:
 - o Clarifies that language added at the June 2015 meeting relating to acceptance of only those units that have been completed for academic credit (not from non-credit adult education classes), refers to Community Colleges and other colleges and universities qualifying as part of the state's higher education system.
 - o Extends provisions for public colleges and universities to all public schools (programs operating under authority of school districts).

- o Limits acceptable number of education hours to no more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.
- The BOD voted to post the dates for regularly scheduled BOD meetings on the CAMTC website at least 30 days in advance, and to strive to provide all staff reports and back-up material for each agenda item on the CAMTC website at least 7 days in advance of each BOD meeting.

December 3, 2015

At the December 3, 2015, BOD meeting, the BOD made the following significant decision:

- The BOD approved the draft of the 2016 Sunset Report with several changes.

February 25, 2016

At the February 25, 2016, BOD meeting, the BOD made the following significant decisions:

- The BOD amended the 2016 Strategic Priorities:
 - o Clarifies that the intent is to continue CAMTC as a private, non-profit organization administering voluntary massage certification programs until such time as the results of the AB1147 review and feasibility study are completed and implemented.
 - o Updates the due date for the feasibility study of licensure for the massage profession to January 1, 2017.
- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:
 - o Provides the circumstances in which CAMTC would accept transcripts from schools that closed prior to July 1, 2016;
 - o Permits employees of public colleges or universities of the California state higher education system to use a campus ID number in lieu of a SSN or government issued photo ID, and may omit home address.
 - o Adds to the Reasons for Imposing Discipline, Denying, or Revoking Approval sections 1-9, including: selling or falsifying transcripts; failure to require students to attend all of the classes or hours on the transcript; engaging in various fraudulent practices intended to aid or abet students seeking certification; denial suspension or revocation of the school code by the National Certification Board for Therapeutic Massage and Bodywork; failure to create, record or maintain accurate student records; failure to properly identify transfer credit; a finding by various named agencies that the school has engaged in conduct identified in this section; or failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).

- o Specifies the time by which schools must request a hearing regarding a proposed action against the school, submit documentary evidence and pay the required fee. Sets the fee for an oral telephonic hearing at \$450 and for consideration of a written statement at \$350.
 - o Provides for appeals to the BOD and policies regarding appeals.
 - o Establishes a waiting period before a school whose application for CAMTC approval has been denied or revoked can reapply for CAMTC school approval.
 - o Establishes policy regarding applications for certification received after July 1, 2016 with transcripts from schools that have applied but not been approved.
 - o Establishes policy regarding applications for certification with transcripts from schools that CAMTC has proposed to deny or discipline.
- The BOD approved amendments to the Policies and Procedures for Un-Approval of Schools, notably:
 - o Clarifies that these procedures are applicable only to the Un-Approval of schools and removes references to schools seeking approval. Harmonizes these procedures with the fact that as of July 1, 2016, CAMTC will only accept education from approved schools.
 - o Changes the grace period for students that attended un-approved schools and submitted applications on or after July 1, 2016.
- The BOD amended the Duty of Loyalty by adding the following language:
 - o Each director helps keep CAMTC and all its parts working together smoothly. Each director should be committed to the value of stakeholders working together through CAMTC, and should understand and support CAMTC's mission, strategic goals and implementation strategies. Each director should be alert to any development that might impede the basic purpose and objective of CAMTC. Once the Board has established a position on an issue, the Board must "speak with one voice." Directors should not speak or work against the actions of the Board.
- The BOD directed the CEO to send Warrant and Payroll Registers on a monthly basis to the BOD.

June 23, 2016

At the June 23, 2016, BOD meeting, the BOD made the following significant decisions:

- The BOD approved the Resolution of the Board of Directors Duty of Loyalty as policy.
- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:
 - o Includes notification that schools should submit reapproval applications six months before expiration to avoid breaks in approval.
 - o Provides for provisional approval of new schools or programs for up to 180 days.

- o Facilitates acceptance of education from closed schools.
- o Allows for transfer of up to 125 hours of related education at a California college or university.
- o Prohibits approved schools or schools with pending applications from copying or maintaining ID from prospective students.
- o Provides for hold on applications for individual certification using transcripts from schools that have been proposed to be denied or disciplined until a final decision is made.
- o Provides that legal action against CAMTC must be brought within 90 days after a final decision is made.
- o Replaces the 90-day time period after a site visit to make a decision on an application with a requirement that 180 days from the date an application is deemed complete, CAMTC will either approve or send a proposed decision letter to the school.
- The BOD approved a Limited Time Recertification policy from July 1, 2016, until December 31, 2016, to allow previous certificate holders whose certifications expired and who failed to apply within six months of expiration to recertify.
- The BOD re-authorized the Career Opportunity Mailing Program.

September 28, 2016

At the September 28, 2016, BOD meeting, the BOD made the following significant decisions:

- The BOD approved a policy regarding BOD member contact with CAMTC professionals, employees, and vendors.
- The BOD amended the Mission Statement to include approval of massage programs.

September 29, 2016

At the September 29, 2016, BOD meeting, the BOD made the following significant decision:

- The BOD approved creation of a Schools Advisory Committee and appointed Dr. Jeff Forman as Chair.

November 10, 2016

At the November 10, 2016, BOD meeting, the BOD made the following significant decisions:

- The BOD approved amendments to the Procedures for Denial of Certification or Discipline/Revocation to mirror changes made to CAMTC's statute, which became operative on January 1, 2017.

- The BOD approved amendments to Policies and Procedures for Approval of Schools, notably:
 - Clarifies policy regarding provisional approval of schools.
 - Increases fees for school applications and hearings to better reflect actual costs.
- The BOD extended the period for Limited Recertification until June 30, 2017.
- The BOD approved the 2017 Strategic Priorities, as amended, covering the following categories:
 - Schools issues
 - Accountability
 - Local Government
 - Businesses
 - Certificate Holders
- The BOD approved a Policy for Recertification of Active Duty Military Personnel and Their Spouses.

March 9, 2017

At the March 9, 2017, BOD meeting, the BOD made the following significant decisions:

- The BOD approved an amendment to the 2017 Strategic Priorities related to public protection.
- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:
 - Creates a policy for accepting transcripts from closed schools.
 - Extends the grace period for students that attended recently un-approved schools and submitted applications to CAMTC on or after July 1, 2016.
 - Provides for a 90-day grace period for students applying for certification with education from schools denied CAMTC approval.
- The BOD approved amendments to the Policies and Procedures for Un-Approval of Schools, notably:
 - Institutes a grace period for students that attended recently un-approved schools and submitted applications to CAMTC on or after July 1, 2016.
 - The BOD approved a Schedule of Authority for the BOD, CEO and Chair in making decisions.

September 6 & 7, 2017

At the September 6, 2017, BOD meeting, the BOD made the following significant decisions:

- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:
 - Extends the re-approval period to four years after the initial two years.
 - Clarifies Administrator qualifications and expectations for instructor evaluations and lesson plans.

- o Clarifies where classes can be held.
 - o Clarifies what it means for a class to be held under the direct supervision of an instructor.
 - o Removes waiver of application fees for public colleges or universities of the CA state higher education system.
 - o Clarifies that requirements for advertising refer to “massage programs submitted for approval.”
- The BOD approved a resolution that the definition of a “health care provider” in the CA Code of Civil Procedure includes CAMTC certified massage therapists
- The BOD approved the following Strategic Priorities for 2018:
 - o Study of ESL speakers
 - o Local government
 - o Working with CA Chiefs/public safety
 - o School outreach
 - o Customer Service
 - o Data Analytics

November 2, 2017

At the November 2, 2017, BOD meeting, the BOD made the following significant decisions:

- The BOD approved the 2018 Strategic Priorities and Objectives
 - o Public Safety – working with California Police Chiefs Association and local government officials
 - o Customer Service – sets goals regarding answering phone calls, responding to emails and processing applications
 - o Non-English speakers - report to Legislature
 - o Schools – continue the Schools Advisory Committee
 - o Local Government – encourage ordinances that are congruent with the Massage Therapy Act
 - o Data Analytics – consider hiring an expert to extract and analyze CAMTC’s data
- The BOD approved a revision of the revenue deferral recognition model to become effective January 1, 2017.

February 22, 2018

At the February 22, 2018 BOD meeting, the BOD made the following significant decisions:

- The BOD approved amendments to the Procedures for Denial of Certification or Discipline/Revocation regarding applicant/certificate holders’ requests for continuance of the hearing date.
- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:

- o To require that schools that apply for approval distribute notification, as determined by CAMTC, to all prospective students prior to enrollment and all current enrolled students regarding the implications of attending a school that is not approved by CAMTC
- The BOD voted to stop accepting foreign transcripts based on a legal analysis that the Massage Therapy Act does not authorize doing so.
- The BOD voted to ask the FSMTB to consider language options other than English for the MBLEx.

May 31, 2018

At the May 31, 2018, BOD meeting, the BOD made the following significant decisions:

- The BOD approved its first overall fee increase since inception 10 years ago, including raising new and recertification fees by \$50 to \$200 for two years.
- The BOD approved the Proposed Policy for Purging School Applications for Approval and Instituting a Grace Period for Students.

September 26-27, 2018

At the September 26-27, 2018 BOD meeting, the BOD made the following significant decisions:

- The BOD approved extending the grace period for students from purged schools from 90 to 120 days to allow individuals who have not taken or passed a CAMTC approved exam to apply.
- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:
 - o Allows CAMTC to accept hours completed as part of an approved program without students needing to register or complete the entire program
 - o Made other technical changes to assist students who have attended schools under investigation or that have had approval revoked or have been disciplined.
- The BOD approved the proposed 5 Strategic Objectives and Key Results for the year 2019 as follows:
 - o Sunset Review
 - o Accountability
 - o Exam- evaluation of cost, process, need
 - o Non-English speakers
 - o Outreach to Schools and Students

November 15, 2018

At the November 15, 2018, BOD meeting, the BOD made the following significant decisions:

- The BOD approved the recommendation of the CEO Compensation Committee to Contract with CBiz to conduct a study on comparable CEO compensations and to authorize the Chair and General Counsel to commence discussion with the CEO regarding future employment and report to the BOD in February.
- The BOD approved amendments to the Policies and Procedures for Approval of Schools, notably:
 - o Aligns with the waiving of the requirement to pass a CAMTC approved exam for 2019-2020.
 - o Ends the acceptance of education from denied schools whose applications for approval are received on or after January 1, 2019.
 - o Adds a grace period from January 1 – March 31, 2019 allowing for education hearings for applicants from all currently denied schools. The new grace period is to allow students who previously could not sit for the exam and thus could not come to hearing as their applications were deemed incomplete.
 - o To allow applicants from schools whose applications that have been pending for one and a half years or more to choose an education hearing in lieu of waiting for a decision on the school's application for approval. If the school is later approved and they have failed a hearing, they must wait for two years to re-apply.
- The BOD approved shortening the waiting period to one year to re-apply for denials based only on education. This policy will be implemented at such time as the change can be operationally feasible.

April 4, 2019

At the April 4, 2019, BOD meeting, the BOD made the following significant decisions:

- The BOD approved terms of employment agreed upon by the Chair and CEO so long as 1) the CEO's total compensation package does not exceed the 50th percentile of the 2019 CBIZ report when the agreement begins in 2020; 2) the total compensation package doesn't exceed the 75th percentile for peer groups over the course of the agreement; 3) that the compensation package doesn't erode CAMTCs' reserve of at least three months operating expenses, and 4) that so long as all those parameters are respected, the Chair, with the assistance of the General Counsel, shall be authorized to create and execute the agreement with the CEO.

May 29, 2019

At the May 29, 2019, BOD meeting, the BOD made the following significant decisions:

- The BOD approved amendments to the Policies and Procedures for Approval of Schools regarding acceptance of education from closed schools, lifting the requirement for an education hearing for two years, at which time the policy will be re-evaluated

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Action and Response to Prior Sunset Issues

Include the following:

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

CAMTC was last reviewed by the Committees in 2015. During that Sunset review, 16 issues were raised and extensively addressed.

ISSUE #1: *Please explain, as a nonprofit entity, how the CAMTC prepares its annual budgets? How is budget planning different from other state-regulatory boards?*

Staff Recommendation: *In an effort to help the Committees better understand the financial structure of the CAMTC, the CAMTC should explain to the Committees how it prepares, projects, and categorizes its annual budget.*

CAMTC Response:

CAMTC's annual budget is based on a calendar year. Its preparation involves a three-step process.

1. At its September BOD meeting in the year preceding the one in which the budget will become operative, the BOD adopts a list of specific strategic priorities for the following year. Having well defined objectives and goals are critical to developing a realistic budget that actually matches organizational goals and operations.

2. Staff then develops and presents a preliminary budget to the BOD at the November meeting for the following year. Revenue projections are extrapolated based on historical data, recent market trends, and evaluation of the potential impact of legislative changes on the number of new applications and the recertification rate. Expense projections are calculated based on historical data, BOD priorities, and changes in cost structure. In some cases, the BOD may designate special priority projects to be financed by existing principal and not from operational income. At this juncture, staff evaluates the certification fee structure to see if there are any necessary changes.
3. In the February meeting during the year that the budget becomes operative, the BOD adopts a final budget for that year. Unlike the preliminary budget, which is based on projected starting cash balance, the final budget and cash flow projection are based on actual numbers. This also allows for better calibration and fine-tuning of projections.

Unlike state boards, CAMTC does not categorize revenue as income when payments are received, but instead spreads the recognition of income from the certification fee over the entire certification period, which is 24 months. In cases where an application is denied, the entire application fee is fully recognized as income on the effective date of denial. Likewise, in cases of revocation of a certificate, the remainder of the unrecognized income is recognized on the effective date of revocation. The deferment of revenue recognition is an integral element of maintaining the fiscal viability of the organization.

ISSUE #2: *What is the CAMTC's contingency plan if problems arise with its current administrative contract provider?*

Staff Recommendation: *The CAMTC should advise the Committees on its proposed course of action in the event that its contract services with the AMG ends.*

CAMTC Response:

CAMTC contracts with AMG to process applications and provide customer service. CAMTC prefers that its relationship with AMG not end. AMG has been highly receptive and responsive to CAMTC's needs and the two organizations a strong relationship. However, if the relationship were to end, like any other business CAMTC would assess its current needs and next steps and determine the most effective way to move forward. In this case CAMTC would either contract with another management firm to perform these functions or it would hire its own employees to perform these duties. CAMTC owns all of its own data, database, and computer systems, including all files related to applicants and certificate holders and all documents related to their processing, and all processes and procedures used to process applications and certificate holders.

ISSUE #3: *Why are the numbers of new applicants for certification decreasing?*

Staff Recommendation: *From a consumer protection standpoint, certification ensures that a "certified professional" has met specified educational, training, and background standards, thereby giving consumers some reassurance that their practitioner is properly educated and trained. If applications for certification are decreasing, what are the implications for consumer safety? The Committees may wish to inquire of the CAMTC as to some of the reasons it believes are leading to a drop in new application levels.*

CAMTC Response:

This is not currently the case. With the elimination of the exam requirement at the beginning of 2019, CAMTC has instead seen a significant increase in the number of new applications for certification received. In the first six months of 2019, CAMTC received more new applications for certification (4,070) than it did for each entire year in 2017 (2,332) and 2018 (3,532).

Historically, at the beginning of 2015, CAMTC did see an initial decrease in new certificate applications, though those numbers rebounded fairly quickly. And while the number of new applications for certification decreased at the beginning of 2015, the overall number of CAMTC's certified population increased.

The requirements for certification changed on January 1, 2015, when the provisions of AB 1147 became operative. Beginning on this date, in order to be certified, an applicant was required to have both passed a CAMTC approved exam and have 500 hours of

education from a massage school. Prior to this date, CAMTC allowed certification as a CMP with only 250 hours of education from a massage school, and certification as a CMT with 500 hours of education from a massage school, and no exam was required for either level of certification. This change in educational requirements was significant. CAMTC was overwhelmed at the end of 2014 with applications from those who only had 250 hours of education or who had 500 hours of education but had not passed an approved exam. By increasing the educational standards and requiring passage of an approved exam, it was predicted that the number of new applicants for certification would drop off in 2015. This occurred, though numbers rebounded as schools and students adjusted to the new requirements. It was additionally predicted that the rate of recertification for existing certificate holders would also increase. This is because those who obtained certification under the old standards may maintain their certification upon recertification, even though they do not meet existing standards applicable to new applicants. The data indicates that as predicted, an increase in the percentage of certificate holders seeking recertification has occurred. Overall, the total number of certificate holders has increased since 2015, as can be seen by the numbers in Table 6 in this report.

ISSUE #4: Human Trafficking. *Is there a role for the CAMTC to help in the fight against human trafficking?*

Staff Recommendations: *The Committees may wish to inquire of the CAMTC what it believes its role is in helping to combat human trafficking.*

CAMTC Response:

CAMTC plays a significant role by working with law enforcement agencies and local entities to combat human trafficking. It takes a two-pronged approach to combatting sex trafficking in massage establishments in local communities.

As an initial matter, starting on July 1, 2016, it began only accepting education from schools that were CAMTC approved. Part of the school approval process involves in person site visits to applicant schools, both announced and unannounced. These in person site visits (particularly the unannounced visits) allow individuals with knowledge

of the industry to see first-hand how a school is operating on a day-to-day basis and conduct a very detailed document review of a school's records. School inspectors that are familiar with the operation of legitimate massage schools can easily see which schools are operating legitimately and which appear to be engaging in fraudulent practices. While it might be easy for a school to submit a document package that makes it look legitimate, it is much harder for a school engaged in fraudulent practices to appear to be legitimate during an in-person site visit.

Sex trafficking of an individual in an illicit massage establishment generally starts with a fraudulent transcript. Human traffickers want the air of legitimacy provided by certified and locally permitted individuals working in "massage establishments" that are really fronts for prostitution. But they want sex workers to begin working immediately, and they don't want to invest the time and resources required to get them actual massage education.

By not accepting purchased transcripts from fraudulent schools, denying school approval to fraudulent schools, and creating a well-deserved reputation for being tough on fraudulent schools, thereby resulting in some schools deciding to purge their incomplete applications instead of continuing with the process, CAMTC is helping to cut off the flow of new victims. By placing barriers and roadblocks in the way of sex traffickers, CAMTC makes it more costly and difficult for traffickers to engage in criminal activity under the guise of providing massage services. CAMTC's initiative has resulted in the unapproval of approximately 78 schools, all of which were approved by the state at the time CAMTC unapproved them. It has also resulted in the denial of 6 schools (all of which had BPPE approval at the time) and purging of applications from 39 schools, the vast majority of which are currently BPPE approved.

Likewise, by not accepting transcripts from individuals who do not actually have the education listed on their transcripts, and by quickly denying and revoking certificates for those who engage in unprofessional conduct, CAMTC is quickly taking trafficked individuals out of the stream of commerce. This makes it harder for traffickers to exploit victims and to engage in criminal enterprises. These efforts also support local cities and counties and their efforts to combat sex trafficking in local jurisdictions.

By all accounts, CAMTC's efforts have been working. For example, about 4 years ago Rubmaps, which is a kind of Yelp for sexual services performed at illicit massage establishments, had entries for about 9,000 illicit massage establishments in the United States, with about one third located in California. Looking at Rubmaps listings today for virtually any city in California, you can see that a significant number of establishments have either closed or been verified as non-erotic. San Jose has closed well over 100 illicit establishments. San Mateo County has closed all illicit establishments in the unincorporated county, and are well on their way to closing the remaining 20 illicit establishments cities within the county. Citrus Heights went from 38 illicit massage establishments, to only 4. Police Chiefs across the state are reporting impressive reductions in the numbers of illicit massage establishments. While CAMTC would like to see that number at zero, the reduction we are seeing in the number of reviewed illicit massage establishments is movement in the right direction. Clearly the system is working and the partnership between CAMTC, law enforcement and human trafficking taskforces are leveraging the resources of each for maximum effect.

Also, as previously noted in its initial response to this question, it is because of CAMTC's recommendation that a seat for an anti-human trafficking organization was added to its board. CAMTC works actively with many local and national anti-human trafficking task forces and organizations. Groups that we have interacted with include:

- Polaris;
- Journey Out;
- Without Permission;
- The Bay Area Anti-Trafficking Coalition (BAATC);
- The Los Angeles County Regional Human Trafficking Taskforce;
- The Coalition to Abolish Slavery and Trafficking (CAST);
- The Stanislaus County Human Exploitation and Recovery Taskforce (290 Project);
- The Alameda County Human Exploitation and Trafficking Watch (HEATWATCH) Program - One of the first and most active anti-trafficking programs organized by a county District Attorneys' office;

- The San Francisco Mayor's Taskforces - General Trafficking;
- The San Francisco Labor Trafficking Committee - previously known as the Illicit Massage Parlor Committee;
- The San Francisco Collaborative Against Human Trafficking (SFCAHT);
- The Santa Clara Coalition to End Human Trafficking;
- Contra Costa Coalition Against Human Trafficking;
- Central Valley Coalition;
- Freedom Coalition;
- Marin County Coalition;
- Monterey Peninsula Coalition;
- Sacramento Coalition on Human Trafficking; and
- The San Mateo County Human Trafficking Initiative.

CAMTC will continue to work with anti-human trafficking organizations, take action against fraudulent schools, and looks forward to working with the Committees on further intensifying its role against human trafficking.

ISSUE #5: *Information sharing processes and local government entities. Are there ways to enhance information sharing?*

Staff Recommendation: *The CAMTC should advise the Committees as to the problems it has with obtaining timely enforcement-related data from local jurisdictions. In addition, the CAMTC should explain to the Committees alternative means to reach an optimal level of information sharing that is mutually beneficial to the CAMTC and those jurisdictions that may be uncomfortable with the current information-sharing system.*

CAMTC Response:

From the beginning CAMTC has made it a priority to have a strong working relationship with law enforcement agencies, cities, and counties, where information is shared quickly, easily, and regularly. CAMTC works with local government and law enforcement personnel every day to gather the information needed to take action against applicants and certificate holders. CAMTC has engaged in significant outreach efforts, including providing no cost training sessions, meeting regularly with law

enforcement agencies and local government agencies, and providing information to these agencies to assist them with their enforcement efforts. CAMTC's outreach efforts are working, which can be seen in the total numbers of denial and disciplinary actions regularly taken. Most local jurisdictions quickly notify CAMTC on their own when information comes in about an applicant or certificate holder, so that swift action can be taken by CAMTC. While it might not have been true in the past, CAMTC currently is generally not having a problem with receiving timely enforcement-related information from the majority of local jurisdictions.

As we move into the future, CAMTC plans to continue to provide no-cost training to local, state, and federal law enforcement agencies, code enforcement agencies, and other agencies that regulate massage. These efforts help educate agencies about CAMTC's statute and processes and how all parties can work together to achieve our mutual goals. CAMTC will continue to reach out to local, state, and federal agencies in an effort to increase information sharing.

ISSUE #6: *Why did the CAMTC update its bylaws at the September 15, 2015 meeting?*

Staff Recommendation: *The CAMTC should explain to the Committees why it was necessary to amend the organization's bylaws and articles of incorporation in September 2015.*

CAMTC Response:

CAMTC provided the response below to the Committees' question during its last Sunset review, and it is still accurate.

(Previous CAMTC response provided here for the Committees' convenience.)

CAMTC updated its articles of incorporation and bylaws at the September 15, 2015 meeting in order to be consistent and compliant with AB1147. AB1147 was a brand new law and therefore the purposes section of the articles and bylaws, as well as the BOD composition section of the bylaws, had to be updated to reflect the new law prior to the new BOD being seated. Had the bylaws and articles of incorporation not been

updated prior to the new BOD being seated, then the new BOD would have been operating without authority.

ISSUE #7: *Is training available to CAMTC board members to ensure compliance with the Bagley- Keene Act and other statutory requirements?*

Staff Recommendation: *The Committees may wish to inquire of the CAMTC how it conducts board member training to ensure compliance with the Bagley-Keene Act.*

CAMTC Response:

The California Massage Therapy Council fully complies with the Bagley-Keene Open Meeting Act, as it has since inception. New CAMTC directors receive a copy of the Open Meeting Act after being seated, and counsel is always available to answer questions. CAMTC provided formal Bagley-Keene training to the original BOD in 2009, and again after the BOD was restructured in 2015. Formal training was also provided on November 6, 2019, due to the change in BOD composition.

ISSUE #8: *What is the status of the CAMTC's feasibility study?*

Staff Recommendation: *The Committees may wish to grant the CAMTC with a six-month extension to complete the feasibility study in order to ensure a timely, accurate and unbiased report.*

CAMTC Response:

The feasibility study has been completed and was timely submitted to the appropriate committees of the legislature. The feasibility study generally analyzed the feasibility of adopting a license act and concluded that CAMTC certification provides the greatest benefits at the lowest cost.

ISSUE #9: *Is clarification of the Public Member participant requirements necessary?*

Staff Recommendation: *The Committees may wish to discuss if the definition of "member of the public" needs to be further clarified or if the current statute is sufficient.*

CAMTC Response:

CAMTC worked with the legislature on the definition of “member of the public” during the last Sunset review. As previously noted, Business and Professions Code section 450.5 provides the following:

A public member, or a lay member, at any time within five years immediately preceding his or her appointment, *shall not* have been engaged in pursuits which lie within the field of the industry or profession, or have provided representation to the industry or profession, regulated by the board of which he or she is a member, nor shall he or she engage in those pursuits or provide that representation during his or her term of office.

CAMTC believes that Business and Professions Code section 450.5 applies and already provides sufficient clarification as to the definition of a “member of the public” as referenced in Business and Professions Code section 4602(g)(6).

ISSUE #10: *Explain the criteria for school approval. Should there be a fee cap for the approval of schools?*

Staff Recommendation: *The CAMTC should explain to the Committees the status of the new school approval program. The CAMTC should explain the process for those transitional students who begin coursework before July 1, 2016, and complete the coursework after July 1, 2016.*

CAMTC Response:

CAMTC’s School Approval program is a priority and has been in place since 2015. CAMTC completed its first round of school re-approvals in 2018 and is continuing to approve and provisionally approve new schools as they apply. For statistics related to the School Approval program and its legal requirements, please see the responses to Questions Number 24 and 25 in this report.

CAMTC does not feel that a fee cap for the approval of schools is necessary. Numerous market factors affect the number of massage schools, both legitimate and fraudulent. CAMTC needs the flexibility to respond accordingly in order to protect the public. That said, CAMTC has historically levied fees for schools well below the actual

costs of approval. Currently, the application fee for schools equates to \$1,500 per year or \$125 per month, if approved. This fee is well below similar fees charged by other approval and accrediting entities. The application fee is meant to cover, in part, the costs of processing applications, conducting in-person site visits, reviewing school and student records, and monitoring approved schools, as well as investigations, denials, revocations, and other disciplinary actions necessary to ensure that approved schools meet and continue to meet the minimum standards for training and curriculum. The fees charged do not come close to covering these expenses.

In relation to the acceptance of education from students in programs who began before July 1, 2016, and who have completed their education after July 1, 2016, this is essentially a non-issue as long as the school applies and receives CAMTC school approval for its massage program. For example, a student at Academy of Chinese Culture and Health Sciences (which was initially approved on August 16, 2016) who began a program before July 1, 2016, and completed education after July 1, 2016, could use all of their education for CAMTC certification if it was completed as part of a CAMTC approved massage program. The approval of the massage program generally means that education previously completed at the school in that massage program could still be used for CAMTC certification, even though some or all of it was completed before July 1, 2016.

ISSUE #11: *When does the CAMTC anticipate signing the MOU with the BPPE?*

Staff Recommendation: *The CAMTC should advise the Committees on the MOU process and provide an update as to its relationship development with the BPPE.*

CAMTC Response:

CAMTC and BPPE have recently signed an MOU related to information sharing. CAMTC works closely and regularly with BPPE. When schools apply for CAMTC school approval, they authorize CAMTC to share information with other entities, including BPPE. Upon request, CAMTC provides BPPE with information related to approved schools and applicant schools. Likewise, BPPE regularly provides CAMTC with information related to the BPPE approval of schools and their specific massage related programs.

ISSUE #12: *What is the CAMTC's relationship with Law Enforcement and Local Governments? Is there a sufficient exchange of information? Has that relationship improved?*

Staff Recommendation: *The CAMTC should update the Committees about its relationship with local governments and local law enforcement with respect to information sharing and explain any plans to increase its communications strategy with local regulators. In addition, the CAMTC should explain to the Committees where there may be bottlenecks in the communications process. The CAMTC should explain to the Committees if there are times when certificate holders avoid discipline or applicant denials based on a breakdown of shared communication.*

CAMTC Response:

CAMTC has a relationship with law enforcement agencies, cities, and counties, that is viable, productive, and growing stronger and more collaborative each year. Information is shared easily and regularly from the vast majority of local jurisdictions. CAMTC works with local government and law enforcement personnel every day to gather the information needed to take action against applicants and certificate holders. Through these regular contacts CAMTC is cementing relationships and educating people on the best way to provide information to CAMTC so that action can be taken quickly, with the least amount of burden on law enforcement, and city and county personnel. In many cases, cities and counties are the ones that have the information CAMTC needs to take action, so CAMTC relies on local agencies to help address violations of CAMTC's law. Outreach efforts are working, and CAMTC is regularly taking action based on information provided by local jurisdictions.

Most jurisdictions notify CAMTC on their own when information comes in about an applicant or certificate holder, so that quick action can be taken. They like the fact that CAMTC can swiftly suspend a certificate holder based on the information they provide to us.

In order to improve relationships and increase cooperation and information sharing, the current Director of Law Enforcement Relations (then Director of PSD) began providing no-cost training to local law enforcement and government agencies, in 2014. From the time we started the training program through September 11, 2019, CAMTC has trained

over 2,168 individuals and 827 separate agencies. The training sessions have become quite popular. District attorney offices, contract attorneys for cities, code enforcement officers, and local police departments are asking for CAMTC training for their respective departments as they recognize the value of our system of discipline. This is because CAMTC has the ability to take action in situations where unprofessional conduct occurred, but law enforcement not have the ability to file criminal cases.

CAMTC also has a local government database where city and county personnel can have secure access to information about applicants and certificate holders. Access to this information helps local agencies take action on their end. CAMTC also notifies law enforcement agencies, cities, and counties by email in the jurisdiction where a certificate holder lives or works when it has suspended, revoked, or taken disciplinary action against a certificate holder.

ISSUE #13: *How have local governments changed the way they regulate the massage industry?*

Staff Recommendation: *The Committees may wish to ask the CAMTC and other stakeholders to provide additional background on this issue. The Committees may wish to continue discussions about this issue during the Legislative Session.*

CAMTC Response:

Each city and county takes its own approach to the regulation of massage businesses and applicable land use regulation. While during the last Sunset period in 2015, many cities and counties were still engaging in restrictive land use regulations that unfairly targeted massage establishments, using draconian methods such as moratoria, conditional use permits, and excessive fees, the trend is towards easing of some of the most onerous regulations. As local governments have been able to close illicit massage establishments, prevent the opening of new ones in the same locations, and have seen the fruits of CAMTC's efforts to prevent the use of fraudulent transcripts by human traffickers, more and more cities and counties are now acting very responsibly and seeking to keep the burdens on small businesses to a minimum. While CAMTC is pleased to see many local ordinances reflecting the letter and spirit of the law, we continue to receive reports from certificate holders who have to deal with onerous local

regulations. These complaints are mostly in regards to zoning, such as requirements for conditional use permits costing well over \$10,000, an insurmountable burden for the majority of solo or small group practices. On the other hand, many local jurisdictions have amended their local ordinances or are working on amending their local ordinance to take advantage of the benefits of CAMTC certification.

For example, the city of Benicia recently passed a new ordinance based on the San Mateo model. Of note is that the police requested that the fees for an establishment permit be significantly reduced. The prior cost of a massage establishment permit was \$688, renewed bi-annually. Under the new ordinance, the bi-annual registration fee will be \$49. The cost analysis by the department based this new lower number on the reduced amount of work that will be done by the city because of the increased amount of work performed by CAMTC. Under the new ordinance, zoning will be similar to other professional or personal service businesses. The ordinance was specifically drafted to address human trafficking in keeping with a victim centered approach.

Working with CAMTC, a good number of cities and counties have developed best practices for the effective regulation of massage establishments, and their efforts are working. There are a number of factors that should be considered in determining whether a city or county is effectively reducing the number of illicit so-called “massage” establishments while complying with the Massage Therapy Act’s mandate “... that local governments impose and enforce only reasonable and necessary fees and regulations, ... being mindful of the need to protect legitimate business owners and massage professionals, particularly sole providers.”

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

- First, and of greatest importance, is that the jurisdiction makes a commitment to adequate enforcement of their own municipal codes, as well as state laws relating specifically to both the profession, and to criminal violations in general.
- Second is having a well-constructed municipal code that maximizes the ability to discipline or close illicit establishments easily and cost effectively, using administrative citations or penal codes, with violators paying for enforcement through the imposition of fines. Many of the cities and counties with the most effective regulations have drafted them with input from the local community of

massage therapists and business owners to minimize unintended consequences that harm the legitimate profession.

- The third factor is how dynamic the sharing of information with CAMTC is. Whether a city or county ordinance requires CAMTC certification is not as important as whether the jurisdiction commits to cooperation with CAMTC in terms of sharing police reports and citation/ municipal code violation information related to applicants and certificate holders, so that CAMTC can take swift disciplinary action.

Jurisdictions like San Mateo County, San Rafael, Vacaville, and Yuba City are doing it right. San Mateo County's massage regulation program is a model for an approach to massage regulation that works. The county pioneered a revocable registration program that allows them to act swiftly to shut down illicit establishments while imposing low fees and respecting legitimate massage businesses. Many other jurisdictions have followed San Mateo's lead by implementing their own, comparable programs.

ISSUE #14: *Are there minor/non-substantive changes to the massage therapy act that may improve the CAMTCs operations?*

Staff Recommendation: *The Committees may wish to consider amending the Massage Therapy Act to include the above-mentioned technical changes in either an omnibus bill or another bill.*

CAMTC Response:

The recommended changes in 2015 have been made and CAMTC believes that they adequately address those issues that they were meant to address.

ISSUE #15: *SB 1193 Posting Requirements.*

Staff Recommendation: *The CAMTC should explain to the Committees what, if any, communication it has had with stakeholder groups regarding this change. The CAMTC should explain to the Committees why massage professionals should be exempt from the posting requirement. Further, the CAMTC may wish to consider creating its own model posting notification in order to help certified individuals comply with current law.*

CAMTC Response:

Massage professionals are not exempt from the posting requirements. Massage establishments and businesses that use only CAMTC certified individuals to provide

massage for compensation were specifically exempted from the posting requirements set forth in SB 1193. This exemption was accomplished in Civil Code section 52.6(a)(12) by specifically referencing Business and Professions Code section 4612(b)(1). However, when the Massage Therapy Act was restructured by AB 1147, section 4612(b)(1) was removed, as this provision dealt in part with pre-emption of local land use regulations. This means that the exemption set forth in Civil Code section 52.6(a)(12) now points to a statutory provision that no longer exists. For this reason, massage establishments that use only CAMTC certified individuals are no longer exempt from the notice posting requirements in SB 1193.

ISSUE #16: *Can CAMTC continue to effectively fulfill its mission of certifying massage professionals in California? Will CAMTC be able to fulfill its mission if new requirements, such as more frequent or thorough school inspections, are imposed?*

Staff Recommendation: *The Committees may wish to consider extending the CAMTC for four- years in order for the organization to continue its regulatory oversight over the Massage Therapy Act, and the voluntary certification system. The CAMTC should continue to work with certificate holders, consumers, local governments, the Legislature, and other stakeholders to help improve upon the certification system and ensure that only those individuals who meet the education, examination, and background requirements are granted certification, and to take swift enforcement actions against those who violate the Massage Therapy Act. The CAMTC should be prepared to testify at a future legislative Sunset review hearing, if requested by the Legislature, prior to its next statutorily required Sunset review hearing, to discuss its progress in addressing the issues raised in this Background Paper.*

CAMTC Response:

CAMTC is extraordinarily proud of its law enforcement and local agency training program. The training program has proved to be exceedingly useful to law enforcement agencies, cities, and counties. CAMTC's individual certification program is fair, responsive, reliable, and proven to be successful. CAMTC believes that its strong actions related to massage schools and individual denials and discipline have been making a difference in the fight against human trafficking in local communities. Human traffickers want the air of legitimacy provided by businesses that appear to be legitimate

massage establishments but are actually fronts for illicit activity. CAMTC's efforts to only approve schools that are actually providing all of the education listed on the transcript cuts at the heart of human traffickers, making it more difficult for them to set up individuals with little to no real massage training in illicit establishments. Its diligent efforts to deny and revoke certification to those who engage in prostitution related activity also cuts off the easy flow of victims and takes them out of the stream of commerce, making it more expensive and complicated for human traffickers to engage in their criminal enterprise. Through these efforts and its cooperation with law enforcement agencies, CAMTC is working to stem the tide of human trafficking, and therefore requests that it be granted a six-year period of continuation so that it can continue to protect the public.

New Issues

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

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

CAMTC has no new issues to be addressed that have not already been discussed in other portions of this Sunset report.

Section 12 – Attachments

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

[NOT YET COMPLETED]

DRAFT

Professional Standards Division

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

CAMTC's oral hearing process has been previously discussed in response to Question Number 32 in this report. Table 11, provided below in response to Question Number 9 of this Section, has identified the annual number of all oral hearings and consideration of written statements. Tables 9.a., 9.b., and 9.c. in this report identify the number of oral hearings and outcomes by year.

Overall Cost of Program Compared to its Success

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

By all measures, CAMTC's program is quite successful. It is significantly out-performing its target averages for performance metrics. While its target average for PM4 -

completion of formal discipline (which is measured for revocations/discipline from the date information is received which starts the action against a certificate holder to the date that the final decision letter notifying them of the outcome of their case is mailed) is 240 days, CAMTC is significantly out-performing this number. CAMTC's PM4 actual averages for the last three quarters of 2019 were much lower, at 107 days, 144 days, and 83 days, respectively. CAMTC's program is also economical, which can be attested to by the fact that fees for individual certification are only \$100 per year.

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

The PSD no longer exists. It was restructured in 2019, as has been described in response to Question Number 3 of this report and the current organizational chart. (Section __, Attachment __.) Tasks previously engaged in by PSD employees are now generally being done by Investigations employees and BRD employees. Investigations is comprised of two Investigators (Chief Investigator and Senior Investigator (split position)). BRD is comprised of the Background Review Department Supervisor, Senior Investigator (split position), Background Reviewer, Background Records Coordinator, and a part-time paralegal that assists with administrative tasks. While Hearing Officers used to be a part of PSD, they are now part of the Legal Department, where they are supervised by the Senior Staff Attorney.

2. Does the PSD comply with the Open Meetings Act?

The current departments engaging in tasks that were formerly done by PSD are composed of employees who perform investigatory, background review, and internal processing activities, such as Investigations and BRD, where staff are engaged in daily work tasks. Any meetings these employees attend are internal staff meetings, not meetings of the BOD or Committees subject to Bagley Keene.

3. How many meetings held in last three fiscal years?

Any meetings CAMTC employees working for the PSD, BRD, or Investigations attended since the last Sunset report were internal staff meetings. CAMTC staff meetings for the PSD/BRD to engage in background reviews have occurred regularly, generally at least once a week. Special meetings have been added when needed to accommodate high volume. BRD also holds meetings to consider minimal review cases at least once a month. It also holds meetings approximately once a month to consider non-actionable complaints. It also engages in other general staff meetings.

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

CAMTC employees have not had any difficulties with scheduling staff meetings.

5. Who appoints the participants?

As previously noted, meetings are attended by CAMTC employees. No participants at staff meetings are “appointed.”

6. How many cases (average) at each meeting?

BRD currently averages review of 35 individuals at each regular weekly meeting for background review, though the numbers go up and down depending on workload and recent complaints that may need to be reviewed. PSD/BRD tries to limit individuals reviewed at weekly meetings to no more than 50 people per meeting, though in the past in times of extreme volume these numbers have been exceeded and have even gone as high as 75 people reviewed per weekly meeting. Prior to the restructuring discussed in response to Question Number 3 of this report, PSD/BRD was averaging 45-55 individuals reviewed per weekly meeting. The departmental restructure has accomplished what it was designed to do, with a noticeable drop in the number of reviews occurring at weekly meetings. It is anticipated that this number will continue to drop.

On average, BRD reviews 20 individuals at each monthly Minimal Review Cases meeting. It also averages approximately 12 complaints reviewed at each monthly Non-Actionable Complaints meeting.

7. How many pending? Are there backlogs?

As of October 16, 2019, there were 32 individuals waiting to be reviewed by BRD at a weekly background review meeting. This number is for applicants and certificate holders who will be initially considered at a weekly BRD meeting and have not been assigned to an Investigator, or have already been assigned to an Investigator and will come before BRD for a final review. BRD's goal is to ensure that those individuals who are not immediately assigned to an Investigator are initially reviewed by BRD within 90 days of being sent to BRD by AMG. BRD is more than meeting this goal, as can be seen by the very low number of individuals waiting for initial review. In fact, most individuals are initially reviewed by BRD, on average, within 30 days of being sent to BRD. Since 2014, CAMTC has been focusing on suspensions and discipline against certificate holders, and in accordance with the case prioritization policies previously discussed in response to Question number 35 of this report, certificate holders are receiving swift discipline. This can be seen by CAMTC's performance metrics numbers in relation to PM4. (Section , Attachments ____.) However, CAMTC is experiencing a backlog related to the completion of denial of applications. While denial of applications is the lowest priority, CAMTC would like to process these cases in a faster timeframe. In order to accomplish this task, CAMTC is currently assessing its hiring needs in relation to staff attorneys and paralegals.

8. What is the cost per meeting? Annual cost?

CAMTC does not calculate its costs in this manner. BRD staff engage in various meetings per year for different lengths of time and with different employees attending each meeting. For informational purposes, the hard cost to attend the regular weekly BRD meeting to review individuals that occurred on October 22, 2019, and was fairly typical in length of time, was \$140.77. This number does not include any of the time expended by staff to engage in tasks in preparation for that meeting, or any tasks engaged in after the meeting that were a direct result of the meeting.

The following amounts were spent on PSD/BRD and Legal per year:

- 2016: \$1,528,390
- 2017: \$1,520,741
- 2018: \$1,916,749
- January 1 through June 30, 2019: \$929,338.

9. Provide statistics on PSD actions/outcomes.

Please see Tables 9a., 9b., 9c., and 9.d. for this data. CAMTC provides oral telephonic hearings and consideration of written statements to those challenging proposed decisions to deny applications, discipline certificate holders, or in cases where an individual is challenging a suspension based on evidence pursuant to Business and Professions Code section 4610(g)(2). Please see Table 11 below for combined data on the total number of hearings.

Table 11. Oral Hearings/Consideration of Written Statements				
	2016	2017	2018	2019*
Oral Telephonic Hearings (All)	102	103	138	59
Written Statements (All)	155	226	170	89
Total of All Hearings (Oral and Written) Held Per Year	257	329	308	148
* 2019 is through June 30, 2019. The number of hearings represented here includes hearings in opposition to proposed denials, proposed revocations, proposed imposition of discipline, and challenges to suspensions based on evidence imposed pursuant to Business and Professions Code section 4610(g).				



Strategic Priorities 2020 – Proposed

November 6, 2019

- 1. Sunset Review** - In preparation for the 2020 Sunset review, prioritize all organizational functions for a successful outcome for the Sunset review. Specifically, the continuation of CAMTC as a nonprofit organization, implementing a state-wide voluntary certification program for massage professionals and approval of educational programs. Sunset review shall be the highest priority for CAMTC in 2020. Whenever Sunset review is inconsistent with other interests sought to be promoted, Sunset review shall be paramount.
- 2. Human Trafficking** - Prioritize protecting the public by working with anti-human trafficking organizations to address sex and labor trafficking in massage businesses.
- 3. Local Government** - Contact all cities and counties to offer assistance to update their ordinances to reflect current state law.

Treasurer's Report through August 31, 2019

Board Meeting: November 6, 2019

Applications Received and Re-Certifications Billed

The previous report, which covered the period through June 31, 2019, contained some errors. The year-to-date tables in the report showing Certifications and Recertifications identified as June were actually for the period ending March 30. I apologize for the error and any confusion that was caused.

The Number of Certificate Holders

The number of Active Certificate Holders is a meaningful measure of CAMTC's performance. 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 put downward pressure on the size of the massage therapist category.

Despite the tight job market and the \$50 increase in fees to New Certificate Holders and Recertifications, Active Certificate Holders on August, 2019, at 50,551, was somewhat above the 49,764 at the end August a year ago. Although there have been ups and downs over time, CAMTC appears to be doing an effective job of retaining Certificate Holders.

The following table shows the number of certificate holders at year-end, beginning in 2012 and those on August 31 of this year and last. The number of Active Certificate Holders has generally been higher in odd-numbered years, possibly because of the two-year renewal cycle:

DATE	NUMBER OF CERTIFICATE HOLDERS
31-Aug-19	50,614
31-Dec-18	49,698
31-Aug-18	49,764
31-Dec-17	51,038
31-Aug-17	54,728
31-Dec-16	46,801
31-Dec-15	51,499
31-Dec-14	49,997
31-Dec-13	44,750
31-Dec-12	35,214

New Applications and Re-Certifications

Five thousand three hundred and three (5,303) New Applications were received through August 31, 2019, well over two times (264%) the 2,008 in the comparable period of 2018. This is the highest number of New Applicants in the past five years.

The pattern reported earlier for 2019 continued through August. While New Applications was up substantially, Recertifications Billed was down, to 14,667 from 18,956 through August of 2018. This decline in Recertifications Billed is because fewer certifications expired during this period. This low level probably reflects the low levels of applications two years ago due to the now no-longer-required testing. An important issue is whether the jump in New Applications is also the because of the absence of testing requirements.

Through August 31, 2019, Total Activity (19,970 New Applications and Recertifications) was moderately below the 20,964 in the comparable period of 2018. Recertifications accounted for just 73% of the total activity, the lowest share in recent years. The gain in New Applications largely offset by this decline in Recertifications Billed.

Year	New Applications Received	Re-Certifications Billed	Total	Re-Certifications as a % of Total
2019*	5303	14667	19970	73%
2018*	2008	18956	20964	90%
2018	3536	26260	29796	88%
2017	2340	23088	25428	91%
2016	4940	26624	31564	83%
2015	4160	21268	25428	84%
2014	12688	23452	36192	65%
2013	11388	12896	24284	53%
2012	10764	15392	26156	59%
2011	13728	2808	16536	17%
2010	13468	0	13468	0%
*Through August 31				

Although the number of Recertifications Billed in the period ended August 31, 2019 was low, the percent of those who were billed (Paid Recertifications), at 93% was the highest to date. Most of those who are billed are remaining Active Certificate Holders.

	Re-Certifications Billed	Re-Certifications Paid	% Billed That Are Paid
2019*	14667	13592	93%
2018*	18956	16468	87%
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 August 31			

Processing Time

The average number of days required to process and approve documents (assuming no background or education issues) was 14 days through August, unchanged from the first nine months of 2018.

What It All Might Mean

CAMTC has been effective in maintaining the level of Total Active Certificate Holders. However, New Applicants are accounting for a larger share of the Total Certificate Holders. At least some of the decline in Recertifications this year to date can be explained by the testing procedures set up in 2017 (and since modified). However, it could also be that some changes in the market may be taking place, with more New Applicants entering the market. A better understanding of the growth in New Applications is important. Whether this is an aberration or an opportunity for CAMTC will be more accurately determined as this number is viewed over time.

Financial Statements

Statement of Functional Activities (Income Statement)

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

Both actual Revenue and Expenses through August 31 of 2019 were close to Budget. Revenue was up 2% and Expenses was down 3%. However, these relatively small differences from the budgeted amounts resulted in a more than doubling of net income: over the Budget; \$320,093 Actual vs. \$151,231 Budget.

Actual Revenue through August 31 of 2019 was up 26% from the previous year while Expenses increased only 6%. The result was the previously noted profit in 2019 compared to a loss of \$306,470 in 2018.

SUMMARY OF FUNCTIONAL ACTIVITIES					
2019		31-Aug 2018			
	Actual	Budget	Actual	Budget	Change in Actual from 2018
Total Revenue	\$4,031,754	\$3,960,741	\$3,199,109	\$2,841,838	26%
Total Expenses	\$3,711,661	\$3,809,510	\$3,505,379	\$4,032,959	6%
Net Income	\$320,093	\$151,231	(\$306,270)	(\$1,191,121)	

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

Revenue Detail

Total Revenue was slightly above Budget, exceeding it by two percent (2%). Most of the major sources of revenue were within 5% of their budgeted figures.

Re-Certifications – CY (Current Year) account for 65% of Total Revenue through August 31, with *New Certification Fees – CY* adding an additional 20%. These two sources, together, comprise 85% of Revenue, reflecting the accounting change that recognizes 88% of new fees at the time they are received.

Past Year Re-Certification Fees, accounts for an additional 5%; no other source exceeded 2%.

REVENUE August 31, 2019			
	Actual	% of Total	Actual as a % of Budget
CERTIFICATION FEES			
New Certification Fees - CY	\$824,202	20.44%	97%
New Certification Fees - PY	\$35,330	0.88%	100%
Re-Certifications - CY	\$2,605,897	64.63%	105%
Re-Certifications - PY	\$210,527	5.22%	99%
Recertification Late Fees	\$77,025	1.91%	73%
Limited Recertification Fees	\$275	0.01%	79%
Total CERTIFICATION FEES	\$3,753,256	93.09%	102%
Hearing Fees - Individuals	\$51,596	1.28%	114%
School Application Fees -	\$29,170	0.72%	93%
School Background Check Fees	\$5,658	0.14%	154%
School Hearing Fees	\$2,070	0.05%	42%
Interest and Other Income	\$20,182	0.50%	117%
Miscellaneous Fees	\$169,821	4.21%	97%
Total REVENUE	\$4,031,754	100.00%	102%

Expense Detail

Expenses, as previously noted, were 3% below Budget.

CAMTC has modified the method of presenting Expenses. Rather than categorizing expenses in sub-accounts under nine major categories, 40 expense accounts are listed separately.

Fourteen (14) of those 40 accounts make up 90% of actual expenses and 97% of budgeted expenses through August 31, 2019. These fourteen accounts are shown in the table below in the order they are listed in CAMT's financial statements.

Almost all of these major expenses were at or slightly below the budgeted amounts.

Application Processing, at 33% of the total, is clearly the major expense category, followed by Legal, 10%, then by Paralegals and Legal in House, At 8% and 7%, respectively. Legal-related activity accounts for 25% of all expenses.

Major Expense Categories, August 31, 2019

Account	Amount	% of Total	Actual as a % of Budget
Senior Management	\$245,534	7%	96%
Management	\$143,905	4%	100%
Field Investigators	\$133,700	4%	100%
School Inspectors	\$88,959	2%	100%
Legal In-house	\$251,204	7%	95%
Paralegals	\$290,578	8%	85%
Payroll Taxes	\$105,446	3%	95%
Benefits	\$124,153	3%	97%
Travel	\$62,782	2%	84%
Communications & Outreach	\$132,142	4%	89%
Banking/credit Card Fees	\$71,882	2%	116%
Certification/Mats/Print/Mail	\$98,912	3%	96%
Legal	\$367,123	10%	100%
Application Processing	\$1,224,269	33%	101%
Total of Above Expenses	\$3,340,589	90%	97%
Total All Expenses	\$3,711,661	100%	97%

Statement of Financial Position (Balance Sheet)

Overview

CAMTC is in a weaker financial position on August 31, 2019 than it was at the same time a year ago. While the organization is in no financial jeopardy, its financial situation has certainly declined:

- Assets, which are composed primarily of cash or cash equivalents, are down about \$635,000 to \$2,611,684.
- Liabilities have declined approximately \$24,000 to \$690,939, because of reduced Accounts Payable. Most of the other Liabilities, which are to individuals and schools, are deferred income.
- Equity, at \$1,920,745, is down approximately \$600,000 from a year ago.

BALANCE SHEET, August 31			
	2019		2018
Assets			
Current	\$2,403,707		\$2,897,285
Fixed	\$148,400		\$278,708
Other	\$59,578		\$71,153
Total Assets	\$2,611,684		\$3,247,146
Liabilities			
Current	\$601,274		\$638,071
Long term/Other	\$89,665		\$77,234
Total Liabilities	\$690,939		\$715,305
Equity	\$1,920,745		\$2,531,841
Total Liabilities and Equity	\$2,611,684		\$3,247,146

Conclusions

- The large increase in New Applications may suggest an opportunity. Whether the upsurge is an aberration resulting from the removal of testing requirements or an indication of changes in the category should be closely watched over the next few months.
- CAMTC is stable financial position; however, changes in the balance sheet should be carefully watched.

Respectfully submitted by
Michael Marylander,
Treasurer
October 28, 2019



Financial Statements and
Independent Auditor's Report

For the Year Ended December 31, 2018

California Massage Therapy Council

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December 31, 2018

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INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
California Massage Therapy Council
Sacramento, California

We have audited the accompanying financial statements of the California Massage Therapy Council, which comprise the statement of financial position as of December 31, 2018, and the related statements of activities and changes in net assets, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Council's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

1515 River Park Drive, Suite 150
Sacramento, CA 95815-4606
Tel (916) 481-2856
Fax (916) 488-4428
<http://www.dhscpa.com>

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of California Massage Therapy Council as of December 31, 2018, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 1 to the financial statements, California Massage Therapy Council adopted Accounting Standards Update (ASU) No. 2016-14, *Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities*. Our opinion is not modified with respect to this matter.



DAMORE, HAMRIC & SCHNEIDER, INC.
Certified Public Accountants

Sacramento, CA

September 30, 2019

California Massage Therapy Council
STATEMENT OF FINANCIAL POSITION

December 31, 2018

ASSETS

Current Assets:

Cash and Cash Equivalents	\$ 653,335	
Certificates of Deposit	519,770	
Prepaid Expenses	<u>56,419</u>	
 Total Current Assets		 \$ 1,229,524

Noncurrent Assets:

Certificates of Deposits		1,027,125
Software and Equipment, Net		<u>113,811</u>
 Total Assets		 <u>\$ 2,370,460</u>

LIABILITIES AND NET ASSETS

Current Liabilities:

Accounts Payable	\$ 215,210	
Accrued Payroll Liability	18,350	
Accrued Vacation	90,906	
Deferred Certification Fees - Current Portion	<u>349,604</u>	
 Total Current Liabilities		 \$ 674,070

Noncurrent Liabilities:

Deferred Certification Fees - Noncurrent Portion		<u>126,246</u>
 Total Liabilities		 \$ 800,316

Net Assets:

Net Assets Without Donor Restriction	<u>\$ 1,570,144</u>	
 Total Net Assets		 <u>1,570,144</u>
 Total Liabilities and Net Assets		 <u>\$ 2,370,460</u>

The accompanying notes are an integral part of the financial statements.

California Massage Therapy Council

STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS

For the Year Ended December 31, 2018

Support and Revenue:

Individual - Recertification Fees	\$ 3,335,176
Individual - New Certification Fees	759,692
Late Fees, Hearing Fees, and Denied Application Fees	146,214
Other Processing Fees	129,262
Schools - New Application Fees	21,930
Schools - Reapplication Fees	161,730
Background Check Fees	17,425
Interest and Other Income	<u>26,076</u>
Total Support and Revenue	<u>\$ 4,597,505</u>

Expenses:

Program Services	\$ 3,156,296
General and Administrative	<u>2,308,530</u>
Total Expenses	<u>\$ 5,464,826</u>

Change in Net Assets (\$ 867,321)

Net Assets Without Donor Restriction, Beginning of Year 2,437,465

Net Assets Without Donor Restriction, End of Year \$ 1,570,144

-

The accompanying notes are an integral part of the financial statements.

California Massage Therapy Council

STATEMENT OF FUNCTIONAL EXPENSES

For the Year Ended December 31, 2018

Program Services								
	Board of							Total
	Outreach and Marketing	Directors and Committees	Professional Standards Division	Executive Staff	Educational Standards Division	Program Services	General and Administrative	
Salaries	\$ 76,335	\$	\$ 1,245,748	\$ 365,956	\$ 183,958	\$ 1,871,997	\$ 12,324	\$ 1,884,321
Employee Benefits	6,130		86,124	83,665	13,302	189,221	3	189,224
Payroll Taxes	5,601		95,498	26,726	25,517	153,342	3,137	156,479
	<u>\$ 88,066</u>	<u>\$</u>	<u>\$ 1,427,370</u>	<u>\$ 476,347</u>	<u>\$ 222,777</u>	<u>\$ 2,214,560</u>	<u>\$ 15,464</u>	<u>\$ 2,230,024</u>
Application Processing	\$	\$	\$	\$	\$	\$	\$ 1,624,057	\$ 1,624,057
Public Relations	23,898					23,898		23,898
Communications and Outreach	173,231					173,231		173,231
Rent and Site Storage				26,319		26,319	4,627	30,946
Travel	2,047	66,151	18,741	23,074	17,850	127,863	2,320	130,183
Facility and Banquet		19,859	560			20,419		20,419
Printing, Supplies, and Postage	4,611	2,677	5,437	4,950	2,780	20,455	163,965	184,420
Office Furniture/Equipment	341			70	239	650	3,291	3,941
Telephone	1,895		29,802	4,329	3,483	39,509	1,811	41,320
Insurance							52,075	52,075
Banking/Credit Card Fees		6	20	11	12	49	75,820	75,869
Database Development							114,934	114,934
Database Maintenance							20,997	20,997
Dues/Subscriptions/Licenses			727	1,621	215	2,563	36,143	38,706
Accounting/Tax/Audit							57,166	57,166
Court Record Fees		226	95			321	701	1,022
Legal Services		7,560	331,250		96,367	435,177	51,660	486,837
School Background Checks			140		17,602	17,742	2,200	19,942
Payroll Services	7		4,964	1,371	1,315	7,657	162	7,819
Workers Compensation	176		3,116	849	860	5,001	112	5,113
Miscellaneous		6,086	31,869		1,402	39,357	15,209	54,566
Total Expense Before								
Amortization and Depreciation	\$ 294,272	\$ 102,565	\$ 1,854,091	\$ 538,941	\$ 364,902	\$ 3,154,771	\$ 2,242,714	\$ 5,397,485
Amortization					1,525	1,525	28,982	30,507
Depreciation							36,834	36,834
Total Expenses	<u>\$ 294,272</u>	<u>\$ 102,565</u>	<u>\$ 1,854,091</u>	<u>\$ 538,941</u>	<u>\$ 366,427</u>	<u>\$ 3,156,296</u>	<u>\$ 2,308,530</u>	<u>\$ 5,464,826</u>

The accompanying notes are an integral part of the financial statements.

California Massage Therapy Council

STATEMENT OF CASH FLOWS

For the Year Ended December 31, 2018

Cash Flows from Operating Activities:

Change in Net Assets	(\$ 867,321)
Adjustments to Reconcile Net Cash Used by Operating Activities:	
Amortization and Depreciation	67,340
(Increase) Decrease in:	
Prepaid Expenses	(11,807)
Increase (Decrease) in:	
Accounts Payable	128,185
Accrued Payroll Liability	1,456
Accrued Vacation	19,055
Deferred Certification Fees	(269,314)
Cash Used by Operating Activities	(\$ 932,406)

Cash Flows from Investing Activities:

Maturities of Certificates of Deposit	\$ 1,236,254
Purchases of Certificates of Deposit	(750,000)
Purchases of Software and Equipment	(36,912)
Cash Provided by Investing Activities	\$ 449,342
Net Decrease in Cash and Cash Equivalents	(\$ 483,064)
Cash and Cash Equivalents, Beginning of Year	1,136,399
Cash and Cash Equivalents, End of Year	\$ 653,335

Supplemental Information for Cash Flows:

Interest Paid in Cash	\$
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The accompanying notes are an integral part of the financial statements.

NOTES TO FINANCIAL STATEMENTS

December 31, 2018

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

California Massage Therapy Council's (Council) 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.

The Council utilized the following significant accounting policies in preparing the accompanying financial statements:

- A. Use of Estimates - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.
- B. Financial Statement Presentation - Net assets, revenues, expenses, gains, and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Council and changes therein are classified and reported as follows:

Net Assets without Donor Restrictions - Net assets that are not subject to donor-imposed stipulations. Net assets designated for purpose by the Board of Directors are classified as without donor restrictions.

Net Assets with Donor Restrictions - Net assets subject to donor-imposed stipulations that may or will be met, either by actions of the Council and/or the passage of time. The Council has no net assets with donor restrictions as of December 31, 2018.

- C. Income Taxes - The Council is exempt from federal and state income taxes under Section 501(c)(3) of the Internal Revenue Code and Section 23701d(c)(1) under California Revenue and Taxation Code. Accordingly, no provision for income taxes is included in these statements.

NOTES TO FINANCIAL STATEMENTS

December 31, 2018

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued):

- D. Cash and Cash Equivalents - For purposes of the statement of cash flows, the Council considers all temporary cash investments with an original maturity of three months or less to be cash equivalents.
- E. Certificates of Deposit – The Council has investments in certificates of deposits. Certificates of deposit are stated at carrying value, which approximate fair value. The changes in market value of investments during the year and gains or losses realized from sale of investments are reported as interest income on the Statement of Activities and Changes in Net Assets.
- F. Concentration of Credit Risk – The Council maintains cash accounts with three financial institutions. The total balance of the cash accounts are insured by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000 per bank. While the Council may maintain cash balances which at times exceed the federally insured limits, The Council has not experienced any losses in such accounts and believes they are not exposed to any significant credit risk regarding cash. At December 31, 2018 the Council's uninsured cash balance totaled \$52,000.
- G. Software and Equipment - Software and equipment are stated at cost. The cost of the software and equipment purchased in excess of \$1,000 is capitalized. Depreciation and amortization are provided in amounts sufficient to amortize or depreciate the cost of the software and equipment over the estimated useful lives of the assets (ranging from 2-15 years) on a straight-line basis. Routine repairs and maintenance are expensed as incurred.
- H. Deferred Certification Fees - Deferred revenue consists of the portion of certification fees to be earned on a straight-line basis over the two-year certification period as the costs of maintaining the certificates are realized. All other revenue received is recognized when earned. Non-current deferred certification fees are revenues to be recognized subsequent to the next 12 months.

California Massage Therapy Council

NOTES TO FINANCIAL STATEMENTS

December 31, 2018

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued):

I. Accounting Pronouncements that have been Implemented in the Current Financial Statements:

Financial Accounting Standards Board Accounting Standards Update 2016-14 – On August 18, 2016, the FASB issued ASU 2016-04 – Presentation of Financial Statements for Not-for-Profit Entities, with required implementation for California Massage Therapy Council during the year ended December 31, 2018. The new accounting standard modifies the information provided to donors, grantors, and other users of the financial statements by eliminating the distinction between resources with permanent and temporary restrictions, requiring the use of the placed-in-service approach for reporting gift restrictions, and enhancing disclosures.

J. Reclassifications – Certain reclassifications have been made to the 2017 financial statements to conform to the 2018 financial statement presentation.

K. Subsequent Events Review - Management has evaluated subsequent events through the date of the audit report, which is the date the financial statements were available to be issued.

NOTE 2 SOFTWARE AND EQUIPMENT:

The following is a summary of software and equipment, less accumulated amortization, at December 31, 2018:

Software	\$ 179,007
Equipment	<u>56,704</u>
	235,711
Accumulated Amortization and Depreciation	<u>(121,900)</u>
	<u>\$ 113,811</u>

During 2018, the Council developed and implemented software for use in its certification application process. The software will be amortized over management's estimate of its useful life.

NOTES TO FINANCIAL STATEMENTS

December 31, 2018

NOTE 3 FAIR VALUE MEASUREMENTS

Financial Accounting Standards Board (FASB) ASC 820 provides a framework for measuring fair value. That framework provides a three-tier hierarchy that prioritizes the inputs to valuation techniques used for measuring fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets and liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3). The three levels of the fair value hierarchy are as follows:

Level 1

Unadjusted quoted prices for identical assets and liabilities that the reporting entity has ability to access.

Level 2

Inputs other than Level 1 that are observable, either directly or indirectly, such as quoted prices for similar assets or liabilities, quoted prices in markets that are not active, model-based valuation techniques for which all significant assumptions are observable in the market, or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities.

Level 3

Inputs that are unobservable and significant to the fair value measurement

The Council's certificates of deposits are recorded at carrying value which approximates fair value and are considered Level 2 measurements.

NOTE 4 ACCRUED BENEFITS:

Management employees of the Council receive vacation benefits. Accumulated unpaid employee vacation benefits are recognized as liabilities of the Council. The amount of accumulated vacation benefits at December 31, 2018 was \$90,906.

The employees do not have a vested right to accumulated sick leave. For this reason, the Council does not accrue a liability for accumulated sick leave benefits. Sick leave benefits are recorded as expenditures in the period sick leave is taken.

California Massage Therapy Council

NOTES TO FINANCIAL STATEMENTS

December 31, 2018

NOTE 5 CONTINGENCIES:

As discussed in Note 1, CAMTC was created pursuant to California Senate Bill 731 and was reauthorized pursuant to California Assembly Bill 2194 during 2016. This legislation remains in effect until January 1, 2021. Unless new legislation is enacted before January 1, 2021 to extend this date, this statute will be repealed.

NOTE 6 FUNCTIONAL ALLOCATION OF EXPENSES:

The costs of providing the various programs and general and administrative services have been summarized on a functional basis in the statement of activities and changes in net assets. The statement of functional expenses presents the natural classification detail of expenses by function. Accordingly, certain costs have been allocated among the programs and general and administrative services benefited. Cost identified with a specific program are charged as direct costs to the applicable program. Indirect costs of various programs or services have been allocated among the programs or services benefited based on personnel time.

NOTE 7 LIQUIDITY:

As of December 31, 2018, the Council has no legal or donor restrictions present on any financial assets and will use cash on hand and maturities from certificates of deposits to fund general expenditures within one year. The Council has incurred operating losses of \$867,321 and \$232,700 in 2018 and 2017, respectively. The Council forecasts increases in certification revenues in subsequent periods as a result of approved increases in application and renewal fees effective January 1, 2019.

Audit Committee: Draft Proposed amendments to Bylaws and Board Policy and Procedures

October 11, 2019

TO: CAMTC Board of Directors

FROM: Bernadette Murray CAMTC CMT #222 | CAMTC Director

PROPOSED: Motion One: Move that draft proposed amendments to CAMTC Bylaws and Board Policy and Procedures be reviewed by the Audit Committee and returned to the full Board with any suggested revisions to the initial draft for consideration at the first Board meeting held in 2020.

Motion Two: Move that that all Board and Audit Committee members complete the virtual Tax Exempt Organization Workshop found on the IRS StayExempt site.

ISSUES: Two areas of apparent noncompliance with California statutes need to be remedied. These two areas are selection of the independent auditor and required public disclosure of certain documents. The Report of Audited Financial Statements for Fiscal Year ending December 31, 2017 was not available for public inspection by September 30, 2018 as required by statute because the report was not completed and the Audit Committee had not reviewed and determined whether to accept the report prior to the September 30, 2018 deadline. In attempting to insure that the audit for Fiscal Year ending December 31, 2018 would be completed by September 30, 2019, the CEO selected an auditing firm to complete the 2018 Audit. This is contrary to statutory requirements. The potential risks and consequences to CAMTC are described below.

Overview:

The California Massage Therapy Council (CAMTC) is incorporated as required by statute as a nonprofit that is exempt from taxation under Section 501(c)(3) of Title 26 of the United States code. The Internal Revenue Service (IRS) has created a website StayExempt: Tax Basics for Exempt Organizations. On the homepage for this site which is described as “an IRS site created especially for 501(c)(3) organizations”, the following statement is posted: “Organization leadership and volunteers should review the limitations and expectations of Section 501(c)(3) organizations at the Tax Exempt Organization Workshop.” The web address/ URL for that workshop is:

<https://www.stayexempt.irs.gov/home/resource-library/virtual-small-mid-size-tax-exempt-organization-workshop>

In addition to federal requirements, there are also California state requirements that a 501(c)(3) organization must comply with in order to remain exempt including registering with the California Attorney General’s Office on an annual basis. And also an exempt organization must furnish certain documents to the public upon request. Failure to do so within two weeks of the request could result in significant penalties, namely “ You or employees of your organization can be

fined \$20 for each day of noncompliance, up to a maximum of \$10,000. If the failure to comply was deemed willful, the employee could face a penalty of \$5,000 per return or application!"

The IRS advises in the virtual workshop that the simplest way to ensure compliance with disclosure requirements is to post the required documents on the organization's website and respond to any requests from the public by directing the individual to that section of the website.

The required disclosure documents inclusive of both federal and state are as follows:

- Form 1023 Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code with all supporting documents
- The determination letter from the IRS confirming the organization has tax-exempt status.
- Audited Annual Financial Statements for three years after due date
- Form 990 Annual Returns with all Supporting Schedules for three years after due date

The due date for Audited Annual Financial Statements to be available for public inspection is set in statute as "no later than nine months after the close of the fiscal year to which the statements relate." CAMTC currently recognizes December 31 as the end of the organization's fiscal year. Hence CAMTC must have the Audited Financial Statements for the prior fiscal year available for public inspection no later than September 30 of the current year or risk penalties including possible revocation of tax-exempt status. The Form 990 must be available for public inspection no later than November 15 assuming the IRS has granted a filing extension. The annual Registration Renewal Form along with the registration fee must be submitted to the California OAG by May 15 unless the IRS has granted a filing extension for the Form 990 in which case the due date is November 15.

Suggested Remedies to Safeguard Compliance:

Here are some alternatives we as the Board could adopt to minimize risk to the organization. These alternatives are not mutually exclusive and we could adopt more than one (or even all of them).

1. Require that all Board and Audit Committee members complete the virtual Tax Exempt Organization Workshop found on the IRS StayExempt site.
2. Specify that the Chair of the Audit Committee must report to the Board the results of the Committee's review of the Independent Auditor's Report no later than September 15.
3. Develop a checklist that the Board and the Audit Committee will review together when the Chair of the Audit Committee reports to the Board and that will be included in the Minutes of the Board Meeting.
4. Establish a Board policy that would include directing staff to create a webpage on the CAMTC website with the required disclosure documents as specified previously.

5. Amend the Bylaws to incorporate language from California Government Code Section 12586(e)(2) that spells out that the Audit Committee has been assigned by statute specific powers and responsibilities separate from both the Board and any Ad Hoc Advisory Committees that may be chartered by the Board along with other distinctions about member eligibility to be seated on the Audit Committee.

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

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

The current version of the Bylaws was adopted September 14, 2015 with an effective date of NOON September 15, 2015.

Regarding policy pertaining to the Audit Committee:

There are a series of Board approved motions but *seemingly no coherent policy document*.

March 15, 2011 the CAMTC Board approved motions “– Create a CAMTC Audit Committee to be responsible for the oversight of audits and for the selection of an independent accounting firm.” and “Treasurer Mike Marylander appointed as Chair of the Audit Committee; Chair will populate the Committee.”

February 15, 2012 the CAMTC Board was notified by the CEO that “The two approved Board’s motions are in conflict with the Nonprofit Integrity Act since the treasurer cannot be included on the audit committee.” To rectify this noncompliance, the Board approved a motion: “– Move to ask Ms. Leonardo to Chair audit committee and Mr. Fuson as second member of committee.”

February 25, 2016 the CAMTC Board approves motion : “– Move to appoint Mike Callagy to the Audit Committee.”

September 28, 2016 the CAMTC Board accepts resignation of Guy Fuson from Board and Audit Committee and approves motion “– Move to approve the **Independent Auditor’s Report**.”

November 11, 2017 the CAMTC Board approves motion: “Motion to approve the **Audit Committee Report**.”

February 22, 2018 the Audit Committee reports that three firms are to be interviewed the following week.

May 31, 2018 Audit committee update regarding new auditing firm – Mike Callagy, Audit Committee Chair reported that Campbell Taylor & Co. of Roseville, California has been chosen as the new auditor, to begin work in July 2018. They will complete the audit in time for tax returns to be complete before the November 2018 extended deadline.

November 15, 2018 Audit Committee update--Ahmos Netanel provided the report since Mike Callagy was not present. There is an outstanding issue to be resolved due to this being a new auditor and a very complex audit due to the unique nature of CAMTC. The final report will be reviewed by the committee and presented to the Board at the next meeting.

The 990 tax return was signed and submitted yesterday.

April 4, 2019 Audit Committee update--Ahmos Netanel reported that the former Audit Committee Chair has resigned. The audit is almost complete. Next meeting the Board will need to approve a new Audit Committee Chair.

May 29, 2019 CAMTC Board approves motion to appoint Elna Leonardo as Audit Committee Chair

A short description of why the policy should be changed:

Most importantly this policy (a policy!) needs to be adopted to ensure compliance and reduce risk of fines and sanctions against CAMTC for failure to fully comply with statutory requirements placed upon tax exempt organizations.

Further in reviewing Board motions as listed above, the Board appears to make motions somewhat willy-nilly lacking the guidance of a clear coherent Board approved policy to reference.

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

California Government Code Sections 12586(e)

(e) Every charitable corporation, unincorporated association, and trustee required to file reports with the Attorney General pursuant to this section that receives or accrues in any fiscal year gross revenue of two million dollars (\$2,000,000) or more, exclusive of grants from, and contracts for services with, governmental entities for which the governmental entity requires an accounting of the funds received, shall do the following:

(1) Prepare annual financial statements using generally accepted accounting principles that are audited by an independent certified public accountant in conformity with generally accepted auditing standards. For any nonaudit services performed by the firm conducting the audit, the firm and its individual auditors shall adhere to the standards for auditor independence set forth in the latest revision of the Government Auditing Standards, issued by the Comptroller General of the United States (the Yellow Book). The Attorney General may, by regulation, prescribe standards for auditor independence in the performance of nonaudit services, including standards different from those set forth in the Yellow Book. If a charitable corporation or unincorporated association that is required to prepare an annual financial statement pursuant to this subdivision is under the control of another organization, the controlling organization may prepare a consolidated financial statement. The audited financial statements shall be available for inspection by the Attorney General and by members of the public no later than nine months after the close of the fiscal year to which the statements relate. A charity shall make its annual audited financial statements available to the public in the same manner that is prescribed for IRS Form 990 by the latest revision of Section 6104(d) of the Internal Revenue Code and associated regulations.

(2) If it is a corporation, have an audit committee appointed by the board of directors. The audit committee may include persons who are not members of the board of directors, but the member

or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the corporation has a finance committee, it must be separate from the audit committee. Members of the finance committee may serve on the audit committee; however, the chairperson of the audit committee may not be a member of the finance committee and members of the finance committee shall constitute less than one-half of the membership of the audit committee. Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors. The audit committee shall confer with the auditor to satisfy its members that the financial affairs of the corporation are in order, shall review and determine whether to accept the audit, shall assure that any nonaudit services performed by the auditing firm conform with standards for auditor independence referred to in paragraph (1), and shall approve performance of nonaudit services by the auditing firm. If the charitable corporation that is required to have an audit committee pursuant to this subdivision is under the control of another corporation, the audit committee may be part of the board of directors of the controlling corporation.

California Business and Professions Code Section 4601(d)

"Council" means the California Massage Therapy Council created pursuant to this chapter, which shall be a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code

California Business and Professions Code Section 4602(i)

(i) The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The board may adopt additional policies and procedures that provide greater transparency to certificate holders and the public than required by the Bagley-Keene Open Meeting Act.

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

If the Board chooses to implement all of the suggested alternates, I would estimate that no additional allocation to budget would be necessary in that legal review of proposed language (estimated 2 hours) and creation of section on website (estimated 8 hours) would be well within contingency while the virtual Tax Exempt Organization Workshop is provided at no charge.

So with an estimated expenditure of \$1000 to avoid a potential fine of \$10,000, the ROI (Return on Investment) could be framed as \$9 saved for every \$1 spent -- a very positive fiscal impact for both CAMTC and certificate holders and applicants.

Potential pros and cons if the new policy is adopted:

The pros are that we the Board would be able to fulfill our Due Diligence duties and responsibilities more readily and demonstrate that we walk the talk of accountability and compliance throughout our entire organization. We would provide greater transparency to the public and all stakeholders by posting our required Disclosure Documents on our website. Potential cons are that there will likely be members of the public who may criticize our expenditures and question our priorities but this will not be either unique to our nonprofit nor novel either.

The impact on current certificate holders and applicants:

For any certificate holders and applicants who may be interested in receiving copies of the Audited Financial Reports and Form 990s, this change would ease and speed the process.

A suggested date for the change to be implemented:

If approved by Board:

Immediately effective upon approval : Amendments to Bylaws and Policy and Procedures except for posting of required disclosure documents on CAMTC website.

Effective no later than March 31, 2020: Posting of required disclosure documents on Section of CAMTC website.

SAMPLE COMPLIANCE CHECKLIST:

1. Does CAMTC have an Audit Committee appointed by the Board of Directors?
2. Does the Audit Committee exclude staff members and Chair and Treasurer?
3. Does the Audit Committee recommend the retention and termination of the Independent Auditor?
4. Does the Audit Committee have Minutes documenting the meeting with Independent Auditor to review and accept or reject audit?
5. Does the Audit Committee have Minutes or documentation that the recommended audit firm and its individual auditors adhere to the standards for auditor independence ?
6. Are the audited financial statements available for public inspection no later than nine months after the close of the fiscal year to which the statements relate, namely by September 30?
7. Will the Form 990 be reviewed by the Chair and the Treasurer before being submitted to IRS no later than November 15?
8. Will the RRF-1 form along with Form 990 and registration fee be submitted to the Office of the California Attorney General no later than November 15?

NOTE: A NO ANSWER REQUIRES CORRECTIVE ACTION

Proposed Amendments to Bylaws:

ARTICLE VII. COMMITTEES

Section 1: Standing Committees Required by Statute

AUDIT COMMITTEE:

As per Section 12586 (e) of the California Government Code, there shall be a standing Audit Committee charged with preparing a report to the Board that includes annual financial statements using generally accepted accounting principles that are audited by an independent certified public accountant in conformity with generally accepted auditing standards.

- (a) The Board shall appoint a director other than the Chair or Treasurer to chair the Audit Committee. The Audit Committee Chair will have authority to populate the Committee with any qualified person. To qualify, the person must reside in California and may not be an interested person as defined above.
- (b) The terms of Audit Committee Chair and member shall be for one year. There shall be no term limits.
- (c) The Audit Committee shall meet a minimum of two times annually
 - (i) One meeting shall be to approve the engagement of the Independent Auditor and review the audit plan prior to the commencement of the audit.
 - (ii) One meeting shall be after the audit to confer with the auditor to satisfy its members that the financial affairs of the corporation are in order, to review and determine whether to accept the audit, and to assure that any nonaudit services performed by the auditing firm conform with standards for auditor independence. Any nonaudit services performed by the auditing firm require prior approval by the Audit Committee.
- (d) The Audit Committee shall have the authority to select, negotiate compensation within Board approved limits, and terminate the engagement of the Independent Auditor.
- (e) The Audit Committee Chair or member shall submit to the Board no later than eight months and two weeks after the end of the fiscal year a report including the review of the audit along with the audited financial statements which shall then be made available for public inspection.

Proposed Policy for Audit Committee Guidelines:

1. The Board shall appoint by majority vote at the first Board meeting in a calendar year a qualified director as specified in the Bylaws to chair the Audit Committee.
2. The Audit Committee Chair shall select a qualified person to populate the committee and shall hold a meeting within Q1 to engage an Independent Auditor as per the criteria specified in the Bylaws to conduct the audit. This meeting may be held in person, by telephone or by videoconferencing.
3. The Audit Committee shall require that the audit must be completed no later than August 15.
4. The Audit Committee shall meet with the Independent Auditor no later than August 30 to satisfy its members that the financial affairs of the corporation are in order, to review and determine whether to accept the audit, and to assure that any nonaudit services performed by the auditing firm conform with standards for auditor independence. Any nonaudit services performed by the auditing firm require prior approval by the Audit Committee.
5. The Audit Committee Chair or member shall submit a report to the CAMTC Board of Directors no later than September 15 that includes the review of the audit by the Committee along with the audited financial statements if the Committee has determined to accept the audit.
6. The Board shall direct staff to post the audited financial statements on the CAMTC website for public inspection no later than September 30.
7. The Board shall also direct staff to create a Section on the website which has uploaded and available for download by the public the required disclosure documents inclusive of both federal and state as follows:
 - Form 1023 Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code with all supporting documents
 - The determination letter from the IRS confirming the organization has tax-exempt status.
 - Audited Annual Financial Statements for three years after due date
 - Form 990 Annual Returns with all Supporting Schedules for three years after due date



November 6, 2019

PROPOSED PRELIMINARY BUDGET 2020

Presented by Ahmos Netanel, CEO

CAMTC is relatively a young organization that has been constantly adjusting to perpetually changing legislation. In addition, CAMTC operates in a highly dynamic industry ecosystem. The Board has always been keenly aware of the impact these factors have on the organization's revenues and expenses and has chosen to take an agile approach to the development of the budget, consisting of a two-step protocol as follows:

1. Initial introduction and a preliminary budget approval at the November Board meeting.
2. A final updated budget and approval at the February Board meeting.

This approach has served the organization well and has played an important role in CAMTC's fiscal viability. I recommend that the Board continue this protocol for the 2020 budget for the following reasons:

1. Cash flow projections in the budget presented in February 2020 will be based on actual 2020 starting cash, not a projected figure.
2. Key assumptions will be more accurately recalibrated.
3. The Board will be better able to evaluate the 2020 budget in comparison to the actual financial results of 2019 and not just 2019 budgeted numbers.

In trying to project revenues and expenses, we have taken a realistic approach. Therefore, I don't anticipate actual financial net results to exceed expectations the way they have in the past. For the purpose of this preliminary budget, we calculated projected revenue from new applications based on 600 new applications per month. Projected revenue from recertification is based on applying the current recertification rate to the number of certificate holders eligible to recertify in 2020, assuming that 18% of them will not elect to apply. This preliminary balanced budget projects a cash reserve at the end of 2020 equal to six months of annual operating expenses (Board goal has been three months).

CA Massage Therapy Council
Proposed 2020 Budget

4000 · REVENUE

	2019 Budget	Board & Committee	Education Standards/ Schools	Executive Staff	General Administrative	Outreach/ Marketing	BRD	Proposed 2020 Budget	\$ Change	% Change
4100 · Certification Fees - Individual										
4110 · New Certification Fees - CY	1,246,832	0	0	0	1,306,800	0	0	1,306,800	59,968	5%
4115 · New Certification Fees - PY	56,767	0	0	0	101,184	0	0	101,184	44,417	78%
4120 · Recertification Fees - CY	3,741,156	0	0	0	3,787,509	0	0	3,787,509	46,353	1%
4125 · Recertification Fees - PY	290,169	0	0	0	341,436	0	0	341,436	51,267	18%
4130 · Recertification Late Fees	141,715	0	0	0	116,000	0	0	116,000	-25,715	-18%
4130 · Limited Recertification Fees	350	0	0	0	2,000	0	0	2,000	1,650	471%
Total 4100 · Certification Fees - Individual	5,476,989	0	0	0	5,654,929	0	0	5,654,929	177,940	3%
4200 · Hearing Fees - Individuals	71,356	0	0	0	77,000	0	0	77,000	5,644	8%
4300 · APPLICATION FEES - SCHOOLS										
4310 · New Application Fees - CY	15,113	0	13,725	0	0	0	0	13,725	-1,388	-9%
4315 · New Application Fees - PY	1,725	0	1,688	0	0	0	0	1,688	-37	-2%
4320 · Reapplication Fees - CY	20,314	0	16,110	0	0	0	0	16,110	-4,204	-21%
4325 · Reapplication Fees - PY	5,400	0	6,080	0	0	0	0	6,080	680	13%
Total 4300 · APPLICATION FEES - SCHOOLS	42,552	0	37,603	0	0	0	0	37,603	-4,949	-12%
4400 · Background Check Fees - School	6,888	0	6,560	0	0	0	0	6,560	-328	-5%
4500 · Hearing Fees - Schools	7,470	0	7,470	0	0	0	0	7,470	0	0%
4800 · Interest & Other Income	27,913	0	0	0	30,000	0	0	30,000	2,087	7%
4900 · Reprint, Verification, & Name Change Fees	259,271	0	0	0	255,000	0	0	255,000	-4,271	-2%
Total 4000 · REVENUE	5,892,439	0	51,633	0	6,016,929	0	0	6,068,562	176,123	3%

Expense

5000 · Salaries										
5010 · Sr. Management	380,380	0	0	522,197	0	0	0	522,197	141,817	37%
5020 · Management	213,880	0	110,042	0	0	0	217,002	327,044	113,164	53%
5030 · Outreach Director	79,580	0	0	0	0	87,401	0	87,401	7,821	10%
5040 · Field Investigations	199,790	0	0	0	0	0	316,597	316,597	116,807	58%
5050 · School Inspectors	134,050	0	143,357	0	0	0	0	143,357	9,307	7%
5060 · Hearing Officers	42,150	0	11,117	0	0	0	48,070	59,187	17,037	40%
5070 · Legal In-House	384,830	0	0	0	0	0	321,715	321,715	-63,115	-16%
5080 · Paralegals	512,890	0	0	0	0	0	274,119	274,119	-238,771	-47%
Total 5000 · Salaries	1,947,550	0	264,516	522,197	0	87,401	1,177,503	2,051,617	104,067	5%
5100 · Payroll Taxes	156,860	0	21,160	41,780	0	6,990	94,200	164,100	7,240	5%
5200 · Benefits	192,900	0	30,600	60,300	0	10,100	136,000	237,000	44,100	23%
5300 · Workers' Compensation Insurance	15,000	0	2,000	4,000	0	700	9,000	15,700	700	5%
5400 · Payroll Services	10,000	0	1,500	3,100	0	500	6,900	12,000	2,000	20%
6110 · Travel	118,600	22,278	6,956	11,656	4,888	34,028	14,194	94,000	-24,600	-21%
6120 · Facility/Banquet	31,000	27,000	0	0	0	0	0	27,000	-4,000	-13%

CA Massage Therapy Council Proposed 2020 Budget

	2019 Budget	Board & Committee	Education Standards/ Schools	Executive Staff	General Administrative	Outreach/ Marketing	BRD	Proposed 2020 Budget	\$ Change	% Change
6140 • Cell Phones/Land Lines/Fax	34,080	0	2,268	3,618	1,404	1,593	18,117	27,000	-7,080	-21%
6150 • Public Relations	17,000	0	0	0	0	0	18,000	18,000	1,000	6%
6160 • Communications & Outreach	162,000	0	0	0	0	198,000	0	198,000	36,000	22%
6170 • Office Supplies	22,360	1,316	2,212	14,952	6,636	504	2,380	28,000	5,640	25%
6180 • Office Furniture/Equipment	1,000	0	0	0	1,000	0	0	1,000	0	0%
6190 • Rent	27,832	0	0	28,000	0	0	0	28,000	168	1%
6200 • Printing/Copying	40,000	0	6,710	476	32,025	0	21,789	61,000	21,000	53%
6230 • Postage/Mailing	25,300	312	76	0	15,542	80	3,491	19,500	-5,800	-23%
6240 • Dues/Subscriptions/Licenses	37,000	0	0	1,554	34,595	152	699	37,000	0	0%
6250 • Insurance-D&O/E&O/GL	53,000	0	0	0	53,000	0	0	53,000	0	0%
6260 • Banking/Credit Card Fees	92,000	0	0	0	108,000	0	0	108,000	16,000	17%
6270 • On/Off-Site Storage	4,770	0	0	0	4,700	0	0	4,700	-70	-1%
6290 • Certification/Mat's/Print/Mail	178,500	0	0	0	149,000	0	0	149,000	-29,500	-17%
6300 • Database Development	21,000	0	0	0	21,000	0	0	21,000	0	0%
6310 • Database Maintenance	50,000	0	0	0	36,000	0	0	36,000	-14,000	-28%
6320 • Conference Calls	10,820	0	476	536	0	901	6,588	8,500	-2,320	-21%
6340 • Legal	579,000	0	119,880	0	99,900	0	335,220	555,000	-24,000	-4%
6350 • Court Record Fees	1,600	0	0	0	1,000	0	0	1,000	-600	-38%
6350 • Staff Training	15,000	0	0	0	15,000	0	0	15,000	0	0%
6380 • Committee Travel & Meetings	2,500	0	1,300	0	0	0	0	1,300	-1,200	-48%
6410 • School Background Checks	7,700	0	6,560	0	0	0	0	6,560	-1,140	-15%
6430 • Application Processing	1,851,800	0	0	0	1,655,000	0	0	1,655,000	-196,800	-11%
6450 • Accounting/Tax/Audit	31,000	0	0	0	35,000	0	0	35,000	4,000	13%
7900 • Depreciation Expense	2,760	0	0	0	2,760	0	0	2,760	0	0%
7999 • Miscellaneous	2,840	0	0	0	1,000	0	0	1,000	-1,840	-65%
8000 • Miscellaneous Contingencies	111,600	0	0	0	185,000	0	0	185,000	73,400	66%
Total Expense	5,854,372	50,906	466,214	692,168	2,462,450	340,949	1,844,081	5,856,767	2,395	0%
Net Income	38,067	-50,906	-414,581	-692,168	3,554,480	-340,949	-1,844,081	211,795	173,728	456%
Starting Cash	2,195,838							2,465,000		
Cash Received	5,698,640							6,129,842		
Cash Expended	5,740,012							5,668,977		
Ending Cash	2,154,466							2,925,865		



Published on *Official Website - Assemblymember Ed Chau Representing the 49th California Assembly District*
(<https://a49.asmdc.org> (<https://a49.asmdc.org>))

[Home \(/\)](#) > Biography

Assemblymember Ed Chau was elected in November 2012 to represent the 49th Assembly District, which includes the cities of Alhambra, Arcadia, El Monte, Monterey Park, Rosemead, San Gabriel, San Marino, Temple City and portions of Montebello, and South El Monte.

He currently serves as Chair of both the Assembly Committee on Privacy and Consumer Protection, and the Assembly Select Committee on Emerging Technologies and Innovation. He also serves as a member of the following Committees: Appropriations; Jobs, Economic Development, and the Economy; Judiciary; and Natural Resources.

During his time in the Legislature, Assemblymember Chau has championed legislation to more effectively punish those who commit elder abuse; to protect the privacy of those seeking legal counsel; and to remove language barriers by making language assistance policies in hospitals readily available to patients, and by requiring the Secretary of State to establish a Language Accessibility Advisory Committee to ensure all eligible voters have access to the voting process the law guarantees.

Other notable laws authored by Assemblymember Chau address the affordable housing crisis in our state, which include legislation to assist mentally ill individuals with securing housing and exiting homelessness; establish a process to capture more federal funding for affordable housing; and reduce the parking requirements for affordable projects that are close to transit or serve individuals who have fewer cars in order to promote more affordable housing.

To enhance privacy protections for everyone as technology continues to advance, Assemblymember Chau joint-authored the California Consumer Privacy Act of 2018, a landmark law that grants rights to consumers over their personal data across the Internet, and prohibits discrimination against the services consumers receive as a result of exercising those rights. He also had legislation signed into law that makes it a constructive invasion of privacy to capture an image or sound recording in a manner that is offensive to a reasonable person through the use of any device, such as an unmanned aerial vehicle (UAV), commonly known as a drone. He also enacted law that holds hackers – and those who hire them to commit crimes – accountable, and to make sure businesses, state and local agencies have strong technological safeguards in place, if our private information is compromised.

He also had legislation signed into law that requires businesses and government agencies to provide notice of a breach to residents of California, if both the encrypted data and keys to the encryption are believed to have been breached, and legislation that imposes privacy requirements, with limited exceptions, directly on Web sites, online services, and mobile applications that are designed, marketed and used primarily by pupils enrolled in preschool and pre-kindergarten.

Other legislative priorities have focused on allocating more money to the San Gabriel Valley for groundwater cleanup projects to ensure that its basin continues to serve as a sustainable, clean water sources for the community.

Born in Hong Kong, Assemblymember Chau grew up in Los Angeles. He attended the University of Southern California and Southwestern University School of Law, where he obtained a B.A. in Sociology, B.S. in Computer Science and a Juris Doctor Degree, respectively.



After law school, he opened the Law Office of Edwin Chau and was a general law practitioner, and small business owner, for over 20 years. Prior to owning his business, Assemblymember Chau was an engineer for IBM and a programmer for Unisys Corporation where he helped create cutting-edge technology and focused on finding solutions to tomorrow's problems.

Assemblymember Chau previously served as a Board Member of the Montebello Unified School District for 12 years where he acted as Board President three times, and was also a Judge Pro Tem for the Los Angeles Superior Court for a decade.

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CALIFORNIA MASSAGE THERAPY COUNCIL

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

Proposed Meetings Schedule for 2020

- February 20, 2020
- June 11, 2020
- September 23 & 24, 2020
- November 19, 2020



CEO Report

November 6, 2019

Strategic Priorities 2019

Staff has been working diligently on implementing the Board's five 2019 strategic objectives, especially various functions directly related to Sunset review.

Performance Measures

Attached are CAMTC's Disciplinary Performance Metrics for the last quarter of 2018 and the first three quarters of 2019.

Exam

One of 2019 objectives is to evaluate the feasibility of CAMTC developing and administering its own exam. The conclusion of our assessment is that at this time, it is not feasible for CAMTC to develop and administer such an exam.

We have had discussions with other entities that developed and implemented professional credentialing exams, and with consulting firms that specialize in exam development. Based on that input, we estimate that in order to end up with a psychometrically valid, certified test that is defensible in court, CAMTC will need to budget \$450,000 and plan for a 1-2 year timeframe to create the infrastructure needed to support the examination process.

This is a complex project involving, but not limited to, a comprehensive scientific data driven job task analysis, item authoring and review by trained subject matter experts, and a standard setting study. Attached is a short white paper that explains some aspects of the professional exam development process. The challenge of fraud prevention will also need to be fully investigated and addressed.

While it is not feasible for CAMTC to develop its own exam at this point, the Board may want to revisit this issue in 2022 or after.

PERFORMANCE METRICS – LAST FOUR QUARTERS

4th Quarter 2018 and
1st, 2nd, and 3rd Quarters, 2019

PM1 – VOLUME

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

FOURTH QUARTER 2018: 41 complaints received on average per month.

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

SECOND QUARTER 2019: 48 complaints received on average per month.

THIRD QUARTER 2019: 52 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

FOURTH QUARTER 2018: 25 complaints against certificate holders received on average per month.

FIRST QUARTER 2019: 20 complaints against certificate holders received on average per month.

SECOND QUARTER 2019: 32 complaints against certificate holders received on average per month.

THIRD QUARTER 2019: 37 complaints against certificate holders received on average per month.

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

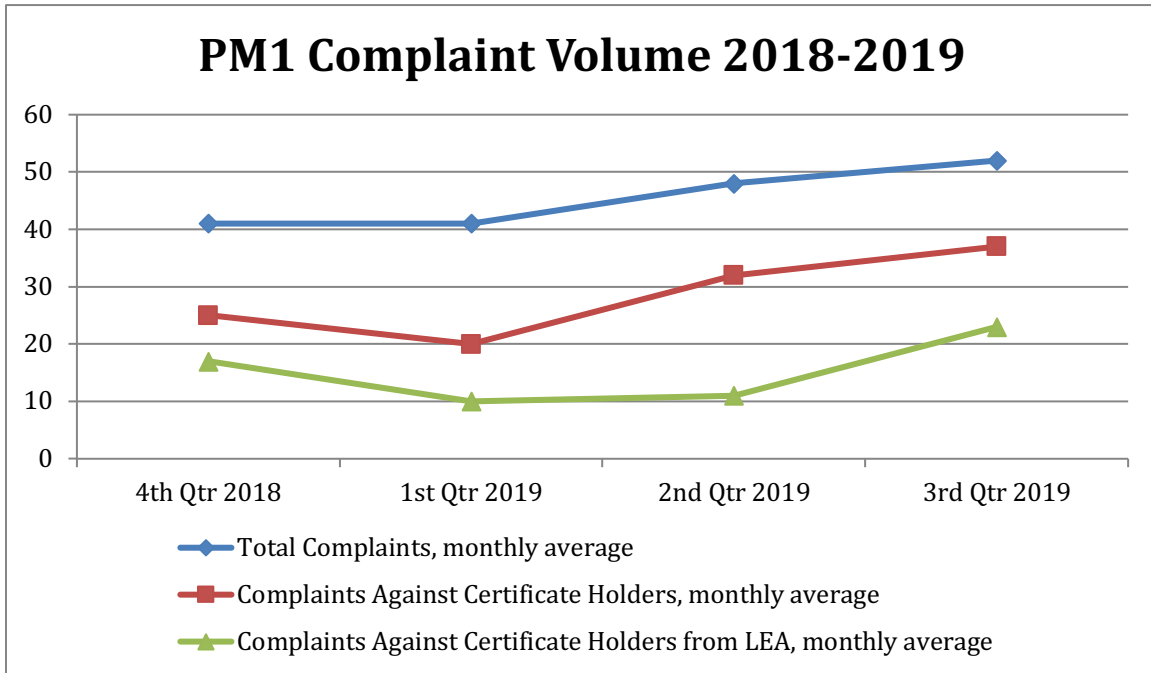
Total number of complaints received against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

FOURTH QUARTER 2018: 17 complaints from LEA received against certificate holders on average per month.

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

SECOND QUARTER 2019: 11 complaints from LEA received against certificate holders on average per month.

THIRD QUARTER 2019: 23 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

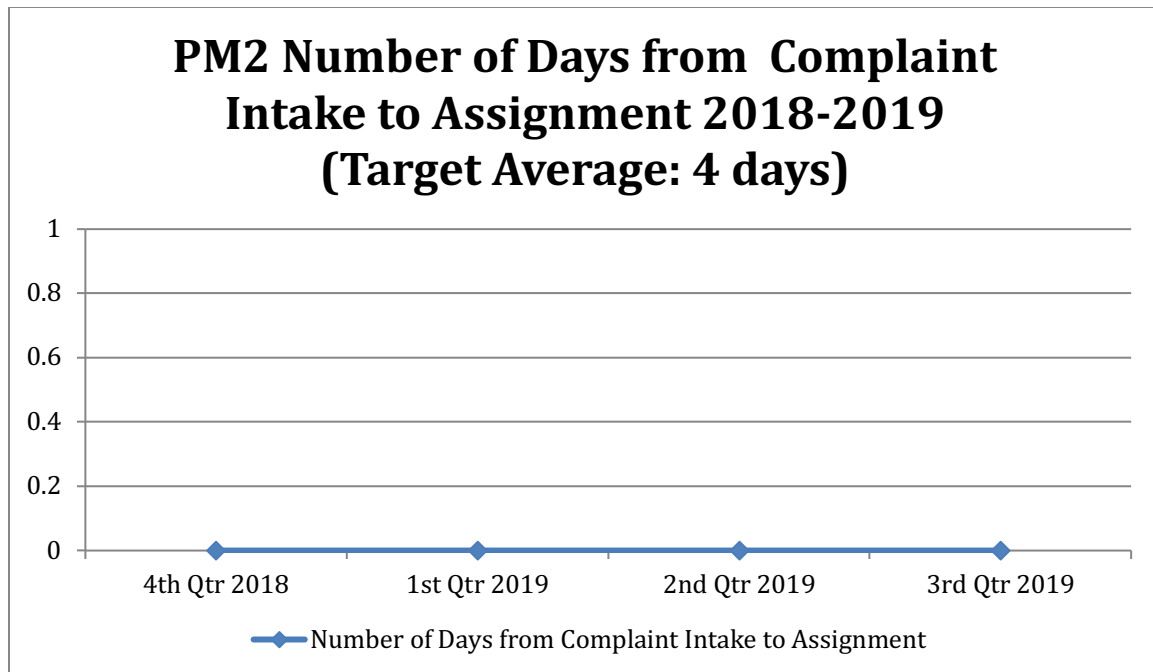
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

FOURTH QUARTER 2018: 0 days to assignment.

FIRST QUARTER 2019: 0 days to assignment.

SECOND QUARTER 2019: 0 days to assignment.

THIRD QUARTER 2019: 0 days to assignment.



PM3 – INTAKE AND INVESTIGATION

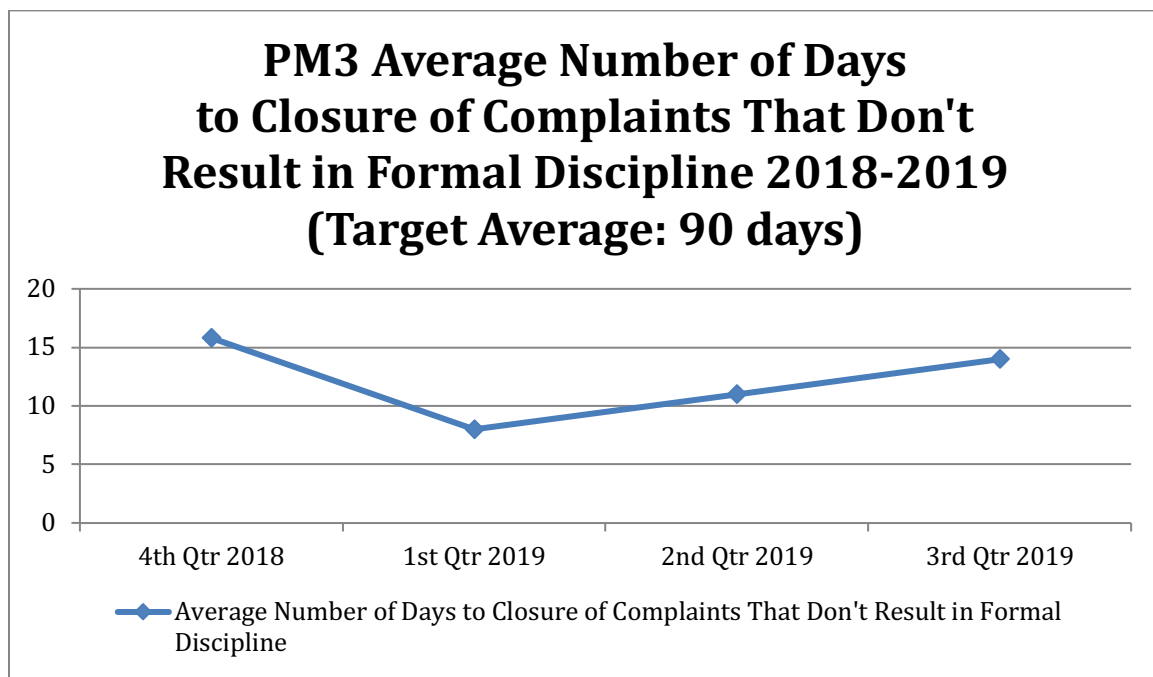
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

FOURTH QUARTER 2018: 16 days is the average number of days to closure.

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

SECOND QUARTER 2019 (42 complaints resolved): 11 days is the average number of days to closure.

THIRD QUARTER 2019 (43 complaints resolved): 14 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

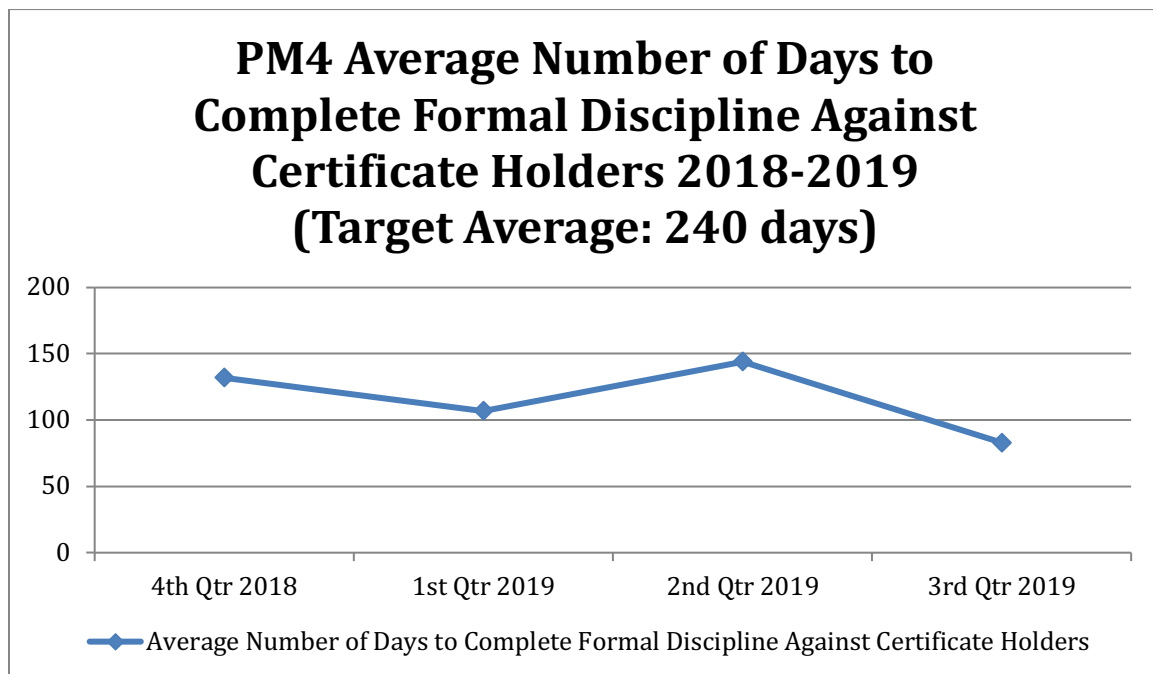
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

FOURTH QUARTER 2018: 132 days is the average number of days from intake to final date of formal discipline.

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

SECOND QUARTER 2019 (66 actions): 144 days is the average number of days from intake to final date of formal discipline.

THIRD QUARTER 2019 (68 actions): 83 days is the average number of days from intake to final date of formal discipline.





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DEVELOPING AN ACCREDITED CERTIFICATION

WHITE PAPER

November, 2016

Nathan A. Thompson, PhD

ASSESSMENT SYSTEMS CORPORATION

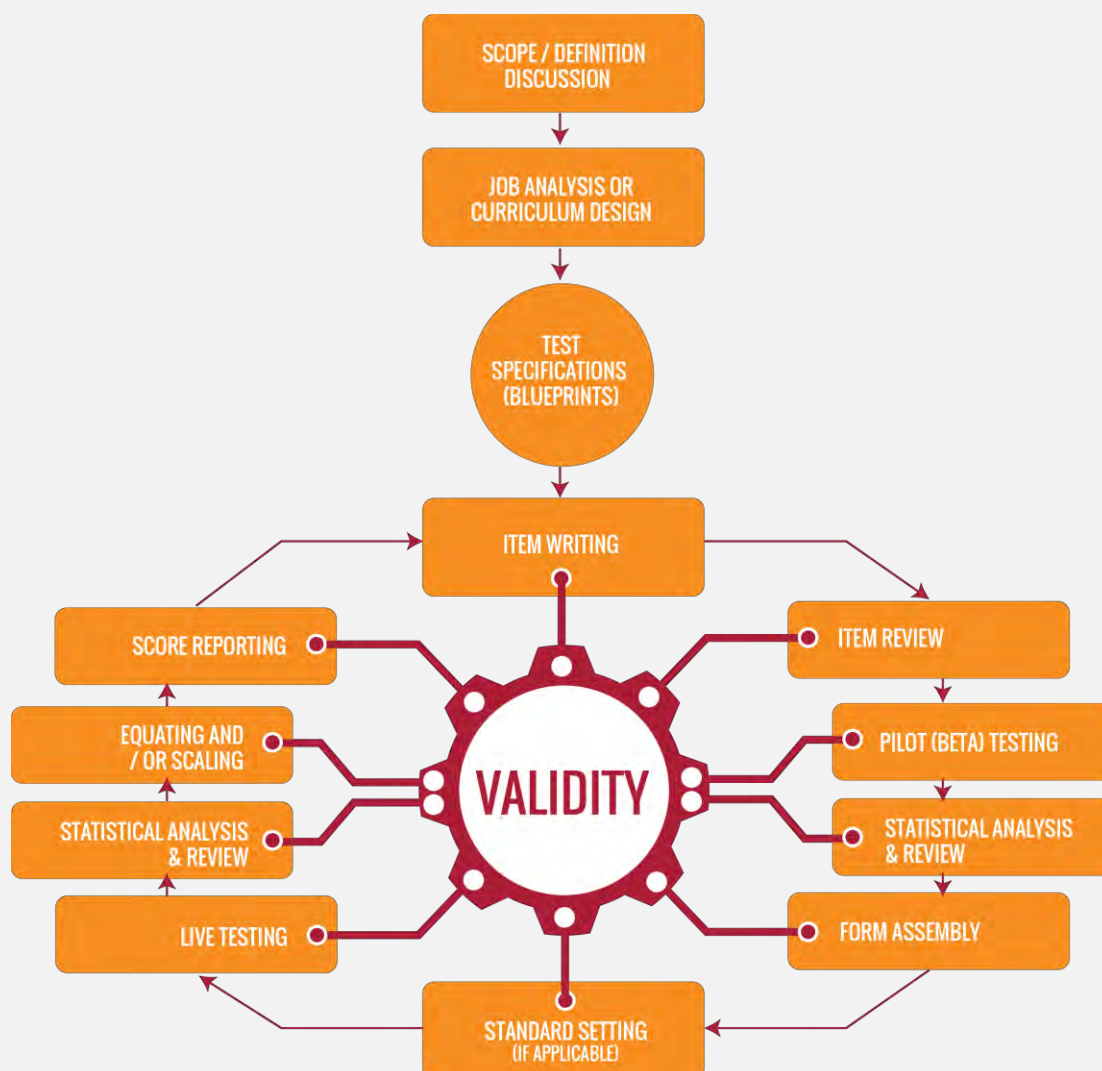
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Developing an accredited certification program is no easy feat, requiring at least a year of effort from a team of experts and tens (often hundreds) of thousands of dollars. You cannot simply get an existing test accredited. The testing program, as well as the *entire organization*, must be built from the ground up according to accreditation guidelines. However, the benefits are very real, as accreditation serves as a stamp of approval, facilitating the recognition of the certification as a benchmark in your field.

There are a wide range of standards that must be adhered to in order to achieve accreditation many of which have nothing to do with the test itself. These can include topics like board governance, organizational finance, education/training, and recertification. Here, we will focus on the psychometric aspects, as those are typically considered the most “black box.”

Formal development of an accreditation-worthy certification test is not a linear process, but rather a cycle that requires planning ahead more than one revolution. The validity of a test score is supported, in large part, by the strength of the connections between the different steps of the cycle. A broad example of this cycle is below, with more detailed descriptions following.



DETAILED DESCRIPTIONS

Test Definition/Scope: The first step is to define the goal of the test, its role in your profession, and what you want the credential to represent. This lays the foundation for **validity**, which is an accumulation of evidence that says the test scores mean what we want them to mean. If we don't say what we want them to mean, the rest of the process is unfounded.

Job Analysis: The purpose of this step is to provide quantitative information regarding what knowledge, skills, or abilities (KSAs) are required to perform the job successfully. It then reasons that the test should test these KSAs if the purpose is to screen candidates that will not be successful. This step typically utilizes a **task inventory survey**: a committee of experts developed a list of professional tasks, and your field is surveyed on which are most important and frequent. This obviously involves substantial time and cost. The end result is data that will justify the content to be covered in the test.

Test Specifications (Blueprints): This step converts the results of the previous step into an outline of the test (e.g., there will be 10 items in Content Domain 1...). It will involve statistical analysis by a psychometrician and discussions with the exam sponsors.

Item Writing: The time and cost involved in this step are variable dependent upon several conditions, including the number and item writing skill of the item writers and the sophistication of the content. Obviously, items can be written much more quickly for elementary mathematics than for advanced medical or legal topics. Item writers should be trained in best practices if they do not have previous experience. The actual training is usually several hours, though it is typically combined with the actual item writing in one workshop that can last from one day up to several days. This step is much easier if a **reference list** has been identified beforehand.

Item Review: Before expending the effort to pretest items with examinees, the items should be reviewed by additional item writers or experts, both for format and content. Content expertise is more valuable in this step; psychometric expertise is less important.

Beta Testing or Pretesting: Items should be tried out on a sample of examinees to obtain statistics that allow the items to be examined more closely. For example, it might be discovered that examinees tend to all select the same incorrect answer. Psychometricians are not necessarily involved in the actual administration to pretest examinees, but have an extensive role in the next step.

Review Pretest Statistics: The results of the pretest sample should be analyzed by a psychometrician, who will review the

results for psychometric aspects such as item **difficulty**, item **discrimination**, and **score reliability**. Items with potential issues will be flagged, and an explanation provided if possible. Items are then jointly reviewed in another workshop by subject matter experts and the psychometrician, and items are retired, replaced, or revised as needed. Depending on the number and quality of the items, this can take several days' worth of work.

Standard-Setting: The cutscore (pass/fail score) for a certification exam cannot be set arbitrarily at a round number like 70%. Instead, it must be **criterion referenced**, and set by consensus of subject matter experts, necessitating another workshop/meeting. Several methods exist, the most common being the "modified Angoff" method.

Form Assembly: Green-lighted items are selected to be in the **form(s)** to be used for live administration. Statistics, content domains, and overlap should all be taken into account. For the first form of a new testing program, this is fairly simple. It is much more complex if there are to be four forms for an established testing program, each with a certain amount of overlap to last year's form, with a specified level of difficulty. In some cases, the forms are **pre-equated**.

Live Testing: Test is administered to actual examinees, either in a time window or continuously.

Equating and Scaling: If it is necessary to ensure that this year's scores are comparable to last years, a statistical

adjustment process called **equating** must be completed. The general idea is that if this year's exam scores are lower but we know the examinees are just as able, scores should probably be adjusted upward because this year's test was more difficult. In certain cases, this can be done before the test is released, called "pre-equating." This step involves a technical analysis by a psychometrician.

Score Reporting: Scores are reported to examinees.

Annual statistical analysis: Accreditation guidelines require a detailed technical analysis of exam results at least once per year. Again, this typically requires an analysis by a psychometrician and a workshop for experts to review the items and perhaps revise them for new test forms. However, ASC's innovative platform allows organizations to automatically produce their own reports.

THE BIG PICTURE

The process above is only the tip of the iceberg; the majority of accreditation standards are actually unrelated to the test itself, governing other aspects of the organization. If working towards accreditation, organizational staff can work on topics such as these while test development and psychometric personnel work on the tests.

- Organization hierarchy
- Staff and consultants
- Board governance

- Separation of Education activities
- Finance
- Mission statement
- Candidate eligibility requirements
- Candidate handbook
- Code of ethics/conduct
- Recertification/CEU
- Retake policies
- Security

and SWOT analysis. Results of those allow for the evaluation of a compelling business case.

Nevertheless, the process of accreditation is often worthwhile, or it would not exist. Accreditation allows stakeholders in your industry to know that your organization upholds the highest standards and that your test has been built according to best practices. These, in turn, mean that the test is very accurate in identifying candidates with a recognized level of competence, the knowledge of which benefits both employers and consumers. In some cases, there are external reasons, such as the reduction in governmental funding opportunities of the program is not accredited.

IS IT WORTHWHILE?

Because the process of achieving accreditation is so lengthy and expensive, it is not always feasible. Before starting a new certification with the eventual goal of accreditation, it is essential to perform due diligence such as market research



ABOUT ASC

ASC is an internationally recognized expert in psychometrics, certification, and test development, as well as software to drive all assessment-related and certification processes. We can not only consult on, but actively manage nearly all aspects of an accredited certification program.

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- Form assembly
- Job analysis
- Standard (cutscore) setting
- Test delivery (computer or paper)
- Proctored testing centers
- Virtual proctoring
- Unproctored online testing
- Score reporting
- Psychometric analysis
- Equating/linking
- Candidate registration and support
- Certification management systems
- Results management
- Accounting/marketing reporting
- Website design and hosting
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ASC.WP.ACCR.1116

CAMTC Bank Account Summary
As of 9/30/2019

	Bank	Type	Term	Maturity Date	Rate	Value	% of Portfolio	Valuation Date	
1	Umpqua Bank	Checking	NA	NA	0.000%	1,146,445.77	46.9%	9/30/2019	
2	Synchrony	CD	12 Mos	11/10/2019	1.487%	268,459.20	11.0%	9/30/2019	
3	State Farm Bank	CD	36 Mos	11/26/2020	1.440%	268,430.96	11.0%	9/30/2019	
4	Centennial Bank/Giant Bank	CD	36 Mos	11/26/2020	1.550%	250,000.00	10.2%	12/31/2018	
5	EH National Bank	CD	24 Mos	12/5/2020	1.120%	261,103.73	10.7%	12/31/2018	
6	First Internet Bank of Indiana	CD	24 Mos	12/8/2020	1.900%	250,615.75	10.2%	8/31/2019	Pending Sep 2019 statement
						<u>2,445,055.41</u>			

**Memorandum of Understanding
Between the**

**California Department of Consumer Affairs
Bureau for Private Postsecondary Education**

and the

California Massage Therapy Council

The Bureau for Private Postsecondary Education (BPPE), within the California Department of Consumer Affairs, and the California Massage Therapy Council (CAMTC) enter into this Memorandum of Understanding to provide cooperation in relation to massage therapy schools.

Premises:

1. The highest priority of both BPPE and CAMTC is to protect the public in accordance with California Education Code section 94875 and Business and Professions Code section 4603, respectively.
2. State statutes require that, unless exempt, private postsecondary educational institutions must be approved by the BPPE and in the case of educational programs intended to lead to CAMTC certification in massage therapy, that the CAMTC also approve those institutions.
3. Both BPPE and CAMTC desire to ensure that private postsecondary institutions furnishing educational services provide the required quality of training to adequately prepare students for the massage therapy profession.
4. Where there is reason to believe that unlawful activity exists, BPPE and CAMTC will use all available resources to ensure minimum educational operating standards are met and quality training are furnished to the general public.
5. CAMTC has no obligation or authority to enforce any provisions of Chapter 8 of Part 59 of Division 10 of the California Education Code or Division 7.5 of Title 5 of the California Code of Regulations.
6. BPPE has no obligation or authority to enforce any provisions of Chapter 10.5, Division 2 of the Business and Professions Code, **except for 4615.5 on or after January 1, 2020**, or CAMTC's policies and procedures for approval or un-approval of massage schools.

Agreement:

CAMTC agrees:

1. To notify the BPPE of the receipt of an application from a private postsecondary educational institution seeking CAMTC approval for a massage therapy training program, and when the institution has been approved, denied, un-approved, or had other disciplinary action taken against it by CAMTC.
2. To notify the BPPE when a CAMTC approved private postsecondary educational institution requests a change in ownership, address, name, or additional branches or satellite locations.

3. To notify the BPPE when a private postsecondary educational institution's CAMTC approval has expired.
4. To forward complaints to BPPE that fall under BPPE's jurisdiction and are not within CAMTC's jurisdiction.
5. To inform BPPE of any relevant CAMTC policy changes related to approval of private postsecondary educational institutions.
6. To notify a private postsecondary educational institution seeking approval from CAMTC that separate approval of the BPPE is required prior to operating a private postsecondary educational institution.
7. To not approve any non-exempt private postsecondary educational institution's massage training program prior to the institution receiving approval, conditional approval, or a letter indicating intent to approve from the BPPE Licensing Unit.
8. To promptly inform the BPPE Licensing and Enforcement Units of any institution found to be operating without a valid approval to operate from the BPPE.
9. To, upon notification from BPPE of the expiration of an institution's approval to operate issued by BPPE, notify the institution that any instructional hours earned by students during the period of expired approval will not be eligible for CAMTC certification purposes.

BPPE Agrees:

1. To notify CAMTC of the receipt of an application from a private postsecondary educational institution with a massage therapy program that is seeking BPPE approval, and when the institution has been approved, final action has been taken to rescind that approval, or the school has had other final disciplinary action taken against it by BPPE.
2. That the BPPE Licensing Unit will inform CAMTC of any approved changes in a massage therapy institution's approval to operate.
3. To notify CAMTC when a BPPE approved private postsecondary educational institution requests a change in ownership, address, name, or additional branches or satellite locations.
4. To notify CAMTC when a private postsecondary educational institution's BPPE approval has expired.
5. To provide information to CAMTC related to BPPE approved schools that have applied for CAMTC school approval or are being investigated by CAMTC, including, but not limited to the following: original date of BPPE approval; dates of subsequent BPPE status changes; and addresses, phone numbers, and names of previous and current individuals associated with the school.
6. To forward complaints to CAMTC that fall under CAMTC's jurisdiction and are not within BPPE's jurisdiction.
7. To inform CAMTC of any relevant BPPE policy changes related to approval of private postsecondary educational institutions with massage programs.
8. To notify a private postsecondary educational institution with massage therapy programs seeking approval from BPPE that the school's massage therapy programs must also be

approved by CAMTC in order for CAMTC to accept that education for certification purposes.

9. .

BPPE and CAMTC Jointly Agree:

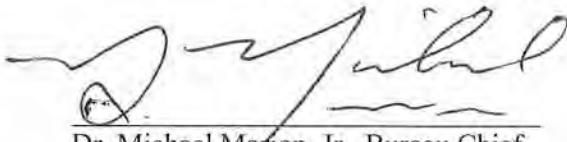
1. To the degree feasible, and to the extent that the information is not confidential, part of an ongoing investigation, the protected private information of an individual, or otherwise protected from disclosure, the BPPE Enforcement Unit will work with CAMTC to share information on complaints related to private postsecondary educational institutions that offer massage therapy training programs. BPPE and CAMTC agree to ensure the confidentiality of any information shared. In the event of a request by an agency or person for information obtained from the other party, unless otherwise required by law, BPPE and CAMTC agree to rely on the other party's characterization about the privileged or confidential nature of the information.
2. To work together within jurisdictional limits, in a spirit of cooperation, to help ensure that CAMTC approved massage schools that are also BPPE approved meet the requirements in law, regulation, and policy.
3. To implement and follow the agreements listed in this Memorandum of Understanding, which will become effective on the date on which both parties have signed the agreement.
4. This agreement may be amended by the mutual written consent of the parties.
5. This agreement will remain in effect unless terminated by BPPE, CAMTC, the Department of Consumer Affairs, or another act of law.

Information Sharing Guidelines

1. The parties may share confidential information regarding their respective investigations and reviews of an institution's program curriculum to acknowledge that it meets the requirements for licensure. This information may include information supplied by or on behalf of a licensee, student or member of the public, or other evidence gathered at the school/campus- site or related to the review. For purposes of this MOU, confidential information includes privileged documents or privileged communications which are subject to one or more privileges including the official information privilege (Evidence Code section 1040), the attorney-client privilege, the attorney work product doctrine or any other right to withhold a document from public disclosure as authorized by state or federal law.
2. Confidential information may be shared as described in this MOU and as allowed by law, without waiver of confidentiality or any privilege. Documents containing confidential information should be labeled as confidential or include a similar written advisory to that effect.
3. Government Code section 6254.5(e) provides that disclosures made by any governmental agency to a governmental agency that agrees to treat the disclosed material as confidential will not constitute a waiver of any relevant exemption of the California Public Records Act. Pursuant to Government Code section 6254.5(e), the parties agree that the

investigative and/or other records exchanged by the parties will be treated confidentially and used only to complete the terms of this MOU.

4. As provided in Government Code section 6254.5(e), confidential records will only be shared with the following authorized persons: (1) the parties' officers, including Executive Officer, the Board members, Bureau Chief and any deputies; (2) the parties' legal counsels; (3) the parties' staff; and, (4) the parties' agents, experts or consultants, who are reasonably necessary to the conduct of the terms and conditions of this MOU. Each party shall take all reasonable and appropriate measures to ensure that any person granted access to any confidential or privileged information shared pursuant to this MOU is familiar with the MOU and complies with its terms as they relate to the duties of such person.
5. The parties will make all reasonable efforts to ensure that disclosure of confidential information will not occur. In the event an inadvertent disclosure of confidential or privileged information occurs, the party making such inadvertent disclosure will promptly notify the other party in writing and will make every reasonable effort to address the inadvertent disclosure, including asserting any appropriate objections.
6. Documents marked or designated as confidential shall not be made public by the recipient party without an agreement in writing from the party that provided the confidential information, unless required by law or by order of a court of competent jurisdiction.
7. If either party receives a request to release, disclose, or access any confidential information provided to it by the other party (for example, pursuant to a subpoena, discovery request, the Information Practices Act or the California Public Records Act), the party receiving the request shall promptly transmit a copy of the request to the party that originally generated the confidential or privileged document or communication. The parties further agree that the party receiving the request, subpoena, discovery request, or other legal process will withhold the confidential records exempt under the California Public Records Act, assert any objection, or file any motion, as applicable and appropriate to preserve the confidentiality of the information received.
8. In the event of a request by an agency or person for information obtained from the other party, unless otherwise required by law, BPPE and CAMTC agree to rely on the other party's characterization about the privileged or confidential nature of the information.



Dr. Michael Marion, Jr., Bureau Chief
Bureau for Private Postsecondary Education



Ahmos Netanel, Chief Executive Officer
California Massage Therapy Council



CALIFORNIA MASSAGE THERAPY COUNCIL

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

To: CAMTC Board of Directors

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

Report for Board Meeting November 6, 2019

Human Trafficking

I am now directly involved in Taskforces and Collaboratives in San Mateo, Santa Clara, Contra Costa, San Diego, Los Angeles, Alameda and San Francisco Counties and I monitor and occasionally attend various others. San Francisco has put on hold meetings of the Adult/Labor Taskforce and is retaining the General Mayors' Taskforces on Human Trafficking, in part because the San Francisco Collaborative against Human Trafficking (SFCaHT) has such broad participation. I am on the steering committee of the SFCaHT and helped organize their 10th annual conference in late September which both Ahmos and I attended. Senator Weiner, Assembly members Ting, Lui and Elmy Bermejo from the Governors' office were all speakers and we had an opportunity to speak privately with each of them or their staff.

In September Ahmos Netanel, Rick McElroy and I met with the Kay Buck, Executive Director of the Coalition against Slavery and Trafficking (CAST) and Philip Gnaedig Coordinator of the Los Angeles regional HT Taskforce.

In October I attended a conference organized by Polaris and several other national organizations to share how best to close illicit massage establishments. Although CAMTC has no authority over massage establishments, it is widely accepted nowadays that working in collaboration with a wide range of stakeholders produces the best results. CAMTC is seen as an expert on preventing the ability of traffickers to operate under the guise of massage, particularly in our work addressing fraudulent schools. There were quite a large number of attendees from California. I had invited and spent quite a bit of time with city councilmember Monica Wilson of Antioch, acknowledged as the only elected official in attendance. I also had several lengthy discussions with Amanda Plisner from CA Attorney General (AG) Becerra's office. Ms. Plisner is the AG's HT prosecutor and is currently prosecuting the arrests made during a recent large operation that took place in Ventura and Santa Clara counties of illicit massage establishments. She has some thoughts on legislation that we will discuss further that her office may wish to introduce either into CAMTC's sunset bill or as a separate bill. I also spent time with Mary-Ellen Barrett, the HT coordinator for San Diego county with whom I had been in touch but not met as well as HT coordinators from the District Attorneys offices in Alameda and Santa Clara counties. Bassem Banafra, a forensic accountant who we have worked with while in Contra Costa county and has done some of the most impressive collections and analysis of data on human trafficking

in illicit massage businesses was also a key presenter. One of the most interesting presentations was a panel of Asian victim advocates from the NY area, discussing in great detail the reality of how women in Asian get trapped into the world of commercial sex and labor trafficking in the US. Polaris and other HT organizations are now focusing on establishment regulations, whether at the state or local level. In California, the advantage of establishment regulation at the local level has proven effective in partnership with CAMTC, but what is uniquely powerful in this state is cutting off the head through CAMTC's school approval programs. Combined with a simple revocable registration, it becomes fairly easy to close an illicit establishment once non-certified people are found to be providing massage. In those cities that don't require certification this can be accomplished if the ordinance does require education at CAMTC approved schools.

Chico city has asked me to help establish their Human Trafficking efforts regarding massage. I will be meeting with the city this month.

Local Government

San Diego – Roberta Rolnick and I attended a meeting of the San Diego Public Safety Committee at the invitation of the city attorney, police and chief of staff for committee Chair, Councilmember Cates. Each one of these had nothing but praise for CAMTC during the hearing. The city has chosen not to require certification but requires those applying instead for city police permits to graduate from a CAMTC approved school. Since 2014 the city has not required establishment permits for businesses where everyone providing massage was certified. Unfortunately the result has been that most of those functioning as exempt were not qualified for the exemption. New fees for establishment permits will be dropped from \$2,042 to \$720 per year. Sole providers, currently not charged at all, will pay \$124 per year. These are based on estimates of cost recovery. Of the few massage therapists who spoke on opposition, most of the concern is over the requirement to display the anti-human trafficking poster. Five representatives from anti HT organizations spoke in support, including one woman who was a survivor of human trafficking within an illicit massage business.

Sacramento city and county – We were contacted last month by an Assistant DA in Sacramento county regarding their ordinance. She expressed interest in creating a full partnership with and commitment to closing illicit massage establishments in both the city and county. On October 22nd, a meeting was held at the DAs office of Ahmos, Netanel, Alison Siegel, Rick McEroy, Kellie Rodriguez, Jon Walters, myself and 9 members of the DA's and Sheriff's offices as well as city staff that regulates massage. They are evaluating the commitment of their senior staff to a formal partnership. The city has a draft of a new ordinance that they have asked me to review.

San Francisco Small Business Commission has released a policy paper discussing the issues to be addressed in amendments to their massage and zoning ordinances related to massage. Two Supervisors are working with CAMTC, the profession and the very supportive Small Business Commission to make right the onerous regulations that were passed in 2015.

I have previously reported that the Los Angeles County ordinance had passed but after speaking with a representative of the county HT taskforce I learned that the county withdrew it

from the agenda which she felt may have been a result of our feedback on the draft. I hope that they improve the next draft. It is expected to be introduced soon.

Legislation of interest

AB 476 - Status: Vetoed. This bill, called “California Opportunity Act of 2019”, would have required the Department of Consumer Affairs to create a task force to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals.

AB 775 - Status: Signed by the Governor and chaptered. Assembly Member Chau invited us to speak at a press conference in the district where he highlighted his legislative proposals this session. Ahmos Netanel attended to speak about AB 775 as we worked with the legislator on the language and spoke in support before the legislature.

SB 35 – Status: Vetoed. Authored by Senator Ling Ling Chang and sponsored by CAST, this bill sought to re-create a taskforce and study the extent of Human Trafficking in California. CAMTC had supported this bill.

SB 630 Status: Signed by the Governor and chaptered. Numerous jurisdictions have already begun planning ordinances under this bill to enact regulations to impose fines or other violations for failure to display the Human Trafficking poster required under Civil Code section 52.6.

SDPD's Cooperation with the California Massage Therapy Council





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

Operations Report

November 6, 2019

Overview

The Operations division of the California Massage Therapy Council (CAMTC) continues to meet and exceed CAMTC's application processing and customer service goals.

CAMTC receives, handles and generates many thousands of documents each month. Operations and AMG have installed two newer, upgraded and faster high-speed machines used for printing, copying and/or scanning documents during application processing. A new, upgraded, faster and more reliable postage processing machine was also installed. These actions did not result in additional cost for CAMTC and resulted in multiple time-saving benefits.

The sophisticated cyberattack on Pitney-Bowes that affected organizations internationally, and which came less than two weeks after the FBI advisory on October 2 that U.S. companies should be on alert for ransomware attacks, had no effect on CAMTC's provision of certificates and ID cards to new applicants and recertifying certificate holders (even though Operations uses Pitney-Bowes equipment). Instead, AMG and CAMTC were able to conduct contingency operations. The team was pleased to be able to continue to function during this time while Fortune 500 and many other organizations' mailing capabilities were temporarily crippled by the ransomware attack's disruption of access to key services.

New Applications & Certificates

New application approvals have been within tolerances so far in 2019 (see attached charts; goal = 45-day median).

A review of 370 applications that resulted in new certificate approvals in September 2019 included the following observations:

- 77% were submitted online
- 29% had education issues
- 22% required review by the Background Review Department (BRD)
- 18% were immediately ready for processing (all application packet elements received as of the date the application form itself was received)
- The average time it took for individuals to submit all information and supporting documents was 32 days from when the application form was received

Recertifications

Recertification approvals have been within expectations and tolerances so far in 2019 (see attached charts; goal = 25-day median).

A review of 2006 recertification applications that resulted in recertification approvals in September 2019 included the following observations:

- 88% were submitted online
- 19% required review by the Background Review Department (BRD)
- 95% were immediately ready for processing (all application packet elements received as of the date the application form itself was received)
- The average time it took for individuals to submit all information and supporting documents was one day from when the application form was received

Customer Service Phone Calls

The average wait time to answer has been within tolerances so far in 2019 (see attached charts; goal = 90 second average).

A review of 2908 telephone calls to CAMTC Customer Service in September 2019 included the following observations:

- 91% were answered without being queued by the phone system (maximum speed to a live agent)
- The average treatment time for these calls was four minutes and 44 seconds; “treatment time” is the time it took to handle the call from the time the call entered the system, and includes agent wrap-up time
- Call volume was heaviest on Mondays, with a gradual decline in activity throughout the work weekdays. There were four occasions of each working weekday in September (after removing Labor Day):
 - Mondays: 22.1%
 - Tuesdays: 21.6%
 - Wednesdays: 19.7%
 - Thursdays: 18.8%
 - Fridays: 17.8%

Correspondence

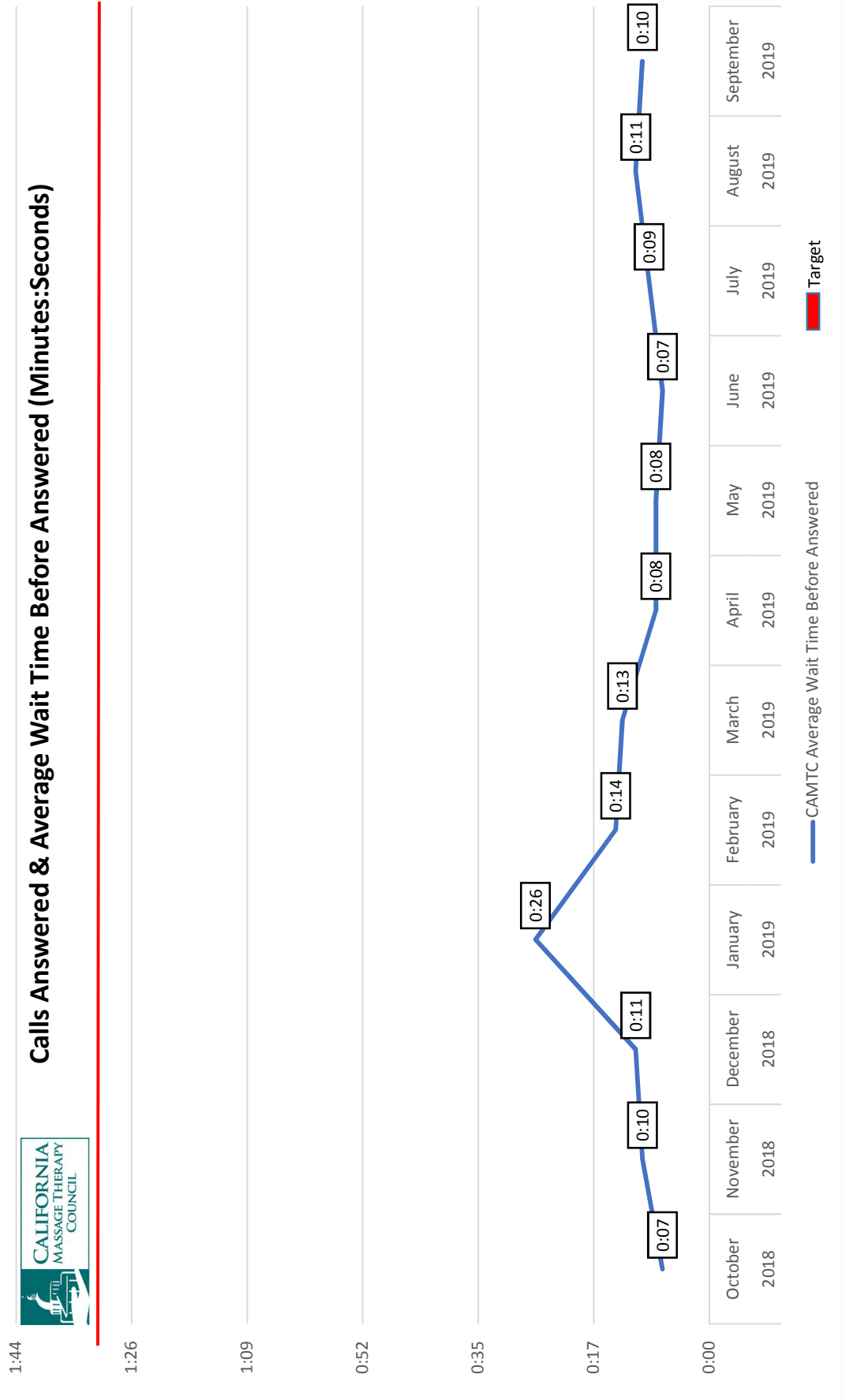
The average initial response time for inbound emails initiated by applicants and certificate holders to CAMTC’s customer service and support accounts has been within tolerances so far in 2019 (see attached charts; goal = 1 business day average).

A review of 692 emails to CAMTC’s info@camtc.org and cs@camtc.org email accounts in September 2019 included the following observations:

- 65% of these email threads had one exchange between the sender and CAMTC
- Only one email's response time exceeded the goal of one business day
- The average number of emails sent to CAMTC from the same account was 1.27
- 43.5% of senders used Gmail accounts (12.7% used Yahoo; 3.6% Hotmail; 3.2% iCloud; 1.6% qq.com; 1% outlook.com)
- Email volume was heaviest on Mondays, with a gradual decline in activity throughout the work weekdays. Monday "received" volumes are inflated by emails received each weekend. There were four occasions of each working weekday in September (after removing Labor Day):
 - Mondays: 32.1%
 - Tuesdays: 21.2%
 - Wednesdays: 16.8%
 - Thursdays: 16.0%
 - Fridays: 13.9%

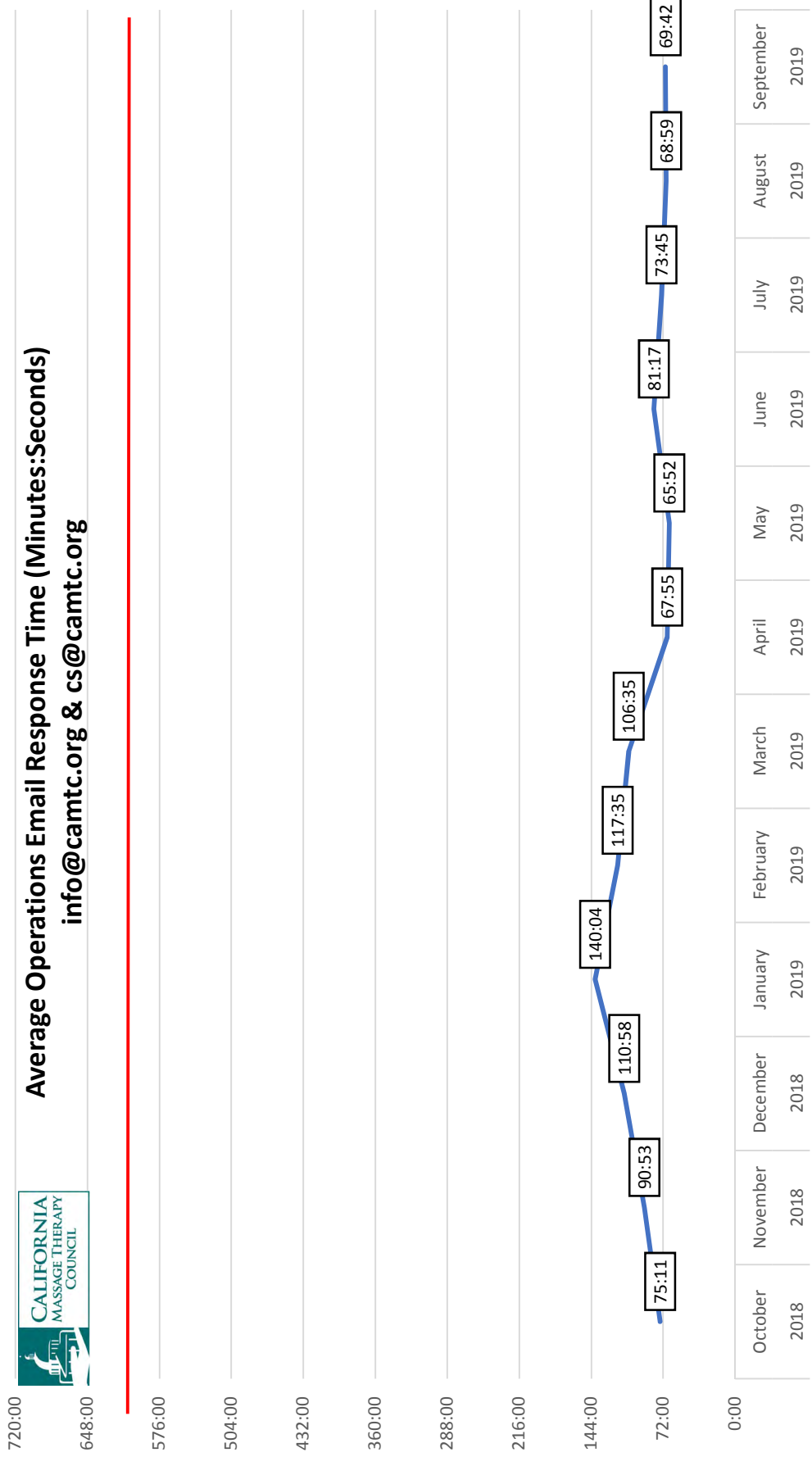


Calls Answered & Average Wait Time Before Answered (Minutes:Seconds)





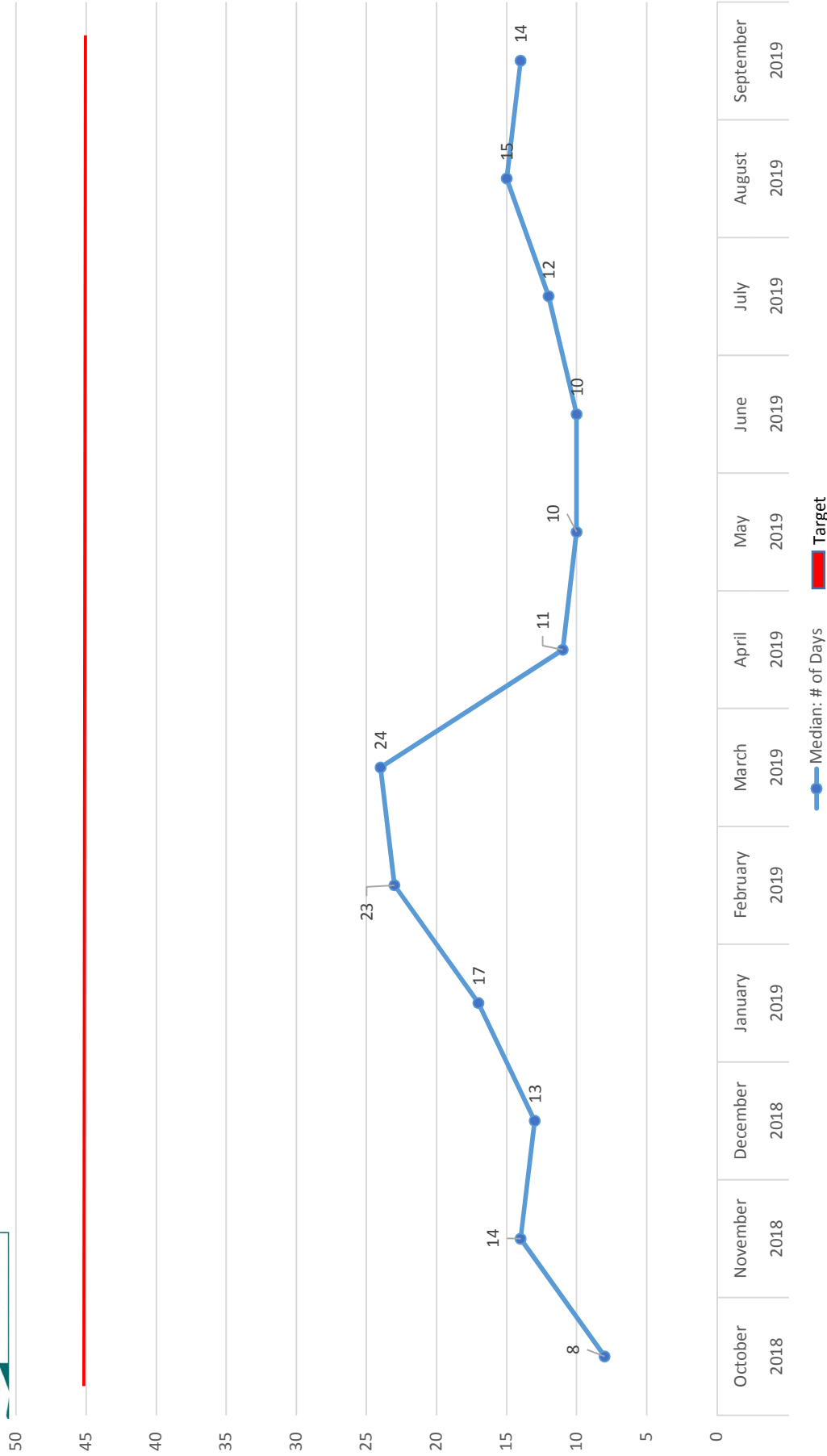
Average Operations Email Response Time (Minutes:Seconds) info@camtc.org & cs@camtc.org



— Average Response Time ■ Target

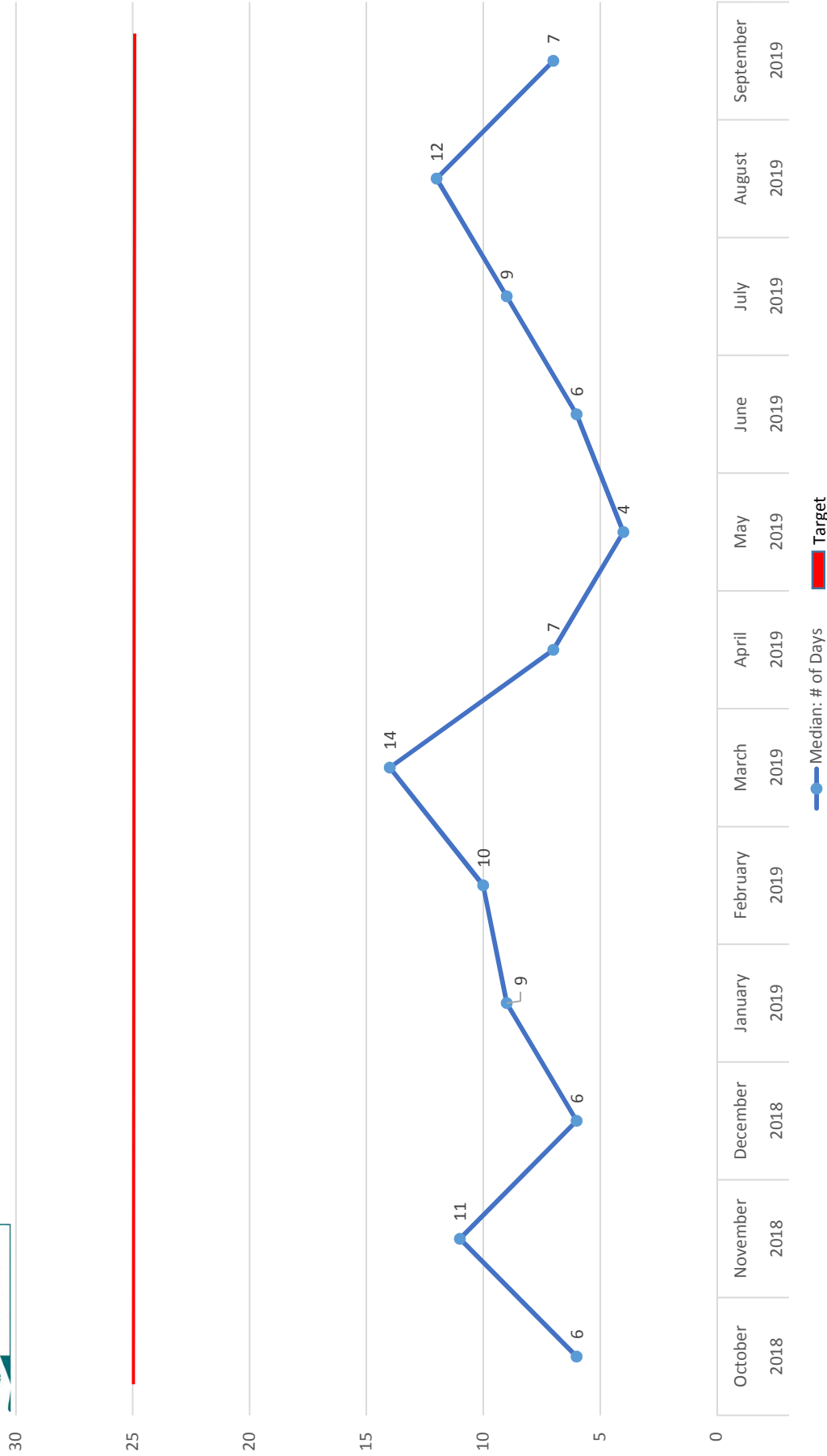


CAMTC Median Processing Time - New Applications with No Background or Education Issues





CAMTC Median Processing Time - Recertification Applications with No Background Issues





CALIFORNIA MASSAGE THERAPY COUNCIL

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

To: CAMTC Board of Directors
From: Joe Bob Smith, Director of Educational Standards Division
For: Board Meeting – November 6, 2019

School Statuses Update – as of October 28, 2019

CAMTC currently has 72 approved campuses, plus 2 provisionally approved campuses.

School Outreach

Quarterly Newsletter

The quarterly CAMTC School Newsletter (Vol 3, Issue 3) was published and distributed to schools. Communication highlights included:

- Summaries of the September Schools Advisory Committee and Board meetings
- Passage of AB 775

Monthly Schools Conference Calls

The Schools Conference Calls have continued monthly on the 1st Wednesday of the month at 2 pm as scheduled – including one scheduled for the afternoon of the November 6th Board meeting. We continue to see positive feedback and good participation from schools, and plan to continue these calls for the foreseeable future as a beneficial communication for schools.

AMTA 2020 School Summit

CAMTC looks forward to being a sponsor at the AMTA School Summit on February 13 & 14, 2020, in Hollywood, CA. We hope to see many of our CAMTC Approved Schools there!

Looking Forward

- **Sunset Review:** ESD continues to support other staff in preparing the sunset review report, particularly as it pertains to school approval and education.
- **BPPE Memo of Understanding:** ESD looks forward to enacting the recently signed MOU with the BPPE.
- **AB 775:** With AB 775 becoming law on January 1, 2020, ESD is working to update protocols, policies and procedures, and other documents to conform.
- **Ongoing Activities:**
 - o Process new approval and re-approval applications
 - o Monitor currently approved schools, including processing change applications
 - o Continue processing education reviews for individual certification applicants
 - o Assist in creating a process for schools to submit transcripts electronically



CALIFORNIA MASSAGE THERAPY COUNCIL

One Capitol Mall, Suite 800 | Sacramento, CA 95814

tel 916.669.5336 fax 916.669.5337 www.camtc.org

To: CAMTC Board of Directors
From: Rick McElroy, Director of Law Enforcement Relations
Re: Board Meeting – November 6, 2019

Law Enforcement Relations Training for Law Enforcement

Law Enforcement Relations continues to expand as well as return to some police departments for CAMTC training. So far for 2019, 25 individual trainings have occurred around the state involving 548 attendees, representing 221 agencies. A trend that continues to grow is that representatives from code enforcement, finance, and planning departments continue to populate the trainings. The cumulative total since 2014 is 2,286 attendees representing 802 agencies.

September 18, CAST (Coalition to Abolish Slavery & Human Trafficking) meeting

Ahmos, Beverly and I met Kay Buck and her assistant Nick Stewart to discuss how we can work more effectively in our collective efforts to remove human trafficking from massage establishments. Many ideas were exchanged and we be following up and attending human trafficking meetings with CAST staff in the near future.

September 25, Campbell Training

This was a very well attended training with 35 attendees representing 15 agencies. Beverly and I have been working closely with the Campbell police chief and his officers updating their massage ordinance as well as reviewing their investigative efforts in illicit massage establishments.

September 26, Cal Chiefs Executive Staff dinner

Ahmos and I attended this mid-year executive dinner as strategic partners of CPCA. It was nice to see many familiar faces and reconnect since our attendance at the Cal Chiefs conference in Santa Clara this past March. It was much easier to interact with this small crowd on a one-on-one basis rather than try to connect during a conference of 500 people. I set up some training dates and pledged our assistance in helping them rid their cities of illicit massage establishments through pro-active training and supporting their enforcement efforts.

October 1-4, California Association of Code Enforcement Officers (CASEO) Annual Conference

Roberta and I attended this event in San Diego. We had a large booth that was positioned at the entrance to the main ballroom where everyone had to walk past our booth. Roberta did an outstanding job of managing the setting up of the booth, staffing a massage therapist to massage the crowds that were ever present. Also, we gave away green portfolios to code enforcement folks attending. We had several anti-human trafficking brochures on hand as well as business cards. I presented a 2-hour power-point presentation to over 75 code officers representing 60 agencies. Roberta and I staffed the booth during the conference and exchanged many business cards as well as stories with the attendees.

Getting LAPD On Board

This continues to be an ongoing project for the supervisor of the Background Review Department Kellie Rodriguez, and I for the last year. As I previously stated before, we have now met with the Captain of Detective Support and Vice Division (DSVD) twice this year. DSVD Captain Lee has brought various representatives from the City Attorney's Office, Risk Management Division and Legal Affairs Division to both meetings. We have recently learned from Deputy Chief Kris Pitcher that now the city attorney is pushing back on signing our declarations. I have spoken to Ahmos and Alison Siegel about this and we are planning another meeting with the City Attorney to push this along. Meanwhile, Kellie has over 150 declarations waiting to be signed on LAPD arrestees.

October 16, City of Roseville Training

Roseville police Captain Marc Glynn contacted me regarding training for his special problem's unit detectives and their code enforcement officers. The reason for the training was he was getting back into investigating illicit massage businesses in his city as there has been a recent uptick in illicit businesses. We had a small group but they were very interested in new solutions to this problem. Also, we discussed their outdated massage ordinance and how we (Beverly) could help revise their ordinance into something that actually got rid of the problem businesses. I told him the probable reason for the uptick in illicit businesses was the illicit massage parlors were being run out of the cities where a strong ordinance has been put into play as well as trained code/law enforcement officers that are armed with all the new tools afforded them.

October 22, Sacramento meetings

CAMTC staff (Kellie, Beverly, Ahmos, and I) AMG Director of Operations Jon Walters, and CAMTC Special Counsel met with city officials from Sacramento County as well as the City of Sacramento regarding strategies for reducing the illicit massage businesses

in their areas. We pledged out assistance to these managers and look forward to working with them in the near future.

That afternoon, Ahmos, Kellie, Beverly and I met with Citrus Heights Chief Ron Lawrence and his special investigations lieutenant to discuss the methods they had been employing to close down 2/3 of their illicit massage businesses in the last 2 years and to offer our assistance to continue this course of action. Several ideas were exchanged and we look forward to working with Citrus Heights in this endeavor.

October 29, Meeting at Cupertino City Hall

Beverly and I met with officials of the city of Cupertino regarding updating their out-of-date ordinance. We had a Cupertino Sheriffs Lieutenant, 3 senior code enforcement officers, and 2 senior building inspectors. This meeting is a usual one for Beverly and I to attend but in this case, it has an unusual beginning. On September 25, Cupertino Senior Code Enforcement officer Jeffrey Trybus attended my training in Campbell. After the Campbell training, Jeffrey approached me and was excited about the laws he had just learned. At the October CASEO Conference, Jeffrey again attended my 2-hour class and had more discussions with me about Cupertino's ordinance and how he wanted to work on getting it revised. Around October 21, Jeffrey contacted Beverly and I and asked if we could come to Cupertino on October 29 to help in the re-write of their massage ordinance. I was expecting a room full of lawyers to be present, but much to my chagrin, Jeffrey was the one in charge of the rewrite (with the city attorney on speaker phone) and he ran the entire meeting asking for input from Beverly and I when needed. In a little over a month, one code enforcement officer put all the forces in play for this rewrite of their ordinance which will have a lasting impact on the reduction/elimination of the human trafficking issue Cupertino faces. Jeffrey is the epitome of leadership at work.



Outreach Report

Upcoming & Recent Events and Outreach to CAMTC Stakeholders

This busy 2-month period included working on outreach projects with Joe Bob Smith, Rick McElroy, Beverly May and assisting with the CAMTC Sunset Report. Additionally, CAMTC's CEO was invited to two important events:

CA Assembly Member Ed Chau Press Conference to announce new laws for 2020, including AB 775. Ahmos Netanel was requested to speak. ~ October 23, 2019

Nuad Thai Massage & Spa Association of America, that included an interview, in part by Ahmos Netanel, on the NATTV THAITV News Station. ~ October 24, 2019

From: Nuadthai andSpa <nuadthaiandspa@gmail.com>
Subject: Thank you so much
Date: October 24, 2019 at 2@18@22 PM PDT
To: Ahmos Netanel <Anetanel@camtc.org>

Dear Mr. Ahmos,

Thank you for your visit and provide a great information for our members today. You are like a superstar for them!

Thank you,
Uma

Schools

AMTA Schools Summit – February 13-14, 2020 in Los Angeles

CAMTC will be the sole Education Sponsor and have a premium exhibit at the 2020 AMTA Schools Summit. We look forward to meet and speak with California school owners, administrators and teachers. CAMTC leadership will attend to answer questions and problem solve issues in person.

Law and Code Enforcement

CACEO Annual Seminar – October 1-4, 2019 in San Diego

As Premier Sponsors, CAMTC's booth and complimentary chair massage was front & center at the entrance of the tradeshow hall, and our logo was prominent in the CACEO Mobile App for the conference. Rick McElroy's new presentation was very well received. Ken True, CCEO and CACEO Board Member said that he will develop a schedule for Rick's 2020 Code Enforcement trainings. See new CACEO handouts in the photo pages below.

Also placed an advertisement in the winter issue of the "California Police Chiefs Magazine". See the ad in photo pages below.

Governmental Affairs & Anti-Human Trafficking

City of San Diego Police – October 23, 2019

Public Safety and Livable Neighborhoods Committee Presentation

Beverly May was requested to attend a hearing and presentation of the San Diego Police Department's Proposed Revisions to the Municipal Code Related to the Massage Industry. I attended for outreach support, took photos and created notes as a handout.

Massage & Spa Industry

We have determined a professional venue for outreach to massage businesses with 3 annual events hosted by iConnection for business owners, managers and administrators. They have agreed to comp CAMTC as a vendor March 19th, June 11th, and August 20th in 2020. We will discuss benefits of hiring CAMTC CMPs and CMTs, have face-to-face Q & Q with these important stakeholders, and provide CAMTC brochures to best “Elevate the Profession”.

Also placed an advertisement in the AMTA-CA Newsletter:

“California Currents”, as per this ad:



**ELEVATE
THE
PROFESSION**

 CALIFORNIA
MASSAGE THERAPY
COUNCIL

www.camtc.org

916.669.5336
info@camtc.org

On October 23, 2019, Assemblymember Ed Chau (D–Monterey Park) held a press conference in San Gabriel to discuss bills from his legislative bill package that will become new laws on January 1, 2020, including AB 775. CAMTC was invited to take part in the press conference and CEO Ahmos Netanel participated on behalf of CAMTC.





FOR IMMEDIATE RELEASE

Contact: Edmundo Cuevas
Office: (916) 319-2049
Email: Edmundo.Cuevas@asm.ca.gov

October 23, 2019

PR#: COPR 19-09

ASSEMBLYMEMBER CHAU ANNOUNCES NEW LAWS THAT TAKE EFFECT IN 2020

SAN GABRIEL – Today, Assemblymember Ed Chau (D–Monterey Park) held a press conference in San Gabriel to discuss bills from his legislative bill package that will become new laws on January 1, 2020.

“California residents expect us, as Legislators, to work on important issues to improve their lives,” said Assemblymember Chau. “Some of the legislation I authored this year will help ensure that Emergency Medical Technicians, such as paramedics, receive dementia-specific training; establish timelines for the massage therapy school approval process, while providing better notice to students attending non-approved schools; extend the sunset on the Register Your Mobilehome California Program; improve public safety by tracking cannabis drugged driving; and require data brokers to register with the Attorney General.”

Governor Gavin Newsom signed a total of 9 bills authored by Assemblymember Chau. Some of the bills highlighted in today’s press conference included:

PRIVACY AND CONSUMER PROTECTIONS

AB 1202 – Data Brokers – Requires data brokers, defined generally as businesses that are buying and/or selling the personal information of consumers with whom they have no direct relationship, to register with the Attorney General (AG) and for the information to be posted on its website. It would also authorize the AG to collect registration fees and otherwise enforce the provisions of the bill through civil action. Sponsor: Author. (Chaptered by Secretary of State – Chapter 753, Statutes of 2019)

BUSINESS AND PROFESSIONS

AB 775 – Massage Therapy – Establishes timelines for the approval of a massage therapy school by the California Massage Therapy Council (CAMTC) and mandates that student applicants be notified when they are attending a non-approved school, which can put at risk their ability to become certified massage therapists. Sponsor: Author. (Chaptered by Secretary of State – Chapter 290, Statutes of 2019)

HEALTH

AB 453 - Emergency Medical Technicians (EMTs) Training – Requires the Emergency Medical Services Authority, as part of its requirement to develop training standards for EMTs, to include a component within the dementia-specific training hours on how to interact effectively with people who have dementia and their caregivers. Sponsors: Alzheimer’s Los Angeles, Alzheimer’s Orange County, and Alzheimer’s San Diego. (Chaptered by Secretary of State – Chapter 88, Statutes of 2019)

HOUSING

Assembly Bill (AB) 173 – Register Your Mobilehome California Program – Promotes the accurate titling of mobilehomes by extending the sunset date on the Register Your Mobilehome California program – a fee and tax abatement program – until December 31, 2020. Sponsor: Golden State Manufactured-Home Owners League (GSMOL). (Chaptered by Secretary of State – Chapter 488, Statutes of 2019)

PUBLIC SAFETY

AB 397 – Driving Under the Influence of Cannabis – Requires, beginning January 1, 2022, the annual reporting of criminal conviction data to the Department of Justice to also include driving under the influence of cannabis. Sponsor: Author. (Chaptered by Secretary of State – Chapter 610, Statutes of 2019)

Other bills signed into law include the following:

AB 25 – California Consumer Privacy Act of 2018 (CCPA) – Clarifies that the California Consumer Privacy Act of 2018 (CCPA) excludes individuals whose personal information has been collected by a business within the scope of their employment, or in similarly situated contexts, but only to the extent that their information is collected and used solely for purposes related to those activities. It also allows a business to require limited authentication of the consumer making a request for information, such as requiring requests to be made through an existing account. Sponsor: Author. (Chaptered by Secretary of State – Chapter 763, Statutes of 2019)

AB 814 – Vehicle Hacking – Explicitly makes the unauthorized access of a vehicle’s computer data and computer system illegal under California Law. Sponsor: Author. (Chaptered by Secretary of State - Chapter 16, Statutes of 2019)

AB 1129 – Invasion of Privacy – Adds electronic devices and unmanned aircraft systems to the list of instruments that can be used to commit invasion-of-privacy crimes. Sponsor: Author. (Chaptered by Secretary of State – Chapter 749, Statutes of 2019)

AB 1355 – California Consumer Privacy Act of 2018 (CCPA) – Addresses various drafting errors and makes other clarifying changes to the California Consumer Privacy Act of 2018 (CCPA). Sponsor: Author. (Chaptered by Secretary of State – Chapter 757, Statutes of 2019)

Capitol Office: State Capitol, P.O. Box 942849 • Sacramento, CA 94249-0049 • (916) 319-2049 • Fax: (916) 319-2149 E-Mail: Assemblymember.Chau@assembly.ca.gov
49th Assembly District Web Site: <http://democrats.assembly.ca.gov/members/a49>

On October 24, 2019, Ahmos Netanel was invited to attend an all-day meeting of the Nuad Thai Massage & Spa Association of America. Their aim is to bring public awareness of today's massage and spa regulations and policies. Ahmos gave an informative speech as a CAMTC update and took many questions from the attendees. At the conference, Ahmos was also interviewed on NATTV - THAITV.





THAI TV
www.nattv.com

NATV Almos Netanel
CEO ของ California Massage Therapy Council

สัมมนากฎหมายแรงงาน จ้างงาน จ่ายภาษี และ ทางรอดของธุรกิจนวดและสปาในอนาคต

64 views • Oct 24, 2019

1 0 SHARE SAVE ...

NATV Thai Vision **NATTV THAITV** 3.06K subscribers **SUBSCRIBE**

CACEO Annual Seminar – October 1-4, 2019 in San Diego



From: Larry Breceda lbreceda@accessduarte.com
Subject: CACEO Annual Conference Feedback
Date: October 5, 2019 at 11:23 AM
To: Roberta Rolnick rrolnick@camtc.org

LB

Hello Roberta,

I wanted to share with you some of the feedback we received for our conference attendees. They stated that your booth setup was excellent. The back drop and Certified Massage Therapist you had on staff was excellent. They really enjoyed the giveaways and the education Rick was able to provide. Your attendance was a true talk of the membership and they enjoyed it. Thank you so much for your attendance and the support of the Code Enforcement Profession.

--

Larry Breceda
Public Safety Manager
Public Safety Department
1042 Huntington Dr,
Duarte, CA 91010
(626) 359-5671 EXT. 315
larryb@accessduarte.com



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SEX TRAFFICKING IN MESSAGE STOPS HERE!

CAMTC CAN HELP



Enforcing code at message businesses

that operate as a
subterfuge for sex

trafficking can be a real challenge. We at the California Massage Therapy Council (CAMTC) get it. Your goal to eliminate this problem is our goal. We are dedicated to protecting the public by elevating the profession of massage throughout the State. Our collective focus with CACEO must be on identifying and stopping sex trafficking with every resource we have to ensure that happens.



We implement California State Law to revoke,

suspend and deny CAMTC Massage Certification because massage professionals either did not meet the prescribed standards or they violated the California Massage Therapy Act. CAMTC Certification is the only credential for massage professionals that is recognized by California State Law.

Know the signs. CAMTC does not regulate massage establishments. We have, however, provided critical support to code enforcement officers in their efforts to curtail illicit massage businesses.

Thousands of law and code enforcement officers throughout California and hundreds of agencies including ICE, OHS, FBI and DOJ have already benefited from CAMTC's Law and Code Enforcement Training.

Partner with CAMTC. By coordinating your team's code enforcement protocols with CAMTC's denial and disciplinary programs, you can make a significant difference on the safety and quality of life for families in your community.



Learn the signs of illicit massage and powerful tools to stop sex trafficking in massage businesses.

To schedule a free 2-hour training in your local area, please contact:

Rick McElroy

Director of Law Enforcement Relations

rmcelroy@camtc.org

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



HOW TO FILE A COMPLAINT WITH CAMTC

- Go to <https://www.camtc.org/law-enforcement-government-agencies/> and click on the complaints button below
- Arrest report/other report
- We draft your Officer's Declaration
- You review, revise if needed, sign, and send
- Declarant **MUST** be the officer that directly witnessed the activity
 - Not the officer's partner
 - Not the officer's supervisor
 - Not an over-hear officer

GET CONNECTED

To help you gain access to the Law & Code Enforcement website, you will need to go to:

<https://www.camtc.org/law-enforcement-government-agencies/login/>

Request access via the web address above. CAMTC will confirm your registration as soon as possible.

Once approved, create a new password to then obtain specific info about CAMTC Certificate Holders.

If you have any questions related to application processing, local ordinances or municipal codes, please contact Beverly May, CAMTC Director of Governmental Affairs and Anti-Human Trafficking:

Bmay@camtc.org

GET CONNECTED

If you have questions related to denials or discipline, arrest reports, declarations, sexual assaults, or investigations, please contact Rick McElroy, CAMTC Director of Law Enforcement Relations:

Rmcelroy@camtc.org





CAMTC CERTIFICATE HOLDERS AND APPLICANTS

- UNDERSTAND VIOLATIONS OF CAMTC'S LAW -

SUMMARY OF COMMON ACTIONS THAT VIOLATE CAMTC'S LAW

This document is intended to provide a list of some common actions that violate CAMTC's law, but this is not, nor is it intended to be, a comprehensive list. For a comprehensive list of legal obligations and violations, please see Business and Professions Code sections 4600 et. seq., which can be found on CAMTC's website. Every case is evaluated on a case-by-case basis including the totality of the circumstances. The mere fact that conduct is not listed here does not mean that CAMTC can't take action on it. Likewise the fact that something is listed here doesn't mean that CAMTC is required to or will take action on it.

THE FOLLOWING CONDUCT VIOLATES THE MESSAGE THERAPY ACT

- Touching or massaging a client's genitals or anus for any reason;
- Touching or massaging female breasts without first having both the client's agreeing in writing and a referral from a licensed California health care provider, like a Doctor or Nurse;
- Failing to properly drape a client so that genitals, anus, or female breasts are exposed;
- Prostitution related acts, such as agreeing to provide sex acts for money, obtaining people to engage in prostitution, receiving money for prostitution acts others are engaged in, or owning or managing a massage business where acts of prostitution occur.
- Lewd conduct such as exposing yourself to clients or touching yourself in front of a client.
- Posting sexually suggestive ads for massage services. This means ads that suggest sex, such as:
 - Ads with women in bikinis, lingerie, underwear, bent over, or with cleavage showing;
 - Words that suggest that sex acts will take place, like "Happy Ending."
- Engaging in sex acts on the premises of a massage business or while massaging someone for compensation. Even if both parties agree to engage in the sex act (for example a married couple), it is a violation of the law if it happens at a massage business or while providing a massage for money.
- Failing to properly supervise massage providers on the premises of a massage business.
- Convictions for acts that are substantially related to the qualifications, functions, or duties of a certificate holder. This includes infractions, municipal code violations, misdemeanors, and felonies for things like:
- Prostitution, sexual assault, multiple instances of petty theft, violent acts, and acts that happen at a massage business or while providing a massage (such as disturbing the peace)
- Being required to register as a sex offender in California or another state.
- Having your local permit or business license denied, revoked, suspended, fined, or acted against or getting an administrative or civil citation related to massage.
- Lying on your application or omitting all information requested on the application.
- Failing to update CAMTC and notify of things like new convictions, administrative or civil citations, arrests with charges filed for prostitution and other sexually related crimes, work or home address changes.
- Dressing inappropriately while visible to clients in a massage establishment. This means clothing that is transparent, see-through, or substantially exposes undergarments; or exposes breasts, buttocks, or genitals; or in swim attire if not providing a water based modality approved by CAMTC.
- Failing to include name and certificate number in ads for massage services.
- Failing to notify CAMTC and update address or email address within 30 days of a change.

GRAPPLING WITH SEX TRAFFICKING IN MASSAGE ESTABLISHMENTS IN YOUR CITY?



CAMTC CAN HELP!

SEX TRAFFICKING IN MASSAGE STOPS HERE!

The California Massage Therapy Council (CAMTC) has been on the forefront of the sex & labor 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 sex 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/cpca-strategic-partners>



**PARTNERS TO PROTECT
THE PUBLIC**

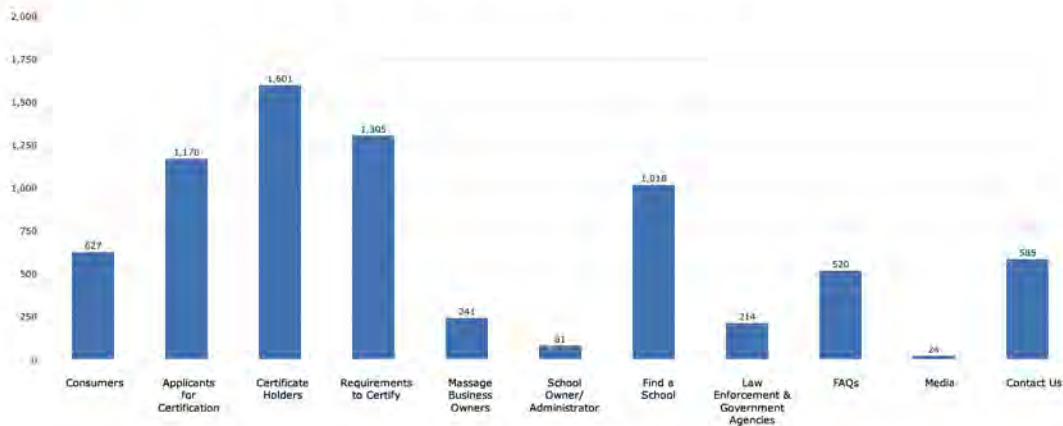


CAMTC Website Outreach Statistics



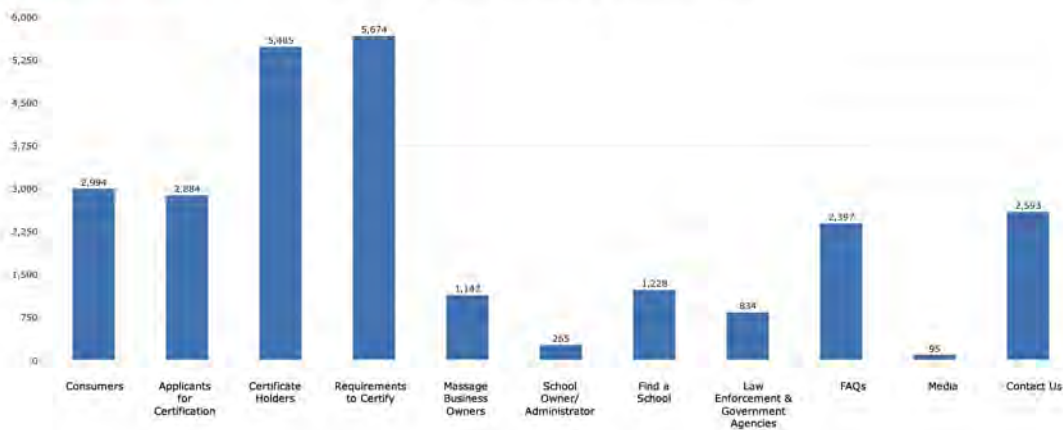
2019 January Website Pageviews

Total number pageviews of entire website for January 2019: 19,956



2019 February Website Pageviews

Total number pageviews of entire website for February 2019: 101,280



2019 March Website Pageviews

Total number pageviews of entire website for March 2019: 117,126



CAMTC Website Outreach Statistics



2019 April Website Pageviews

Total number pageviews of entire website for April 2019: 128,117



2019 May Website Pageviews

Total number pageviews of entire website for May 2019: 103,714



2019 June Website Pageviews

Total number pageviews of entire website for June 2019: 87,133

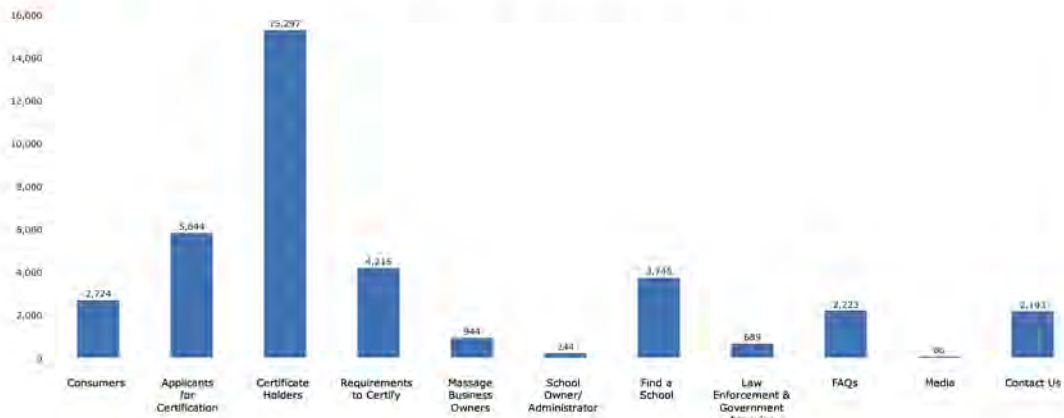


CAMTC Website Outreach Statistics



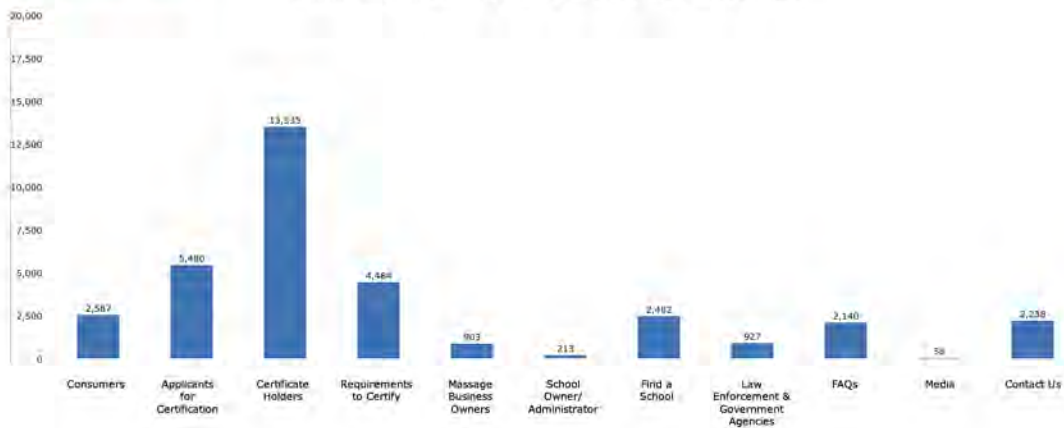
2019 July Website Pageviews

Total number pageviews of entire website for July 2019: 95,573



2019 August Website Pageviews

Total number pageviews of entire website for August 2019: 94,229 — *Updated
* Updated from previous 2019 August Chart, which was 2 days short of a full month.



2019 September Website Pageviews

Total number pageviews of entire website for September 2019: 87,538





WHAT IS IN CALIFORNIA STATE LAW IN REGARDS TO CAMTC CERTIFIED MASSAGE THERAPISTS AND ADVERTISING?

For students that choose to be CAMTC Certified, they should know that the California Business and Professions Code section 4608 states:

"In addition to the other requirements of this chapter, a certificate holder shall:

(a) Display his or her original certificate wherever he or she provides massage for compensation. A certificate holder shall have his or her identification card in his or her possession while providing massage services for compensation.

(b) 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 charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.

(c) Include the name under which he or she is certified and his or her certificate number in any and all advertising of massage for compensation."

Additionally, Business and Professions Code section 4609(a)(1)(A) states that it is a violation of the Massage Therapy Act, which can result in denial of an application or discipline of a certificate holder, to engage in sexually suggestive advertising related to massage services.

SCHOOLS ADVISORY COMMITTEE SUMMARY



The CAMTC Schools Advisory Committee (SAC) Meeting occurred on September 11, 2019. For specific actions, please refer to the SAC Meeting Minutes, which will be posted on the CAMTC website once approved by the Committee at the next SAC Meeting. The Committee, consisting of seven school owners and administrators, made the following general recommendations to the Board, which the Board considered at its meeting:

While the Board values SAC's input, it is not obligated to act on any of the Committee's recommendations. The Board may however vote on any of the Committee's recommendations such as Sunset Review legislation. In that case it would only be to pass along such recommendations to the Legislature, which they have the final say in how the current State Law is amended.

- Permanently suspend the requirement to pass a CAMTC approved exam for individual Certification. Currently, the exam requirement is set to resume on January 1, 2021.
- Add a Continuing Education (CE) requirement for Recertification to complete 12 hours every two years. The CEs would include 3 hours in ethics/law, 3 hours in contraindications/pathology, and 6 hours of general practical bodywork.
- Amend the requirements for female breast massage to eliminate the requirement for referral from a licensed health care provider.



AB 775 SIGNED INTO LAW BY GOVERNOR



AB 775 is the only legislation signed into law in 2019 that amends the Massage Therapy Act. This bill primarily affects massage programs applying for initial CAMTC School Program Approval and massage programs in the State that are not approved by CAMTC.

In general, AB 775:

- Establishes specified timelines for the approval of schools;
- Requires CAMTC to post corrective action and proposed denial notifications on its website; and
- Requires massage schools not approved by CAMTC to notify students of such, and that students cannot use education completed at that school for CAMTC Certification.

CAMTC appreciates its inclusion in the legislative process, supported this bill, and looks forward to the positive changes intended by AB 775. For specific language, please refer to the Legislative Information website at:

[leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB775](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB775)

CAMTC BOARD MEETING SUMMARY

The following is only a brief summary of the CAMTC Board Meeting, which occurred on September 11th and 12th, 2019. For a complete list of specific actions, please refer to the audio recording on the CAMTC website, available now. The Board Meeting Minutes will be posted on the website once approved by the Board at the next meeting. You can find additional information about this and all SAC and Board Meetings on the website at:

www.camtc.org/information-about-camtc/meetings/#2019

The Board reviewed a draft of the Sunset Report and listened to the Schools Advisory Committee Report presented by the SAC Chairman. The Board did not adopt any of SAC's recommendations. The Board did vote to change its current policies (which require those expired more than six months to reapply as a new applicant) to:

- 1) Allow expired certificate holders (CMPs and CMTs) who expired on or after January 1, 2018, to apply for recertification as long as their application is received on or before September 20, 2020; and
- 2) Extend the time period to apply for Recertification from six months to eighteen months from the date of certificate expiration.



QUESTION OF THE MONTH

Do you have a document you can point me in the direction of which stipulates what is acceptable according to the CAMTC with regards to student attendance and acquiring make-up hours for missed hours?

A

Requirements can be found in CAMTC's Policies and Procedures for Approval of Schools ("Procedures") found here:

www.camtc.org/media/1658/schoolspolicies-and-procedures-for-approval-of-schools-final-52919.pdf

Procedures section 5.B.j. requires: "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."

CAMTC does not stipulate a specific method for doing this as programs vary in number of hours, structure, and content. Rather, schools tell us through the application process how their programs are structured, along with their attendance policies, and CAMTC determines whether or not the program meets the minimum requirements for training and curriculum.

Generally speaking, for a massage program to be approved, it must have a program approved by BPPE with a minimum 500 hours of actively supervised in-class instruction by a qualified instructor with a minimum of 100 of those hours in the core subjects defined in

Procedures section 5.E.a. Attendance policies must ensure that students actually attend those 500 and 100 hours respectively. Any missed hours should be made up appropriate to the hours missed and based on school policy. For example, if the school only offers 13 hours of contraindication (the minimum allowed in the Procedures) and a student misses 10 of those hours, then a student would need to make up those 10 hours specifically in contraindications as the student falls short of meeting the Core Curriculum requirement. If a student misses 10 hours of bodywork, a student could make up 10 hours of other or general bodywork as school policy dictates. The school should accurately record what hours are missed and made up for each student.

Programs that are only the minimum 500 hours required must have a 100% attendance policy, meaning students must make up every hour missed with appropriate subject matter.

CAMTC TO BE THE EDUCATION SPONSOR OF THE 2020 AMTA SCHOOLS SUMMIT IN LOS ANGELES

AMTA Schools Summit on February 13 & 14, 2020. **Got questions?** CAMTC has answers!

Joe Bob Smith hopes to see many of our CAMTC Approved Schools there. Page 263

CAMTC SCHOOL NEWSLETTER

VOL 3 • ISSUE 3 • OCTOBER 2019 • PAGE 4



MONTHLY SCHOOLS CONFERENCE CALL

The monthly Schools Call occurs the **1st Wednesday of every month at 2pm.**
The next call is November 6th.

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 questions in advance to jbsmith@camtc.org.

ATTEND A MEETING



The next CAMTC Board Meeting is scheduled for **Wednesday, November 6th, 2019.** All meetings are open to the public. Schedules are subject to change. You can find all current meeting information, as well as minutes

and audio for past meetings at www.camtc.org/information-about-camtc/meetings/#2019

HELP YOUR STUDENTS COMPLY WITH THE MESSAGE THERAPY ACT

Make sure that if your students plan to be CAMTC Certified, that they know to comply with the California State Law. All CAMTC Certificate Holders are required to update their contact info within 30 days of any changes, including their phone number, primary email address, home address and each workplace address. This will help to ensure that they receive a reminder from CAMTC about the need to recertify.



For students interested in applying for CAMTC Certification, ordering extra certificates would be a time saver if they plan to work at multiple locations. Original CAMTC Certificates (not photocopies) are required by California State Law to be displayed at each workplace location. If you order extra CAMTC Certificates, they might be mailed separately and arrive later than your initial CAMTC Certificate and CAMTC ID Card. For more info, contact CAMTC Customer Service at info@camtc.org or 916-669-5336 on Monday-Friday 9:00am-5:00pm, except holidays.

Missed a CAMTC School Newsletter?

Digital versions of all previous CAMTC School Newsletters can always be found here: 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

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

www.camtc.org