CALIFORNIA
MASSAGE THERAPY
COUNCIL

Sunset Review Report 2019

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

December 1, 2019

California Massage Therapy Council

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Shana Faber, Esq., Assistant City Attorney (ret.), Appointed by Board
Mark Dixon, CMT, Appointed by Board

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CALIFORNIA MASSAGE THERAPY COUNCIL

Section 1

Background and Description of CAMTC and the Massage Profession

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- National Associations

Section 1 –

Background and Description of CAMTC and the Massage Profession

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. The relationships we have developed with stakeholders throughout the state is identified in an October 9, 2019, letter from the California Police Chief's Association. Their president, Chief Ronald A. Lawrence wrote,

> *On behalf of the California Police Chiefs Association, and the 333 police chiefs across the state, we want to thank the California Massage Therapy Council for your continued partnership towards the reduction of human trafficking in California. Across the state, your assistance and structural support has helped our members identify illicit activity and take swift action. Our combined efforts have created a partnership that has effectively curtailed the use of massage as a subterfuge for prostitution, and more. The model currently in place works for law enforcement and works towards the benefit of public safety for ALL Californians.*

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

[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).

any California city or county without being required to obtain a local permit to practice their profession.

CAMTC is a nonprofit public benefit corporation with 501(c)(3) tax exempt status, which was established in 2009 by private individuals in response to the enactment of the Massage Therapy Act (hereafter referred to as "the Act") the prior year. Not being part of California State government, CAMTC has never received any taxpayer monies, State funds or other public funding. In order to launch its operations, CAMTC raised $184,410 in loan commitments from five private sources. All loans were fully repaid (principal and interest) by February 17, 2010. CAMTC has never relied on any State agency infrastructure, administrative, logistical, technical, or legal support.

As a nonprofit 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. Its current school approval program, and predecessor un-approval program, is a prime example of the benefit of its nonprofit and voluntary structure. 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 approve only 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 acts punishable as a sexual related crime 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 disciplinary 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).

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. In Section 12, Attachment 1, please find a chart of the BOD and Committees.

Meeting Attendance

CAMTC has a dedicated and active BOD, and its members regularly attend quarterly meetings where they engage in lively discourse on a wide array of relevant topics. Attached hereto in Section 12, Attachment 2.a., please find Table 1.a., BOD attendance for each Director from November 18, 2015 through September 12, 2019. Attached in Section 12, Attachments 2.b. and 2.c., please find attendance and meeting dates for The School Advisory Committee and Audit Committee meetings since the last Sunset report.

Current BOD Member Roster

Table 1.b. Current BOD Member Roster

Member Name	Date First Appointed	Date Re-Appointed	Date Term Expires	Appointing Authority	Profession
Ronald Bates	9/15/2015	9/15/19	9/14/2023	League of California Cities	League of California Cities Senior Advisor
Allison Budlong	12/11/2014	9/15/2019	9/14/2023	California Association of Private Postsecondary Schools (CAPPS)	Student and Alumni Services Manager - National Holistic Institute
Michael Callagy	3/15/2011	9/15/2019	9/14/2023	California State Association of Counties (CSAC)	Deputy County Manager - San Mateo County
Mark Dixon	1/14/2010	11/06/2019	9/14/2023	CAMTC Board	CMT, BCTMB, Massage Professional
Shana Faber	9/15/2015	--	9/14/2019	CAMTC Board	Municipal Law Attorney
Jeff Forman	9/30/2014	--	9/14/2019	California Community Colleges Chancellor's Office	Retired Director, Massage Therapy Program (DeAnza Community College)
Heather Forshey	9/15/2015	9/15/2019	9/14/2023	San Mateo Department of Health	Director of Environmental Health (San Mateo County)
John Lambert	9/15/2019	--	9/14/2023	American Massage Therapy Association, California Chapter	President of AMTA-CA and CMT Massage Professional
Michael Marylander	1/14/2010	11/06/2019	9/14/2023	CAMTC Board	Massage Business Owner (12 locations)
Bernadette Murray	9/11/2019	9/15/2019	9/14/2023	Associated Bodywork & Massage Professionals	CMT Massage Professional
Stephanie Powell	11/11/2015	9/15/2019	9/14/2023	Journey Out	Executive Director, Journey Out
Sean Thuilliez	3/09/2017	9/15/2019	9/14/2023	California Police Chiefs Association	Chief of Police - Beaumont CA Police Department

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.

CAMTC'S BOD members are dedicated and engaged. 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.**

Major Changes Since Last Sunset Review

Internal Changes

Reorganization

In early 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 12, Attachment 3.e.) 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 part of the Legal Department under the direct supervision of the Senior Staff Attorney; 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 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).

BRD is the department with the authority to make proposed decisions to deny or discipline, or decide that no action should be taken. BRD reviews information related to violations of the 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 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 and others, where he is continually able 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 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, reduce processing times, and create 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 and a discussion of their attainment:

2016 Strategic Priorities

1. Continue CAMTC as a private nonprofit 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.

Assessment of Achievement of 2016 Strategic Priorities

CAMTC accomplished all of its 2016 Strategic Priorities. A more detailed discussion of how this was achieved is contained in the CEO's report dated March 1, 2017, and included as part of the Board Packet for the March 9, 2017 BOD meeting. (Section 12, Attachment 4.)

Strategic Priority Number 1 was successfully achieved with the re-authorization of the Act for four more years. In order to achieve this Strategic Priority, Senior Staff engaged in continuous communications with the Legislature and many other stakeholders representing a wide array of interests over the course of 2016. In particular, the CEO was pleased to have had many constructive discussions with the League of California Cities (League) during the process. All of these discussions and the hard work of staff culminated in a successful legislative process.

CAMTC also effectively achieved Priority Number 2. CAMTC's robust vetting and disciplinary program provided constant support to cities, counties, and law enforcement agencies throughout 2016. The CEO also met with the Executive Director of the League and CSAC to discuss ways to effectively share information with local government officials. The PSD Director continued to provide training to law enforcement and local government agencies that regulate massage and BOD members and staff provided presentations at the League's annual conference. Additionally, the CEO sent letters and supporting documents to all city and county managers, police chiefs, and sheriffs to encourage them to take advantage of the assistance CAMTC provides to local jurisdictions. (Section 12, Attachment 5.) The Chair sent similar letters to all city council members and county supervisors.

In relation to Priority Number 3, the feasibility study for licensure of the massage profession was completed and submitted to the Legislature on December 30, 2016. The study was conducted by Blue Sky Consulting Group, a firm that specializes in strategic and analytical services for public, not-for-profit, and private sector clients. Their team of subject matter experts and staff come from the highest levels of government, academia and the private sector. As part of the study a special effort was

made to reach out and seek input from a wide range of diverse stakeholders. Throughout the study, Blue Sky maintained complete autonomy and control over design, data collection, and analysis. As part of its conclusions and recommendations the study states:

> *Regulation of massage therapists has many important goals, including protecting the public from physical harm and combating prostitution and human trafficking. However, our analysis found only limited evidence of harm to consumers caused by massage therapists. With respect to the second goal (combating prostitution), our analysis found that (a) regulation is of only limited value in combating prostitution and (b) to the extent that regulation can be effective,* ***certification, with its ability to respond more efficiently to allegations of wrongdoing, is a better alternative than licensure****."*

(Emphasis added.)

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.

Assessment of Achievement of 2017 Strategic Priorities

The BOD identified an ambitious set of detailed priorities for 2017, and all were achieved. A more detailed description of how the Strategic Priories were accomplished can be found in the CEO's report, dated February 22, 2018, and included as part of the Board Packet for the February 22, 2018, BOD meeting. (Section 12, Attachment 6.)

CAMTC achieved its public protection goal, as identified in Strategic Priority Number 1, by monitoring and being directly involved in meetings with the Legislature in relation to proposed legislation. CAMTC provided technical assistance to the Legislature to ensure that proposed statutory language was technically accurate, on-point, accomplished the stated goal without being over broad, and protected the public when finalized. CAMTC also met with members of the Federation of State Massage Therapy Boards (FSMTB) to discuss issues of fraud related to the exam and new rules designed to address this issue.

In order to achieve Priority Number 2, a study was conducted to measure the accessibility of CAMTC approved massage education and to examine CAMTC's potential role in mitigating the shortage of professional massage education, should one be found to exist. For the purpose of this study, CAMTC defined "accessible" as geographic areas with approved programs located within a one-hour drive of the residence of a potential student. CAMTC retained the services of GbBIS, a division of Intelligent Direct Inc., a leading provider of geographic-based information solutions with many Fortune 500 clients, and provided them with all of the addresses of schools with

CAMTC approved programs. The analysis revealed that approximately 97% of California residents live at an address accessible to a CAMTC approved massage program. (Section 12, Attachment 7.) Therefore, no shortfall of massage education was found to exist.

In relation to Priority Number 3, CAMTC provided quarterly disciplinary performance measures. It also provided, as a comparison, DCA actual aggregate averages for its quarterly disciplinary performance measures. (Section 12, Attachment 6.)

CAMTC engaged in numerous activities to achieve Priority Number 4, most notably:

- The CEO mailed 3,399 letters to local government officials in order to enhance knowledge of CAMTC and information sharing, resulting in many meetings (Section 12, Attachments 8.a.- f. provides a representative sample);
- Interacted regularly with League representatives and proposed a presentation at a League conference in order to build relationships;
- Sent a questionnaire to certificate holders regarding how cities and counties are meeting their new responsibility to impose and enforce only reasonable and necessary fees and regulations (Section 12, Attachment 6, pages 29-52); and
- Established a sexually suggestive advertising task force to examine the issue and predict the budget needed to fully fund a new department dedicated to the issue.

In relation to Strategic Priority Number 5, CAMTC staff started the multi-year process of creating a massage business database by gathering information for three zip codes.

CAMTC fulfilled Strategic Priority Number 6 by creating an easy to understand, one-page summary of violations of the Act, which was uploaded to CAMTC's website. (Section 12, Attachment 9.) Additionally, 60,000 copies of the summary were printed and distributed to certificate holders and schools.

2018 Strategic Priorities

1. Public Safety

    1.1 Work with the California Police Chiefs Association (CPCA) to devise a system that will deliver important information about CAMTC's protocols (such as the use of declarations) to officers.

    1.2 Submit a proposal to CPCA for a presentation and a booth in their annual convention in order to reach as many Police Chiefs as possible to educate them on the Massage Therapy Act, what they can or cannot do, and on how CAMTC can help them.

    1.3 Invite all code compliance officers to CAMTC's law enforcement training.

    1.4 Educate local government officials on the use of revocable registration as a tool to eradicate illicit establishments in their jurisdiction.

2. Customer Service

    2.1 Reduce the average wait time of calls to customer service to less than two minutes.

    2.2 Have at least 90% of email inquiries to customer service responded to by the end of the following business day. In specific cases, the CEO will have the discretion to direct staff to respond in a different time frame or not to issue a response.

    2.3 Achieve a median approval turnaround time of new applications without any background or educational issue to be mailed in 45 calendar days or less from the time a completed application is received.

    2.4 Achieve a median approval turnaround time of recertification applications without any background or educational issue to be mailed within 25 calendar days from the time a completed application is received. This 25-day turnaround time will be only applicable to recertification applications received at least 30 days prior to expiration date.

3. Non-English Speakers

    3.1 Provide a report to the Legislature on the findings of CAMTC's assessment of contact with non-English speakers on or before January 1, 2019.

4. Schools

    4.1 Continue the School Advisory Committee.

4.2 Continue close relationship with schools by enhancing communication and the accessibility of relevant information.

4.3 Actively seek feedback from schools.

5. Local Government

5.1 Encourage cities and counties to enact ordinances which are congruent with the Massage Therapy Act.

5.2 Form a working group of Board members and staff that are familiar with local government challenges in order to provide, more effectively, the expertise needed to protect local communities.

6. Data Analytics

6.1 Develop a budget to pay for the subject matter expertise to extract and analyze CAMTC's data and present it in a concise and useful manner to better support's the organization's mission and the Board's strategic priorities.

Assessment of Achievement of 2018 Strategic Priorities

CAMTC again passed a challenging set of Strategic Priorities for 2018, all of which were achieved. A more detailed description of how the Strategic Priories were accomplished can be found in the CEO's report, dated April 4, 2019, and included as part of the Board Packet for the April 4, 2019, BOD meeting. (Section 12, Attachment 10.)

In order to fulfill Strategic Priority Number 1, CAMTC's law and code enforcement training sessions occurred regularly and were well received. CAMTC was a major sponsor and educational presenter at the California Association of Code Enforcement Officers' (CACEO) annual conference. CAMTC's Chairman and senior staff met with CACEO's Board of Directors to establish an ongoing strategic collaboration. The cornerstone of the cooperation between the two organizations is a statewide rollout of CAMTC specialized training for code enforcement officers in 2019. (Section 12, Attachment 11.) CAMTC also collaborated with multiple stakeholders, including CPCA, and sponsored a presentation at the League's annual city attorney meeting on revocable registration. (Section 12, Attachment 12.)

In relation to Strategic Priority Number 2, the quality and efficacy of CAMTC's customer service program made remarkable improvements in 2018, far exceeding the goals set by the BOD.

CAMTC achieved Strategic Priority Number 3 by completing its assessment of contact with non-English speakers and submitting that assessment to the Legislature. (Section 12, Attachment 13.) The CEO then recommended 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.

In relation to Strategic Priority Number 4, the BOD decided to continue the School Advisory Committee. In 2018 the School Advisory Committee continued its important work and made significant contributions to improving CAMTC's school-related policies and protocols. CAMTC continued its close relationship with schools by enhancing communication and the accessibility of relevant information. As a result of feedback received from a survey sent to schools, CAMTC instituted a public monthly conference call with schools. CAMTC's Educational Standards Division Director hosts the conference call.

CAMTC accomplished Strategic Priority Number 5 by engaging with local governments in a variety of ways. CAMTC sent a letter to all city and county managers throughout the state, offering to assist with ordinance amendments that will improve public safety. (Section 12, Attachment 14.) Numerous responses to this letter were received from local government executives requesting CAMTC's assistance, which was provided. CAMTC also formed a working group of BOD members and staff who are familiar with local government challenges in order to provide the expertise needed to protect local communities more effectively. As a result of input from the group, CAMTC plans to send a letter from CAMTC's Director of Governmental Affairs to all city attorneys and county counsels, and another letter from CAMTC's Chairman to local government elected officials.

CAMTC also contracted with Datavail to address Strategic Priority Number 6. This company is a database administration firm.

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 administrating 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.

Assessment of Achievement of 2019 Strategic Priorities

Since 2019 has not yet ended, it is too early to make a final assessment. However, staff has been working hard throughout the year to achieve all of the 2019 Strategic Priorities and CAMTC is confident that they will all be achieved by the end of the year.

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 its own legislation, 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 and regulations 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 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 requires that CAMTC accept education completed at CAMTC approved schools if the education was completed at the time the school was approved.

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 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.

AB 775 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 further 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)

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.

Studies Conducted by CAMTC

4. Describe any major studies conducted by the CAMTC.

Assessment of Contact with Non-English Speakers

CAMTC 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 in Section 12, Attachment 13.

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, submitted to the Legislature on December 30, 2016, discussed the feasibility of adopting a license act, and concluded that CAMTC certification provides the greatest benefits at the lowest cost.

The study stated 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 12, Attachment 15 to this report.

Accessibility of CAMTC Approved Massage Education

In 2017, CAMTC commissioned a study to measure the accessibility of CAMTC approved massage education. This was the first step in determining if there was a lack of accessibility to CAMTC approved massage education. The ultimate goal of the

project was an examination of CAMTC's potential role in mitigating the shortage of professional massage education, were a shortage to be found.

For the purpose of this study, CAMTC defined "accessible" as geographic areas with approved massage programs located within a one-hour drive of the residence of a potential student. CAMTC retained the services of GbBIS, a division of Intelligent Direct Inc., a leading provider of geographic-based information solutions with many Fortune 500 clients, and provided them with all of the addresses of schools with CAMTC approved massage programs. The analysis revealed that approximately 97% of California residents live at an address accessible to a CAMTC approved massage program. Therefore, no shortfall of massage education was found to exist. The study can be found in Section 12, Attachment 7.

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.

California Municipal Revenue and Tax Association (CMRTA)

CAMTC has been a member of this association of city financial and permit staff since 2009. Membership is primarily made up of city finance, business license, permit and code enforcement staff. CAMTC has no voting rights. CAMTC staff has presented to each of the four regional divisions as well as several times at the 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:

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

Federal Bureau of Investigations (FBI) agents. It was the first ever national conference on this subject, with 280 participants from law enforcement, homeland security, the FBI, victim advocacy groups, several state massage therapy boards, and two national massage associations. California had a large presence at the conference, including a number of assistant district attorneys and the Chief Human Trafficking Prosecutor for the attorney general's office. Polaris does not have memberships.

Journey Out

Journey Out is one of the oldest anti-human trafficking organizations in the country, founded in 1980. The current Executive Director, Dr. Stephany Powell, has filled the seat on CAMTC's BOD as a representative of an anti-human trafficking organization since 2015.

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.

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 has attended all of its meetings 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 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.

San Diego Human Trafficking Taskforce

CAMTC is new to this taskforce and looks forward to engaging in ongoing participation. This is a countywide taskforce hosted by the District Attorney's office. CAMTC's Director of Governmental Affairs and Anti-Human Trafficking attended a meeting on November 13, 2019, and plans to explore the subcommittees on education as well as research and data.

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

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

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 one in Long Beach and the Los Angeles Regional Human Trafficking Taskforce.

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 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. On November 6, 2019, CAMTC's BOD voted to continue to require passage of an exam as a requirement for certification. While the requirement is currently suspended, CAMTC anticipates that this issue will be reviewed again by the Legislature 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 CAMTC approved exam.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

Section 2

Performance Measures and Customer Satisfaction Surveys

- Performance Measures
- Customer Satisfaction Surveys

Section 2 –

Performance Measures and Customer Satisfaction Surveys

Performance Measures

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

CAMTC has met its disciplinary performance targets every quarter since it began tracking this data in 2015. CAMTC established initial average performance targets for performance measures (PM) 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. All performance measure data reported is from the second quarter of 2015 through the third quarter of 2019. (See Section 12, Attachments 16.a. - e., for all performance measure reports.) In 2019, CAMTC also began reporting disciplinary volume for PM4.

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 current target averages for **DCA boards** are as follows: PM2 – 11 days; PM3 - 204 days; and PM4 – 540 days.

The following charts summarize CAMTC's disciplinary performance measure data for 2015-2019[2]. (See Section 12, Attachments 16.a. – e. for the quarterly PM reports.)

PM 1 – Total Complaint Volume (Total number of complaints received on average per month)				
	1st Quarter	**2nd Quarter**	**3rd Quarter**	**4th 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	

PM 1.1 – Complaint Volume, Certificate Holders (Total number of complaints received on average per month against Certificate Holders)				
	1st Quarter	**2nd Quarter**	**3rd Quarter**	**4th 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	

PM 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)				
	1st Quarter	**2nd Quarter**	**3rd Quarter**	**4th Quarter**
2015	N/A	18	22	17
2016	17	17	8	10
2017	9	12	9	13
2018	10	29	14	17
2019	10	11	23	

[2] For consistency, all numbers in the performance measures charts have been rounded to whole numbers, though some numbers were rounded to the first decimal point in the quarterly PM reports.

No chart is provided for PM 2 - Intake, All Complaints, as complaints are immediately assigned to an Investigator or BRD, therefore this number is zero for every quarter.

PM 3 – Complaint Intake and Investigation, Informal Resolution (Average number of days from intake to closure) **Current Target Average – 90 days**				
	1st Quarter	**2nd Quarter**	**3rd Quarter**	**4th 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	

PM 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**				
	1st Quarter	**2nd Quarter**	**3rd Quarter**	**4th 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 statement:

> *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 following table displays a summary of the results of CAMTC's Consumer Satisfaction Survey, which can be found in Section 12, Attachment 17.

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	86.75%	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



Section 3

Fiscal and Staff

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

Fiscal Issues

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

Current Reserve Level and Spending

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

For CAMTC's fund condition, please see Table 2 below.

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

Expenditures by Program Component

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.

Table 3. Expenditures by Program Component

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, in order to address increases in operating expenses.

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). The fee was deliberately set low, and well below the costs to operate the program, in an effort to have less of an impact on schools. 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 contains current fee amounts and revenue by type.

Table 4. Fee Schedule and Revenue

Table 4. Fee Schedule and Revenue (Dollars in Thousands, Except for Fee Amounts)							
FEE TYPE	**Current Fee Amount***	**2016 Cash Revenue**	**2017 Cash Revenue**	**2018 Cash Revenue**	**2019** Cash Revenue**	**TOTAL FEES BY TYPE**	**% of Total Revenue**
Application Fees	$200	$1,179	$2,769	$3,335	$664	**$7,947**	49.4%
Recertification Fees	$200	$2,716	$1,017	$760	$2,102	**$6,595**	41.0%
Recertification Late Fees		$216	$246	$111	$54	**$627**	3.9%
1-10 days	$50						
11-29 days	$80						
30-179 days	$180						
Miscellaneous Fees							
State Verification	$30	$9	$10	$11	$11	**$41**	0.3%
Conversion/Upgrade	$60	$2	$2	$0.8	$2	**$6.8**	0.0%
ID/Certificate Replacement	$30	$77	$104	$112	$98	**$391**	2.4%
Name Change (New ID & Certificate)	$60	$9	$9	$3	$12	**$33**	0.2%
Hearing Fees (Individual Certification)		$20	$35	$34	$39	**$128**	0.8%
Written Hearing	$180						
Oral Hearing	$270						
Returned Check Fees	$50	$0.5	$0.7	$0.5	$0.7	**$2.4**	0.0%
School Application Fees (2 yrs)	$3,000	$36	$35	$22	$8	**$101**	0.6%
School Reapplication Fees (4 yrs)	$6,000	-	-	$162	$15	**$177**	1.1%
School Background Check Fees	$82	$8	$5	$17	$5	**$35**	0.2%
Hearing Fees (Schools)		-	$3.2	$0.9	$0	**$4.1**	0.0%
Written Hearing	$1,400						
Oral Hearing	$1,800						
TOTALS		$ 4,273	$4,236	$4,569	$3,011	**$16,086**	100.0%

*Fee amounts noted here are the current, 2019, fees. Fees were different in previous years. Please see response to Question Number 11 of this report for the previous fee amounts.

**2019 data is through 6/30/2019

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 (CEO, Director of Governmental Affairs/ Anti-Human Trafficking and IT, Director of Law Enforcement Relations, Outreach Director, and Director of ESD), with the exception of the Director of Operations, and administers the denial and disciplinary program against individuals (Investigations, Background Review Department, and Legal). CAMTC employees also administer the school approval, denial, and disciplinary program (ESD). AMG 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 Number 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 12, Attachment 3.e.) 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.

The Educational Standards Division (ESD) began operating in 2015. The ESD 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. (Please note, the vast majority of training expenses happen in the last six months of the year.)

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 as 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 run data reports, 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 search results, nationwide sex offender registry information, and credential verification.



Section 4

Certification Program

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

Certification Targets

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

CAMTC 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. 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.

The BOD also established a 2018 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 median processing time 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 Department of Justice (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 application packets with education, background, or other issues was 43 days. The

median processing time for approved, complete recertification application packets with education, background, or other issues was 36 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 Proposed Denial Letters based on inadequate education, with hearings set approximately 90 days from the date the letter is sent. Additionally, those students who 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 be able to use the education for certification purposes only if the school's application is ultimately approved.

Likewise, applicants with background issues are sent for review, and move through the process described in response to Question Number 32 of this Sunset Report. As described, CAMTC makes its best effort to immediately identify applicants with easily cleared issues and move 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 application packets 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 from 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

Table 7. Total Certification Data				
	Application Type	**Received in the Year Noted***	**Approved in the Year Noted****	**Effective Date of Denial in the Year Noted**
2016	Certification	5,332	3,162	338
	Re-certification	20,752	20,148	
2017	Certification	2,332	2,663	588
	Re-certification	21,420	19,491	
2018	Certification	3,532	2,360	428
	Re-certification	21,586	23,258	
2019 ***	Certification	4,070	3,584	194
	Re-certification	10,568	10,168	
Total Applications and Applications for Re-certification Received January 1, 2016 – June 30, 2019				89,592
Total Applications and Applications for Re-certification Closed (Approved/Denied) January 1, 2016 – June 30, 2019				86,382
Total Applications Purged January 1, 2016 - June 30, 2019****				2,666
Median number of days to approve new applications with no background or education issues (from date file is complete) as of June 30, 2019				10
Median number of days to approve recertification applications with no background or education issues (from date file is complete) as of June 30, 2019				6
Median number of days to approve new applications with background or education issues (from date file is complete) as of June 30, 2019				43
Median number of days to approve recertification applications with background or education issues (from date file is complete) as of June 30, 2019				36

*For the “Received” numbers, CAMTC is using the number of applications paid in each year.

**For the “Approved” numbers, CAMTC is using the number of unique ID cards that have been printed in each year.

***2019 numbers are through June 30, 2019.

****Incomplete applications are purged after one year.

Information Verification and Requirements

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

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

Process to check prior criminal 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 Livescan 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, and administrative or

disciplinary actions. Information received is reviewed and, when warranted, investigated to determine if a violation of the Act 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 local massage or business permits, 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 the Act. Since the last Sunset report, CAMTC has seen a substantial increase 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 in accordance with established parameters. 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 the Act. 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 states with education that meets these requirements, the state license is considered to meet the educational requirements in the Act. 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 the Act, 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 currently unable to consider education from international schools. This may change in the future if an international school meets the requirements in Business and Professions Code section 4601(a)(5).

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 No Longer Interested (NLI) notifications to the DOJ for those that have been denied or revoked. CAMTC sends NLIs 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.

Existing statutes are not hindering the efficient and effective processing of applications. The Act provides CAMTC 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 the Act, provides CAMTC 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) require 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 12, Attachments 18.a. – i. 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 for private schools);
- 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 two years and re-approvals were also initially set for a two-year time period. After receiving substantial input from interested stakeholders, most notably those on the School Advisory Committee and Legislative staff, and reviewing BPPE processes, the re-approval period was extended to four years. Approved schools are required to submit and receive approval for changes made while they are approved. CAMTC continuously monitors and makes regular unscheduled and scheduled site visits to schools. CAMTC may revoke a school's approval if necessary. (Section 12, Attachment 18.i.)

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. CAMTC is therefore unable to consider education from international schools at this time. This may change in the future if an international school meets the requirements of Business and Professions Code section 4601(a)(5).

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

Since CAMTC School Approval began on July 1, 2016, through August 1, 2019, CAMTC has approved 100 campuses, with five schools provisionally approved, denied six 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.

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Section 5

Enforcement Program

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

Enforcement Program Performance Targets

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

CAMTC has out-performed its disciplinary performance targets for every single quarter since it began tracking this information in 2015. 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, 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 and significantly out-performing DCA boards, while still providing appropriate fair procedure. CAMTC surveyed 36 DCA boards and bureaus and calculated an actual aggregate 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 actual aggregate averages calculated for Q4 2017 (April-June) for disciplinary performance measures (shown below) have all increased, with the exception of PM2, in comparison to Q2 2014 numbers. So, it is three years later and, as compared to their own 2014 numbers, DCA boards on average have substantially more complaints in 2017 than in 2014, are taking longer to investigate cases that don't result in formal discipline (PM3), are taking longer to complete formal discipline (PM4), and are still not close to meeting their target average for PM4. In contrast, CAMTC has been slashing its target averages and out-performing them every quarter since it began tracking this information in 2015.

DCA boards actual aggregate averages for disciplinary performance measures are as follows:

- 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 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 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 slashed in half 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 enforcement process for cases resulting in formal discipline.) **–** 240 days.

CAMTC's average disciplinary performance measure numbers have been well below target averages for every quarter that it has been tracking this data, even with the 2017 reduction in target averages by 50%. For example, the PM4 for the third quarter of 2019 was 83 days, the lowest PM4 number seen to date. Please see response to Question Number 6 in this Sunset Report for all quarterly numbers. CAMTC's 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 4th Qtr 2017***	**CAMTC 2015 Initial Performance Targets**	**CAMTC 2017 Adjusted Performance Targets**	**CAMTC Actual Averages 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 Number 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 is exceedingly proud of its enforcement program, where it provides certificate holders swift discipline, while engaging in fair procedure, all in a very cost-effective manner. CAMTC defines "enforcement" as action against certificate holders, and does not include denial of applicants. However, in order to better 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, with a trend downward in 2019. For example, the total number of proposed revocation/discipline letters sent in 2016, 2017, and 2018 were: 137, 134, and 139, respectively. While these numbers are higher than what was seen in 2014 (94), they have generally remained constant for the last few years and are on track to trend downward in 2019 (51 for the first six months of 2019). It is notable that this number is trending downward in 2019 at the same time that CAMTC is receiving more information from law enforcement agencies and other local agencies that regulate massage. This means that the School Approval program is working, as it reduces the number of problem applicants and certificate holders.

Proposed Denials Based on Inadequate Education

The number of proposed denial letters based on inadequate education sent tends to fluctuate slightly based on the status of schools who have applied for school approval, with an overall downward trend generally seen in the last four years. For example, in 2017 there was an increase in proposed denial letters sent based on inadequate education (456 in 2017 versus 186 in 2016) based on the new school policy that went into effect on July 1, 2016. However, this increase was still substantially smaller than the 773 inadequate education proposed denial letters sent in the first nine months of 2015. Overall, the number of inadequate education proposed denial letters sent in the last four years are much lower than the historic highs seen in 2010-2012 (3,551 in 2010, 1,340 in 2011, and 1,216 in 2012), and continue to move in a downward direction. The number of inadequate education proposed denial letters sent 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. This reduction shows that the School Approval program is working as intended, as it is keeping students who do not meet the requirements in the Act from wasting their time and money applying for certification.

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 inadequate education proposed denials (a different form of discipline) have gone down and essentially disappeared at the same time that 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 existing 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 Clearance 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 difficult 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 extraordinarily high level of trust and respect flowing between CAMTC and local jurisdictions. More law enforcement agencies, code enforcement departments, departments of finance, 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 Director of Law Enforcement Relations (formerly Director of PSD) who was assigned this role full-time in 2019. 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 Number 3 of this report.

In the past CAMTC was hampered by a lack of cooperation from local law enforcement agencies but generally speaking this is no longer true. 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. Cooperation continues to increase with local jurisdictions and more information is flowing both ways every day.

Improvement Plans and Plans to Address Issues

CAMTC plans to continue to provide no-cost training to law enforcement agencies, code enforcement departments, and local agencies that regulate massage. These efforts help educate individuals in local jurisdictions about the Act 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 2,168 individuals in 827 agencies. Of late, CAMTC has been providing more training to code enforcement officers and has a 2019 goal of training all California Association of Code Enforcement Officers (CACEO) code enforcement officers. CAMTC is well on track to achieve this goal. CAMTC will continue to reach out to local agencies and share information with them and provide no-cost training.

Denial and Disciplinary Process

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

CAMTC's denial and disciplinary program provides swift discipline while complying with legal requirements for fair procedure. (Section 12, Attachments 19.a. – d.) 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. 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 certified for only a two-year time period. One hundred and twenty days before the two-year certificate expires, certificate holders become applicants for recertification and are allowed to complete an application for recertification and must go 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 recertified.

Applications for certification or recertification are initially processed by AMG. 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 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), and exam results (when required) have been received. A complete application packet for recertification is one where all portions of the recertification application have been fully filled out, all required documents and attachments have been received, and all required fees have been paid.

Applications With Only Inadequate Education Issues

CAMTC's process for new applicants with complete application packets, 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 inadequate education. 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

inadequate education 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 12, Attachment 19.d.)

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 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 comes to BRD through the complaint link, BRD 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). 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 Clearance 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 happen 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 recertified 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 BRD 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 more complicated cases.

BRD Review

As previously discussed in response to Question Number 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 recertified). 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. (Section 12, Attachment 19.d.) 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 quickly suspended 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.*

Suspended certificate holders are sent a letter identifying the reasons for the suspension based on evidence, a copy of the declaration(s) the suspension is based on, and notice that they may request an oral telephonic hearing or consideration of a written statement challenging the suspension based on evidence. 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 that can occur within days of a signed declaration being received. 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 criminal charges have been filed for a violation of Penal Code section 647(b) – Prostitution, or an act punishable as a sexually related crime, their certificate is immediately suspended. (Bus. & Prof. Code §4610(f).) Since the law only requires the receipt of notice, not review by BRD, these suspensions based on operation of law happen at lightning speed, normally within a few days of receiving notice that criminal charges have been filed, and in some cases on the same day that notice is received.

Proposed Denial/ Disciplinary Letters

In accordance with the 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 12, Attachment 19.d.) Accompanying every letter is a copy of the Denial Procedures. (Section 12, Attachment 19.d.) If the proposed denial or discipline is based on a declaration, the declaration 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 requires only 15 days);
- the effective date of the denial or discipline (generally 21 days from the date of the hearing, though the law requires only 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 statewide, 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 it 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 recertify 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 12, Attachment 19.d.) 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 somewhat 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 12, Attachment 20.) 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 these services.

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 stmnt (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)	Reinstate-ments/ 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 consistently out-performing 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) while still providing fair procedure. The organizational restructure of PSD and creation of new departments is having the intended effect. CAMTC is moving individuals more quickly through the system, as the third quarter PM4 data shows (83 days), with the lowest PM4 number seen since CAMTC began tracking this data. Please see the response to Question Number 6 of this Sunset Report, where performance measures are more specifically discussed. Please also note, CAMTC certificate holders are certified for only 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 from 2016 through 2018, with a trend downward in 2019. The number of inadequate education proposed denials is overall trending downward, while proposed denials for background issues have remained fairly constant. 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. This means that an increase in complaints equates to CAMTC receiving more information from law enforcement agencies, code enforcement departments, and local jurisdictions that regulate massage. So paradoxically, more complaints mean that the system is working.

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 immediately 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 recertification[3] taking second priority, and cases against applicants taking third priority.

[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.

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 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 criminal 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 later 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 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 or gift certificate.

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 sends 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 compliance, 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 12, Question Number 9.

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



Section 6

Public Information Policies

Public Information Policies

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

CAMTC posts notices on its website related to issues of certificate holder and applicant concern on an as needed basis. 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 required notices and agendas for Board and committee meetings at least 10 days in advance on its website at https://www.camtc.org/Meetings.aspx. 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. 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 BOD meetings and posts those recordings on 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 the 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, which include roll call votes, 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, additional 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 in its process 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.

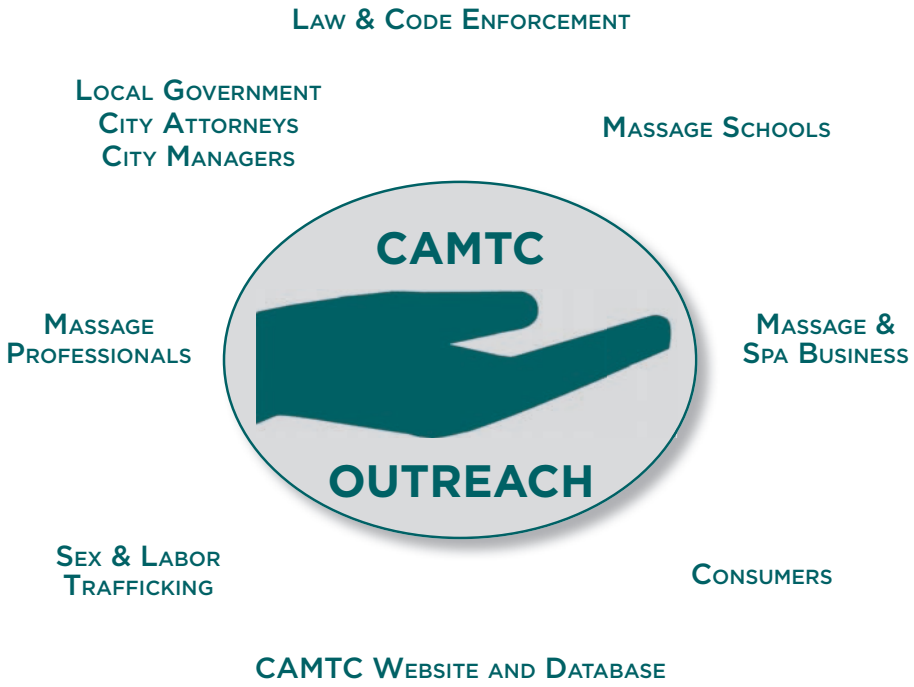
For schools that have applied for CAMTC approval, CAMTC does post dates of denial and dates of purging for incomplete applications. Once AB 775 becomes operative on January 1, 2020, CAMTC will begin posting the dates that it issues proposed denial and disciplinary letters to schools.

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 has a robust and comprehensive outreach program that provides information and assistance to a wide variety of stakeholders. In order to effectively target information and assistance where it will have the most far reaching impact, the program carefully integrates multiple strategic partnerships with a series of key stakeholders. Collectively, all outreach actions are targeted to directly support CAMTC's core mission to "Protect the Public." A wide range of relationships, technology, and over a decade of subject matter expertise allows CAMTC to make sure that its outreach program is uniquely equipped to provide outreach to a diverse group of stakeholders and is geared for success.



Law and Code Enforcement

Our Law and Code Enforcement strategic partnerships have been a measurable benchmark for success over the years. These strategic relationships are a way to get CAMTC's message to a broader audience. From the daily fight against human trafficking, to having a major presence at California Police Chiefs' Association (CPCA) and California Association of Code Enforcement Officers (CACEO) events as primary sponsors, to the resounding success of CAMTC's training programs, which to date have trained over 827 Law and Code Enforcement agencies and over 2,168 officers, CAMTC is diligently making a difference.

CAMTC personnel have been keynote guest speakers at conferences and symposiums throughout the state of California, maintaining a constant message of education and support for agencies that include Immigrations and Customs Enforcement (ICE), Office of Homeland Security (OHS), Federal Bureau of Investigations (FBI) and the California Department of Justice (DOJ). The following pages illustrate the broad outreach efforts CAMTC and our strategic partners employ to have a real impact on the safety and quality of life for residents throughout all of California's many communities. More can be found in Section 12, Attachments 21.a. - k.

Law & Code Enforcement





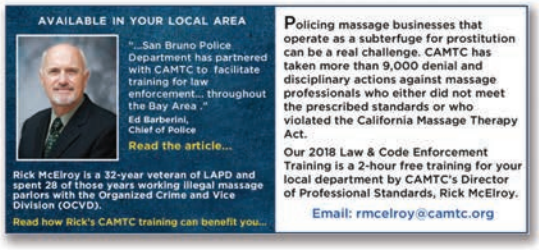




Law & Code Enforcement











Local Governments, City Attorneys, and City Managers

CAMTC provides critical support to local governments in their efforts to curtail illicit massage establishments throughout their communities. A growing number of California cities and counties are requiring CAMTC certification in their local ordinances for massage professionals. By working closely with local county and city government leaders and employees, CAMTC is able to maintain its finger on the pulse of what these communities are facing with illicit massage. Key CAMTC personnel share best practices for effectively combating local illicit conduct taking place in massage establishments by being guest speakers in conferences, panel discussions and League of California Cities meetings. CAMTC staff also works hand in hand with local government employees to review existing massage ordinances and provide strategies and best practices for updating local ordinances and making them consistent with state law. More outreach materials can be found in Section 12, Attachments 22.a. - d.

Local Government/City Attorneys/City Managers



Collaboration With CAMTC Results in Safer Communities

by Ahmos Netanel

The California Massage Therapy Council (CAMTC) and cities share a common goal of protecting the public. In a world of ever-diminishing budgets

conduct generally includes, but is not limited to:

- Sexually suggestive advertising;
- Sexual activity on the premises of a massage establishment;
- Sexual activity while providing a massage for compensation at any location;
- Massage of the genitals or anal region; and
- Massage of the female breast without the written consent of the client and referral from a licensed California health care provider.

CAMTC may also take action if it has evidence that a city has taken disciplinary action, such as issuing an administrative citation or revoking a business license.

Cities' Role in Providing Evidence

While CAMTC has the authority to take action based on a wide variety of violations, it relies on local personnel to provide evidence that these violations occurred. Cities have proof that an administrative citation was issued, that a business license was revoked, or that unprofessional statements were made to an undercover officer during a massage. It is only through the cooperation of local law enforcement personnel (who provide declarations signed under penalty of perjury), or cities (which provide certified copies of administrative citations and business license revocations), that CAMTC has the evidence needed to fully vet applicants and discipline certificate holders.

CAMTC also provides cities with up-to-date information about the status of certificate holders both by sending emails every time a certificate holder is suspended, revoked or disciplined and by providing access to CAMTC's secure site.

No-Cost Training Available

Cities have seen the value of CAMTC's no-cost training. "The training allows officers to support legitimate massage business in our communities, while also helping them to recognize and address businesses that operate outside the law," says Lieutenant Russ Norris of the Concord Police Department.

"CAMTC's no-cost training has been invaluable in developing an effective tool to combat illicit activity occurring under the guise of providing massage therapy," says Shana Faber, assistant city attorney of Vacaville and CAMTC board member. "Through partnering with CAMTC, we have been successful in curtailing unscrupulous and illegal businesses that seek to prey on our community." To date, CAMTC has provided no-cost training to 278 separate agencies and over 700 individuals.

By working together we can accomplish our common goals to rid cities of illicit massage establishments, stop the hijacking of an ancient therapeutic profession and support legitimate massage businesses. Contact Beverly May, CAMTC director of governmental affairs, at bmay@camtc.org for more information or if you are interested in CAMTC's no-cost training. ■

certificate if it has evidence of unprofessional conduct or other violations of the Massage Therapy Act. Unprofessional

Ahmos Netanel is chief executive officer of the California Massage Therapy Council and can be reached at anetanel@camtc.org.

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Massage Schools

CAMTC recognizes the critical importance of massage schools to the profession and more specifically, to CAMTC itself and the certification process as a whole. CAMTC approval of massage school programs is voluntary. Beginning on July 1, 2016, CAMTC began accepting education only from massage school programs that were CAMTC approved. The BOD created the School Advisory Committee as one way to have a direct line of communication with interested school owners.

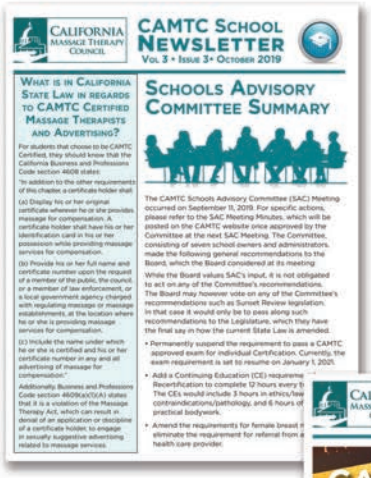
Effective, timely communication has been at the core of our program's success. This includes:

- A full listing of approved schools on our website;
- A monthly conference call with CAMTC's Director of Educational Standards Division; and
- A quarterly newsletter with full coverage of important matters affecting schools.

(All School Newsletters can be found in Section 12, Attachments 23.a. – i.)

Identifying and taking strong action against fraudulent schools is another mainstay of our efforts. These modern day "diploma mills" steal students from legitimate schools, artificially devalue tuition rates, rob students of an actual education, put massage clients in harm's way, and make it easier for human trafficking to proliferate. More outreach materials can be found in Section 12, Attachments 23.j. - l.

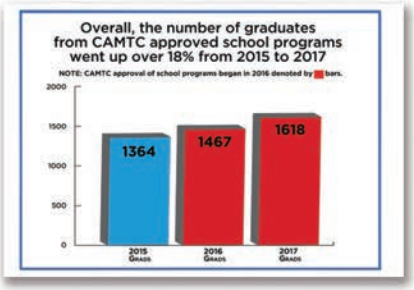
Massage Schools



CAMTC School Newsletter
Vol. 3 • Issue 3 • October 2019

What is in California State Law in regards to CAMTC Certified Massage Therapists and Advertising?

Schools Advisory Committee Summary





CAMTC School Newsletter
Vol. 3 • Issue 1 • April 2019

CAMTC Celebrates 10th Anniversary

Application For Change of Staff



Cliff Korn and Joe Bob Smith

Massage Therapy Hall of Fame Induction

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

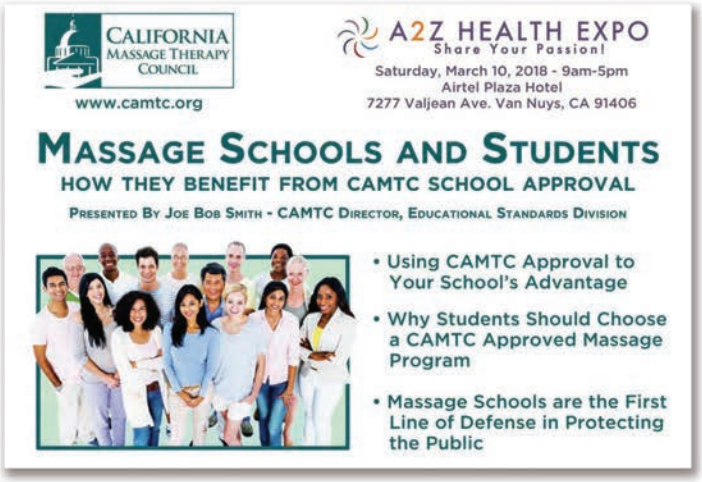


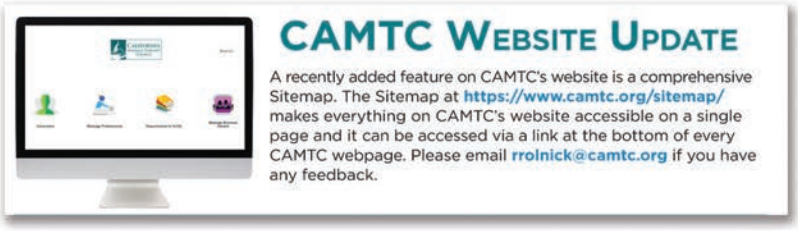
CAMTC School Newsletter
Vol. 2 • Issue 4 • December 2018

Conference Call Reminder and Summary

'Tis The Season

Massage Schools









Massage Professionals

CAMTC Certification allows massage professionals to practice massage therapy throughout the State of California without the need to obtain multiple permits or pay additional fees. There are currently over 50,000 active certified massage professionals. CAMTC has worked tirelessly with industry organizations, state and local governments, and all forms of media to promote the value and importance of CAMTC certification.

CAMTC has had a strong presence at massage industry events, including the American Massage Therapy Association (AMTA) Annual Conferences, the Nuad Thai Massage & Spa Association events, and many more. That presence has included maintaining fully staffed booths at conferences, providing guest speakers, and even serving as a parade Grand Marshal.

Communication tools and outreach efforts to massage professionals include, but are not limited to, CAMTC television interviews, eBlasts, brochures, postcards and CAMTC website notifications of timely info. More outreach materials can be found in Section 12, Attachments 24.a. - j.

Massage Professionals













Massage Professionals



Massage and Spa Businesses

Developing and maintaining a successful massage and/or spa business is a constant challenge. CAMTC recognizes that it is critically important for these businesses to succeed in order to ensure the health and growth of the industry while providing job opportunities for certified massage professionals. Hiring a CAMTC certified massage professional ensures that massage and/or spa employees meet or exceed minimum standards established by the Act and have passed a rigorous background check.

Calling on decades of experience, our outreach efforts have included CAMTC BOD members and personnel serving as panel participants and/or presenters at conferences and various industry events. CAMTC participated in the A2Z Health Expo where attendees were able to come to the CAMTC booth to have one-on-one question and answer sessions with key CAMTC personnel.

Sex and Labor Trafficking

According to the Polaris Project, there are an estimated 6,000-9,000 brothels in the U.S. disguised as massage establishments. This provides a form of cover, allowing a criminal enterprise to appear to operate lawfully while harming victims and communities. Some of these businesses may involve human trafficking. CAMTC has picked up the gauntlet to do everything within its power to wage war on this horrific activity that prevails, unfortunately, within our industry. CAMTC maintains a leading, active voice in media coverage, provides speakers and presenters for panels and symposiums, and when needed, at the State Legislature. (See Section 12, Attachments 25.a. - b.)

CAMTC is not alone in the fight against sex and labor trafficking. We work closely with and support the efforts of anti-human trafficking organizations such as Polaris Project, San Francisco Collaborative Against Human Trafficking, CAST, and Journey Out (we served as a sponsor for their Los Angeles fundraiser).

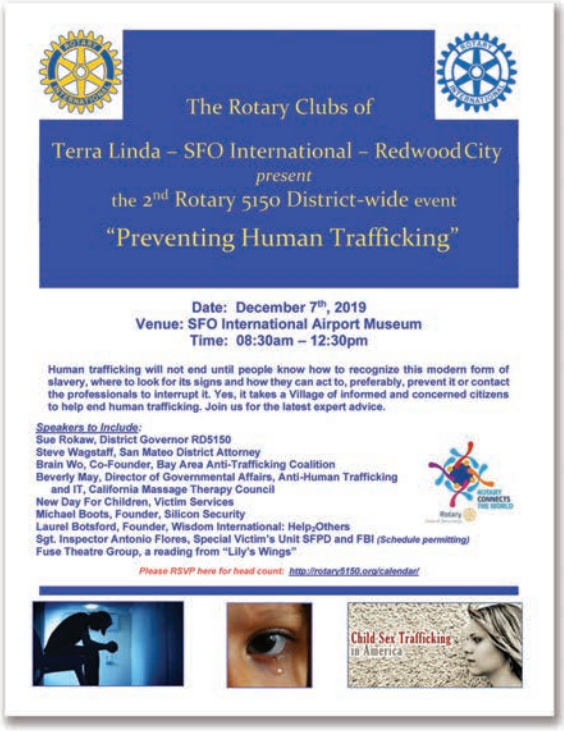
Sex & Labor Trafficking



Sex & Labor Trafficking







Consumers

CAMTC's consistent involvement over the course of the past decade in massage related matters has created consumer awareness. CAMTC has drafted and distributes a consumer brochure that informs consumers about what to expect from a professional massage and the benefits of using a certified massage professional. (Section 12, Attachment 26.a.) These are available to certificate holders at no charge to distribute to consumers. There is also an FAQ section on the website with information specific to consumers, as well as a link and information regarding filing 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 is the primary point of contact for all media when they are reporting on a California massage related issue, positive or negative. CAMTC interviews have appeared in stories that have aired on numerous television stations, over 30+ newspapers and magazines, as well as leading online news sites. It is through this broad exposure that CAMTC generally communicates its position to consumers throughout the state of California on the many matters related to our mission of public protection. More outreach materials can be found in Section 12, Attachments 26.b. - c.

CONSUMERS


CALIFORNIA
MASSAGE THERAPY
COUNCIL


AHMOS NETANEL, CEO
CALIFORNIA MASSAGE THERAPY COUNCIL


Ahmos Netanel


SUMMER STEPHAN
CHIEF DEPUTY DISTRICT ATTORNEY

CONSUMERS



Los Angeles Times · Examiner · MASSAGE magazine · VC Star. PART OF THE USA TODAY NETWORK

The Mercury News · The San Diego Union-Tribune · Santa Cruz Sentinel

Los Angeles Daily News · THE PRESS-ENTERPRISE · THE SACRAMENTO BEE

The Modesto Bee · BayArea NewsGroup · Recorder · Herald News

Visalia Times Delta · Champion Newspapers (Chino Champion • Chino Hills Champion) · Record Searchlight

EAST BAY TIMES · The Californian · BCN BAY CITY NEWS · Times Standard



yahoo! finance · Patch

Bakersfield.com

Courthouse News Service

+ ONLINE VERSIONS OF ALL PRINT MEDIA LISTED ABOVE

CONSUMERS


What is the law?
California law provides for the voluntary certification of massage professionals by CAMTC. It is against the law for a massage provider to hold themselves out as, or otherwise imply, that they are certified when they are not certified by CAMTC.
What Is a CMT, CMP or CCMP?
In order to be certified as a massage professional by CAMTC, an applicant must pass a background check that includes review by the California Department of Justice and FBI, and meet the educational standards established by California State Law. Massage professionals may be certified as either:
CMT - Certified Massage Therapist
- 500 hours of approved education or 250 hours of approved education and passage of a CAMTC approved exam; or
CMP - Certified Massage Practitioner
- 250 hours of approved education; or
CCMP - Conditional Certified Massage Practitioner
- Applied on or before January 1 of 2012, with 100 hours of approved education, and completed a minimum of 30 hours per year of approved continuing education until 250 hours are reached within 5 years.
Beware of massage providers who...
• Do not display their CAMTC certificate number in their advertising
• Are not listed as holders of a valid CAMTC certificate at: www.CAMTC.org/VerifyCertification.aspx
• Fail to provide you with their true legal name
• Fail to display their CAMTC certificate at their place of work
• Refuse to provide you with their CAMTC identification card when requested to do so
• Use the phrases "certified massage therapist" or "certified massage practitioner" or hold themselves out as CAMTC certified when they are not CAMTC certified
• Do not provide you with a clean, safe, and comfortable environment before, during, and after the massage
• Fail to treat you with respect, courtesy, confidentiality, and dignity
• Do not provide you with privacy while changing and do not provide you with the right to remove your clothing only to your own level of comfort for the massage
• Do not drape you appropriately with a sheet, towel or blanket that leaves only the area being massaged exposed
• Do not provide an explanation of the nature of the massage and techniques to be used in advance of starting the massage
• Do not provide you with the opportunity to consent to the massage techniques and approaches, including pressure, used in the massage
• Behave unprofessionally and commit sexual misconduct
Is your massage provider certified?
CALIFORNIA MASSAGE THERAPY COUNCIL

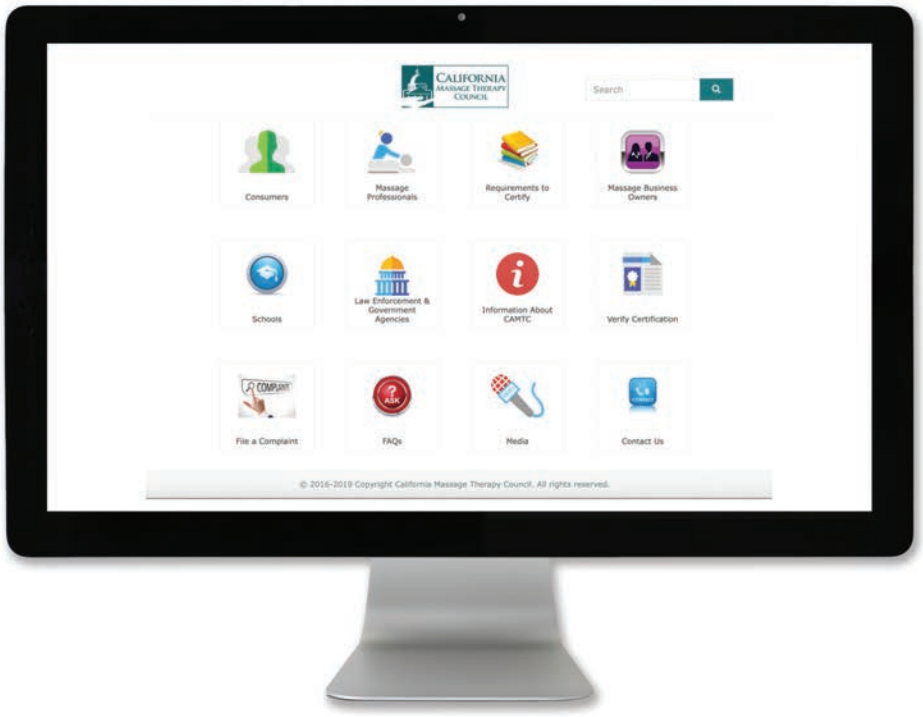
CAMTC Website and Database

CAMTC's website and government access database utilizes the latest in online technology, yet operates in a convenient user-friendly fashion. We have employed multiple phases of modernization to keep all information and interfaces current and operating at peak efficiency. CAMTC's website is the central source of information about CAMTC, applying for certification, certified massage professionals, certification requirements, school approval, FAQs, certification verification, filing a complaint and more. CAMTC also has a government access database that allows verified government and law enforcement personnel the ability to access more detailed information about applicants and certificate holders. CAMTC continually posts new information, updates existing information, and audits the website to ensure its performance meets optimum operating standards.

CAMTC's website also has links to the following documents of interest:

- Massage Therapy Act;
- Policies and Procedures for Approval of Schools (Section 12, Attachments 18.i.);
- Policies and Procedures for Unapproval of Schools (Section 12, Attachments 27.b.);
- Denial and Disciplinary Procedures (Section 12, Attachments 19.d.);
- Criteria for Proof of Rehabilitation (Section 12, Attachments 28);
- Previous Sunset reports;
- School Newsletters (Section 12, Attachments 23.a. – i.); and
- Quarterly Disciplinary Performance Measures (Section 12, Attachments 16.a. – e.).

CAMTC Website and Database



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

CAMTC is unique in that it has both its own employees and contracts with 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.

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Section 7

Online Practice Issues

Online Practice Issues

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

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

Since certification is voluntary, uncertified activity is 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 falsely representing 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.



Section 8

Workforce Development and Job Creation

Workforce Development and Job Creation

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

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

Additionally, CAMTC conducted a study on the accessibility of CAMTC approved massage education, as discussed in response to Question Number 4. The study found that 97% of California residents live within no more than a one-hour drive from a CAMTC approved massage school. The results of that study can be found in Section 12, Attachment 7.

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

CAMTC has not conducted any direct assessments of the impact of certification delays. At the current time, there are no certification delays for complete application packets. CAMTC is exceeding 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 was 43 days and 36 days for recertification applications. Please see CAMTC's response to Question Number 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.

Approved schools are required 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. (Section 12, Attachment 18.i.) CAMTC verifies that approved schools comply with these requirements through the approval and reapproval 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. (Section 12, Attachment 29.a. - b.) CAMTC supplies a full-color, trifold brochure free of charge to schools and a printable FAQ letter to students for this purpose. (Section 12, Attachment 29.a. – b.) 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 12, Attachments 23.a. – i.) 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. However, it has evaluated the accessibility of CAMTC approved massage programs in California. The study

determined that 97% of California residents live no more than one hour from a CAMTC approved massage program. The full study can be found in Section 12 Attachment 7.

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. If 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 12, Attachment 18.i.)

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Section 9

Current Issues

Current Issues

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

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 individual applications for certification electronically. Like most software and data systems, it has its strengths and weaknesses. While its implementation has allowed CAMTC to accept individual certification applications electronically, it does not currently have the reporting functions CAMTC has requested. It also has not provided many other system functions initially requested, such the ability for schools to submit their applications electronically. CAMTC is therefore working with InLumon and Datavail to update the current system and provide more detailed data reports while assessing its current needs.

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 and are consistently being met. CAMTC has met, and been well under, all of its disciplinary performance target averages since it began tracking this information in 2015.

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. 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.

The BOD also established a 2018 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 measures and began measuring and reporting the data starting the second quarter of 2015. CAMTC has been well under these target averages for every quarter since it began measuring and reporting this data, with the third quarter of 2019's PM4 number being the lowest number yet, at 83 days. In 2019 CAMTC began reporting disciplinary volume for PM4. (Section 12, Attachment 16.e.) 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 measures, 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.

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. Certificate Holders commonly notify CAMTC of a legal name change when they recertify, which in some cases means the notification happens nearly two years after the change occurred. This can create disparities between the name listed on a certificate and an individual's current legal name. CAMTC therefore requests that the Act be amended in the following manner to address this issue (suggested additions in **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 practicing attorney currently representing a city. Broadening this appointment category would allow someone with the requisite knowledge and expertise to serve on the BOD while they have the time to do so. CAMTC therefore requests that the Act be amended in the following way (additions in **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 Act to allow for broader information sharing (proposed changes in **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, federal, or local law related to massage or massage establishments, human trafficking, organized crime, acts punishable as a sexually related crime, or regulating a California licensed profession**.

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

The 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.*

(Emphasis added.) 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 (additions in **bold**):

> 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 Discipline If Not Fit to Perform the Duties of a Certificate Holder for Reasons of Criminal Insanity or Mental Health.

The Act does not contain 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. Instead, they end up with a civil commitment proceeding. 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. For example, when a family member notifies CAMTC that an individual is violent and is physically harming members of the public and there is a concern for massage clients, but the behavior has not yet occurred during the course and scope of providing a massage. In order to address these issues, CAMTC requests that the following provision be added to Business and Professions Code section 4609(a) (additions in **bold**):

> **(12) Being determined to be unfit to perform the duties of a certificate holder based on mental health reasons as determined by a medical or mental health professional or a finding 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:
    - Continue CAMTC as a private, nonprofit organization administering voluntary massage certification and school approval programs.
    - 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.
    - 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:
    - 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.
    - Extends provisions for public colleges and universities to all public schools (programs operating under authority of school districts).
    - 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:
    - Clarifies that the intent is to continue CAMTC as a private, nonprofit organization administering voluntary massage certification programs until such time as the results of the AB1147 review and feasibility study are completed and implemented.
    - 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:

- Provides the circumstances in which CAMTC would accept transcripts from schools that closed prior to July 1, 2016;
- 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.
- 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).
- 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.
- Provides for appeals to the BOD and policies regarding appeals.
- Establishes a waiting period before a school whose application for CAMTC approval has been denied or revoked can reapply for CAMTC school approval.
- Establishes policy regarding applications for certification received after July 1, 2016 with transcripts from schools that have applied but not been approved.
- 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:
  - 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.
  - 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:
  - 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:
    - Includes notification that schools should submit reapproval applications six months before expiration to avoid breaks in approval.
    - Provides for provisional approval of new schools or programs for up to 180 days.
    - Facilitates acceptance of education from closed schools.
    - Allows for transfer of up to 125 hours of related education at a California college or university.
    - Prohibits approved schools or schools with pending applications from copying or maintaining ID from prospective students.
    - 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.
    - Provides that legal action against CAMTC must be brought within 90 days after a final decision is made.
    - 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 reauthorized 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 the Massage Therapy Act, 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.
    - Clarifies where classes can be held.
    - Clarifies what it means for a class to be held under the direct supervision of an instructor.
    - Removes waiver of application fees for public colleges or universities of the CA state higher education system.
    - 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:
    - Study of ESL speakers
    - Local government
    - Working with CA Chiefs/public safety
    - School outreach
    - Customer Service
    - 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
    - Public Safety – working with California Police Chiefs Association and local government officials.
    - Customer Service – sets goals regarding answering phone calls, responding to emails and processing applications.
    - Non-English speakers - report to Legislature.
    - Schools – continue the Schools Advisory Committee.

    - Local Government – encourage ordinances that are congruent with the Massage Therapy Act.
    - 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:
    - 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 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:

    - Allows CAMTC to accept hours completed as part of an approved program without students needing to register or complete the entire program.
    - 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:
    - Sunset Review
    - Accountability
    - Exam- evaluation of cost, process, need
    - Non-English speakers
    - 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 discussions 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:
    - Aligns with the waiving of the requirement to pass a CAMTC approved exam for 2019-2020.
    - Ends the acceptance of education from denied schools whose applications for approval are received on or after January 1, 2019.
    - 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.
    - To allow applicants from schools whose applications 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 is 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.
- The BOD approved amendments to the Procedures for Denial of Certification or Discipline/Revocation to reflect the organizational restructure and new department names.

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 that further define the limits on the acceptance of education from closed schools.
- The BOD approved amendments to the Procedures for Denial of Certification or Discipline/Revocation to reflect new department names.

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Section 10

Action and Response to Prior Sunset Issues

Action and Response to Prior Sunset Issues

Include the following:

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

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 have 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. CAMTC would either contract with another management firm or it would hire its own employees to perform these functions. 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 massage education. 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 Recommendation: ***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. Traffickers want sex workers to begin working immediately, and they don't want to invest the time and resources required to obtain 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 four 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 few remaining in the cities in 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 reductions we are seeing in the number of reviewed illicit massage establishments is movement in the right direction. Clearly the system is working and the partnerships between CAMTC, law enforcement, code enforcement, and anti-human trafficking organizations are leveraging the resources of each for maximum effect.

It is because of CAMTC's recommendation that a seat for an anti-human trafficking organization was added to its BOD. 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;
- San Diego Human Trafficking Taskforce;
- 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, code enforcement departments, and local government agencies, and providing information to these organizations 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, overall CAMTC currently is 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 the Act, CAMTC's 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. It is 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 AB 1147. AB 1147 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. (Section 12, Attachment 15.)

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 reapprovals 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 cost of providing the service. 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 can 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's relationship with law enforcement agencies, code enforcement departments, cities, and counties is viable, productive, and growing stronger and more collaborative each year. Information is shared easily and regularly with the vast majority of local jurisdictions. CAMTC works with local government, law enforcement, and code 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, code enforcement, 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.

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

trained 2,168 individuals and 827 separate agencies. The training sessions have become quite popular. In fact, CAMTC is close to reaching its goal of training all CACEO code enforcement officers. 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 CAMTC's system of discipline. This is because CAMTC has the ability to take action in situations where unprofessional conduct occurred, but law enforcement does not have the ability to file criminal charges.

CAMTC also has a local government database where verified law enforcement, code enforcement, 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 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.

In addition, city and county staff frequently contact CAMTC for industry-specific information, such as understanding a body-work technique in order for the city or county to determine whether it could be considered massage under the local ordinance.

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:

Since the last Sunset review, overall, the landscape has improved. CAMTC has seen an easing of restrictive local regulations targeted at massage businesses. 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 harsh methods such as moratoria, conditional use permits, and excessive fees, that is not the case today. 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 still continue to receive reports from some certificate holders who have to deal with challenging 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, drastically 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 Benicia ordinance was specifically drafted to address human trafficking, in keeping with a victim centered approach.

As another example, San Diego City reached out to CAMTC in early 2018 for help with drafting a new ordinance in an effort to close loopholes experienced in the previous one. After over a year and a half of meetings and communications back and forth, a new ordinance was unanimously approved by the San Diego City Council on November 5, 2019. San Diego will continue to issue city permits to those who choose not to certify, but has closed a loophole that recognized transcripts from fraudulent schools that are not CAMTC approved. The city has only 10 or so city massage therapist permits, with most massage professional preferring CAMTC certification. Permit fees for massage

establishments are being reduced from $2,042 a year to $720 a year, with a sole practitioner massage therapist paying only $124 a year. As in Benicia, the lower fees are based on a decrease in expenses directly related to the city's partnership with CAMTC.

Every time that CAMTC conducts training in cities or counties, we get several requests for CAMTC staff to review the local ordinance and provide examples or suggestions for updates and improvements. Over a recent two-week period, CAMTC received requests from Oceanside, Apple Valley, Cupertino, Sacramento City, Clovis, and Pico Rivera to review and make suggestions for changes to their local ordinances. Ongoing communication with these cities is expected to continue. The number of requests received during this two-week time period is not unusual.

Typically, there are 10-20 cities and counties at any given time in some stage of amending their local ordinance, most working with CAMTC. Some work on amending their local ordinance and submit new ordinances to their city council or county supervisors in a matter of months; others can take several years. CAMTC provides support to cities and counties upon request. The following jurisdictions are in various stages of updating their massage ordinances this year, most with some involvement from CAMTC: Stanton, Antioch, Palm Desert, Tulare, San Marcos, Stanislaus County, Sacramento County, the City of Santa Clara, San Francisco, Salinas, Chula Vista, La Habra, Manteca, Los Angeles County, Pasadena, Temecula, Beverly Hills, Porterville, Camarillo, Marysville, Santee, Lake Forest, Atascadero, Stockton, Fresno, Chino, Maricopa, Blythe, Aliso Viejo, Rohnert Park, Oakdale, Orange County, Milpitas, Santa Monica, Covina, Santa Paula, Escalon, Pleasanton, Los Banos, Downey, Monterey Park, El Dorado, and West Hollywood.

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 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." (Bus. & Prof. Code §4603.1.)

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 restrict 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.

Although there has been talk for years about developing a model massage ordinance, we have found that "one size fits all" is not applicable in California. Instead, CAMTC has several examples of sample massage ordinances that work well. Specific sample ordinances are sent upon request, taking into account the size, location, and specific needs of a particular city or county. CAMTC also has a "cut and paste" document that contains various approaches to massage ordinance provisions, which includes some provisions that are only of interest to a few jurisdictions based on their local community needs.

Jurisdictions like San Mateo County, San Rafael, Vacaville, Ventura, San Diego, 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 the 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 SB 1193's posting requirements. Massage establishments and businesses that use only CAMTC certified individuals to provide massage for compensation were specifically exempted from the initial 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 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, code enforcement, and local agency training program. The training program has proved to be exceedingly useful to law enforcement agencies, code enforcement departments, 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, all while providing fair procedure, 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 approve only 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.

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Section 11

New Issues

New Issues

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

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

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

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Section 12

Attachments

Section 12 – Attachments

CAMTC is providing the following materials in relation to its program. While the attachments are identified here, for the reader's convenience, all of the listed documents will be provided after Section 13.

1. Chart Representing Board of Directors and Committees
2. Meeting Attendance Tables
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23.e. Quarterly School Newsletter Volume 2, Issue 3, October 2018

23.f. Quarterly School Newsletter Volume 2, Issue 4, December 2018

23.g. Quarterly School Newsletter Volume 3, Issue 1, April 2019

23.h. Quarterly School Newsletter Volume 3, Issue 2, June 2019

23.i. Quarterly School Newsletter Volume 3, Issue 3, October 2019

23.j. CAMTC eBlast - CA Massage School Assoc. Meeting & Expo

23.k. Comparison Chart - 2015-2017 Number of Graduates From CAMTC Approved Schools

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25.b. Massage Magazine Article, "CAMTC Helps Fight Human Trafficking"

26. Additional Materials related to Consumer Outreach

26.a. Consumer Brochure

26.b. How To File A Complaint With CAMTC Flyer

26.c. CAMTC Diverse Media Exposure

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29. Implications of Attending a Massage Program That is Not CAMTC Approved

29.a. Tri-Fold Brochure

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Section 13

Board Specific Issues

Section 13 –
Board Specific Issues

As previously discussed in response to Question Number 3 of this report, there has been an organizational restructuring and PSD no longer exists. (See Section 12, Attachment 3.e. – Current Organizational Chart.) Instead, denial and disciplinary functions are now occurring in the Investigations, BRD, and Legal Departments.

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 while providing fair procedure. 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, applicants, and certificate holders by being able to hire highly qualified employees throughout 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 fair procedure 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 measures. 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 12, Attachment 3.e.) Tasks previously engaged in by PSD employees are now generally being done by Investigations, Background Review Department (BRD), and Hearing Officers. 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 directly supervised by the Senior Staff Attorney. There are currently four Hearing Officers.

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, and serve as hearing officers. CAMTC employees 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 PSD, BRD, Investigations, or Legal Departments have attended since the last Sunset report were internal staff meetings. CAMTC staff meetings for 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 require review. 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 (currently 35). 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 their investigation is complete so they 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 exceeding 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 measure numbers in relation to PM4. (Section 12, Attachments 16.a. – e.) However, CAMTC is experiencing a backlog related to the completion of denial of applications based on only inadequate education. While denial of applications is the lowest priority, CAMTC would like to complete the processing of these matters 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 cost for staff 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. Additionally, CAMTC provides oral telephonic hearings and consideration of written statements to those challenging proposed decisions to deny applications, discipline certificate holders, or challenge suspensions 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 oral telephonic hearings and consideration of written statements.

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).

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1. Chart Representing Board of Directors and Committees

CAMTC Committees Organizational Chart as of November 12, 2019

13 Member Board of Directors

SCHOOLS ADVISORY COMMITTEE

Dr. Jeffrey Forman - Chair
Allison Budlong
Patty Flanagan
Dr. Keith Grant
Katie Mickey
Deborah Reuss
Kieu Vo

EXECUTIVE COMMITTEE

Dr. Jeffrey Forman - Chair
Dr. Ron Bates - Vice Chair
Michael Marylander - Treasurer
Allison Budlong -Secretary

AUDIT COMMITTEE

Sean Thuilliez - Chair
Elena Leonardo

CALIFORNIA MASSAGE THERAPY COUNCIL

2. Meeting Attendance Tables

2.a. Table 1.a. – Board of Directors Meeting Attendance

2.b. Table 1.a. – School Advisory Committee Meeting Attendance

2.c. Table 1.a. – Audit Committee Meeting Attendance

Table 1.a. Attendance - Board Members, CAMTC Board of Directors November 18, 2015 through September 12, 2019			
Mark Dixon, Board Chair			
Date Appointed:	January 14, 2010		
Date Reappointed:	September 15, 2015		
Date Expired:	September 14, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	Yes
	April 4, 2019	Oakland	Yes
Board Meetings 2018	November 15, 2018	Los Angeles	Yes
	Sept 26-27, 2018	Redondo Beach	Yes
	May 31, 2018	Los Angeles	Yes
	February 22, 2018	Los Angeles	Yes
Board Meetings 2017	November 2, 2017	Burlingame	Yes
	Sept 6-7, 2017	Redondo Beach	Yes
	June 8, 2017	Los Angeles	Yes
	March 9, 2017	Burlingame	Yes
Board Meetings 2016	November 10, 2016	Burlingame	Yes
	Sept 28-29, 2016	Marina Del Rey	Yes
	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes
Ron Bates, Vice Chair			
Date Appointed:	September 15, 2015		
Date Reappointed:	September 15, 2019		
Date Expires:	September 14, 2023		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	Yes
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	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes
Jeff Forman, Vice Chair			
Date Appointed:	September 30, 2014		
Date Reappointed:	September 15, 2015		

Date Expires:	September 14, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
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	March 9, 2017	Burlingame	Yes
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	June 23, 2016	Burlingame	No
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes
Allison Budlong, Secretary			
Date Appointed:	December 11, 2014		
Date Reappointed:	September 15, 2015		
Date Expires:	September 14, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	Yes
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	November 18, 2015	Burlingame	Yes
Michael Marylander, Treasurer			
Date Appointed:	January 14, 2010		
Date Reappointed:	September 15, 2015		
Date Expires:	September 14, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
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	September 28, 2016	Marina Del Rey	Yes
	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	No
Michael Callagy			
Date Appointed:	March 15, 2011		
Date Reappointed:	September 15, 2015		
Date Expired: (reassigned)	November 15, 2018		
Re-appointed:	September 15, 2019		
Date Expires:	September 15, 2023		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
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	February 22, 2018	Los Angeles	Yes
Board Meetings 2017	November 2, 2017	Burlingame	Yes
	Sept 6-7, 2017	Redondo Beach	Yes
	June 8, 2017	Los Angeles	No
	March 9, 2017	Burlingame	Yes
Board Meetings 2016	November 10, 2016	Burlingame	Yes
	Sept 28-29, 2016	Marina Del Rey	Yes
	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes
Alejandro Diaz			
Date Appointed:	September 6, 2017		
Date Reappointed:	N/A		
Date Resigned:	November 3, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2018	February 22, 2018	Los Angeles	Yes
Board Meetings 2017	November 2, 2017	Burlingame	Yes
	Sept 6-7, 2017	Redondo Beach	No
Shana Faber			
Date Appointed:	September 15, 2015		
Date Reappointed:			
Date Expires:	September 14, 2019		

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	Yes
	April 4, 2019	Oakland	Yes
Board Meetings 2018	November 15, 2018	Los Angeles	Yes
	Sept 26-27, 2018	Redondo Beach	No
	May 31, 2018	Los Angeles	Yes
	February 22, 2018	Los Angeles	Yes
Board Meetings 2017	November 2, 2017	Burlingame	Yes
	Sept 6-7, 2017	Redondo Beach	Yes
	June 8, 2017	Los Angeles	Yes
	March 9, 2017	Burlingame	Yes
Board Meetings 2016	November 10, 2016	Burlingame	Yes
	Sept 28-29, 2016	Marina Del Rey	Yes
	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes
Heather Forshey			
Date Appointed:	September 15, 2015		
Date Reappointed:	September 15, 2019		
Date Expires:	September 14, 2023		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	Yes
	April 4, 2019	Oakland	Yes
Board Meetings 2018	November 15, 2018	Los Angeles	Yes
	Sept 26-27, 2018	Redondo Beach	No
	May 31, 2018	Los Angeles	Yes
	February 22, 2018	Los Angeles	Yes
Board Meetings 2017	November 2, 2017	Burlingame	Yes
	Sept 6-7, 2017	Redondo Beach	Yes
	June 8, 2017	Los Angeles	Yes
	March 9, 2017	Burlingame	Yes
Board Meetings 2016	November 10, 2016	Burlingame	Yes
	Sept 28-29, 2016	Marina Del Rey	No
	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	No
	November 18, 2015	Burlingame	Yes
Guy Fuson			
Date Appointed:	January 18, 2011		
Date Reappointed:	September 15, 2015		
Date Resigned:	June 24, 2016		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2016	June 23, 2016	Burlingame	No
	February 25, 2016	Los Angeles	No
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes

Minouche Kandel			
Date Appointed:	June 23, 2016		
Date Resigned:	November 16, 2018		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2018	November 15, 2018	Los Angeles	Yes
	Sept 26-27, 2018	Redondo Beach	Yes
	May 31, 2018	Los Angeles	No
	February 22, 2018	Los Angeles	Yes
Board Meetings 2017	November 2, 2017	Burlingame	No
	Sept 6-7, 2017	Redondo Beach	No
	June 8, 2017	Los Angeles	No
	March 9, 2017	Burlingame	Yes
Board Meetings 2016	November 10, 2016	Burlingame	Yes
	Sept 28-29, 2016	Marina Del Rey	Yes
	June 23, 2016	Burlingame	No
Richard Lee			
Date Appointed:	September 15, 2015		
Date Resigned:	December 4, 2015		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	December 3, 2015	Teleconference	No
	November 18, 2015	Burlingame	Yes
Elna Leonardo			
Date Appointed:	December 7, 2011		
Date Expired:	September 15, 2015		
Date Reappointed:	April 4, 2019		
Date Expires:	September 14, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	Yes
	April 4, 2019	Oakland	Yes
Bernadette Murray			
Date Appointed:	September 6, 2019		
Date Expires:	September 14, 2019		
Date Reappointed:	September 15, 2019		
Date Expires:	September 14, 2023		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
Stephany Powell			
Date Appointed:	November 18, 2015		
Date Reappointed:	September 15, 2019		
Date Expires:	September 14, 2023		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	No
	April 4, 2019	Oakland	Yes
Board Meetings 2018	November 15, 2018	Los Angeles	Yes
	Sept 26-27, 2018	Redondo Beach	Yes
	May 31, 2018	Los Angeles	Yes
	February 22, 2018	Los Angeles	No

Board Meetings 2017	November 2, 2017	Burlingame	Yes
	Sept 6-7, 2017	Redondo Beach	Yes
	June 8, 2017	Los Angeles	Yes
	March 9, 2017	Burlingame	No
Board Meetings 2016	November 10, 2016	Burlingame	No
	Sept 28-29, 2016	Marina Del Rey	Yes
	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes
Raul Quezada			
Date Appointed:	March 9, 2017		
Date Resigned:	June 9, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2017	June 8, 2017	Los Angeles	No
	March 9, 2017	Burlingame	Yes
Sandra Spagnoli			
Date Appointed:	September 15, 2015		
Date Resigned:	June 24, 2016		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2016	June 23, 2016	Burlingame	No
	February 25, 2016	Los Angeles	No
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes
Sean Thuilliez			
Date Appointed:	May 31, 2018		
Date Expired:	September 14, 2019		
Date Reappointed:	September 15, 2019		
Date Expires:	September 14, 2023		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	No
	April 4, 2019	Oakland	No
Board Meetings 2018	November 15, 2018	Los Angeles	No
	Sept 26-27, 2018	Redondo Beach	Yes
	May 31, 2018	Los Angeles	Yes
Dixie Wall			
Date Appointed:	December 15, 2009		
Date Reappointed:	September 15, 2015		
Date Resigned:	May 30, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2019	September 11-12, 2019	Marina Del Rey	Yes
	May 29, 2019	Oakland	No
	April 4, 2019	Oakland	Yes
Board Meetings 2018	November 15, 2018	Los Angeles	Yes
	Sept 26-27, 2018	Redondo Beach	Yes
	May 31, 2018	Los Angeles	Yes
	February 22, 2018	Los Angeles	Yes
Board Meetings 2017	November 2, 2017	Burlingame	Yes

	Sept 6-7, 2017	Redondo Beach	Yes
	June 8, 2017	Los Angeles	Yes
	March 9, 2017	Burlingame	Yes
Board Meetings 2016	November 10, 2016	Burlingame	Yes
	Sept 28-29, 2016	Marina Del Rey	Yes
	June 23, 2016	Burlingame	Yes
	February 25, 2016	Los Angeles	Yes
Board Meetings 2015	December 3, 2015	Teleconference	Yes
	November 18, 2015	Burlingame	Yes

Table 1.a. Attendance – School Advisory Committee (SAC) Members March 18, 2017 through September 11, 2019			
Jeff Forman, SAC Chair			
Date Appointed:	March 8, 2017		
Date Reappointed:	May 30, 2018 and	September 11, 2019	
Date Expires:	September 12, 2020		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
	September 11 2019	Marina Del Rey	Yes
SAC Meetings	September 26, 2018	Redondo Beach	Yes
	May 30, 2018	Los Angeles	Yes
	November 1, 2017	Burlingame	Yes
	September 5, 2017	Redondo Beach	Yes
	June 7, 2017	Los Angeles	Yes
	March 8, 2017	Burlingame	Yes
Allison Budlong			
Date Appointed:	March 8, 2017		
Date Reappointed:	May 30, 2018 and	September 11, 2019	
Date Expires:	September 12, 2020		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
	September 11 2019	Marina Del Rey	Yes
SAC Meetings	September 26, 2018	Redondo Beach	Yes
	May 30, 2018	Los Angeles	Yes
	November 1, 2017	Burlingame	Yes
	September 5, 2017	Redondo Beach	Yes
	June 7, 2017	Los Angeles	Yes
	March 8, 2017	Burlingame	Yes
Kat Damiano			
Date Appointed:	May 30, 2018		
Date Expired:	September 27, 2018		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
SAC Meetings	September 26, 2018	Redondo Beach	Yes
	May 30, 2018	Los Angeles	Yes
Ben Drillings			
Date Appointed:	May 30, 2018		
Date Expired:	September 26, 2018		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
SAC Meetings	September 26, 2018	Redondo Beach	Yes
	May 30, 2018	Los Angeles	No
Patty Flanagan			
Date Appointed:	September 11, 2019		
Date Expires:	September 10, 2020		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
SAC Meetings	September 11, 2019	Marina Del Rey	Yes
Keith Grant			
Date Appointed:	March 8, 2017		

Date Reappointed:	May 30, 2018 and	September 11, 2019	
Date Expires:	September 10, 2020		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
	September 11 2019	Marina Del Rey	Yes
SAC Meetings	September 26, 2018	Redondo Beach	Yes
	May 30, 2018	Los Angeles	Yes
	November 1, 2017	Burlingame	Yes
	September 5, 2017	Redondo Beach	Yes
	June 7, 2017	Los Angeles	Yes
	March 8, 2017	Burlingame	Yes
Selena Lee			
Date Appointed:	March 8, 2017		
Date Expired:	November 2, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
	November 1, 2017	Burlingame	Yes
SAC Meetings	September 5, 2017	Redondo Beach	No
	June 7, 2017	Los Angeles	Yes
	March 8, 2017	Burlingame	Yes
Katie Mickey			
Date Appointed:	March 8, 2017		
Date Reappointed:	May 30, 2018 and	September 11, 2019	
Date Expires:	September 10, 2020		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
	September 11 2019	Marina Del Rey	Yes
SAC Meetings	September 26, 2018	Redondo Beach	Yes
	May 30, 2018	Los Angeles	Yes
	November 1, 2017	Burlingame	Yes
	September 5, 2017	Redondo Beach	Yes
	June 7, 2017	Los Angeles	Yes
	March 8, 2017	Burlingame	Yes
Jan Noble			
Date Appointed:	March 8, 2017		
Date Expired:	November 2, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
	November 1, 2017	Burlingame	Yes
SAC Meetings	September 5, 2017	Redondo Beach	No
	June 7, 2017	Los Angeles	Yes
	March 8, 2017	Burlingame	Yes
Madonna Polley			
Date Appointed:	May 30, 2018		
Date Expired:	September 27, 2018		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
SAC Meetings	September 26, 2018	Redondo Beach	Yes
	May 30, 2018	Los Angeles	Yes
Deborah Reuss			

Date Appointed:	March 8, 2017	September 11, 2019	November 2, 2017
Date Reappointed:	September 11, 2019		
Date Expires:	September 10, 2020		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
	September 11 2019	Marina Del Rey	Yes
SAC Meetings	November 1, 2017	Burlingame	Yes
	September 5, 2017	Redondo Beach	Yes
	June 7, 2017	Los Angeles	Yes
	March 8, 2017	Burlingame	Yes
Kieu Vo			
Date Appointed:	September 11, 2019		
Date Expires:	September 10, 2020		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
SAC Meetings	September 11, 2019	Marina Del Rey	Yes

Table 1a. Attendance – Audit Committee Members		
Mike Callagy, Chair		
Meeting Type	**Meeting Date**	**Attended?**
Audit Meetings	March 23, 2018	Yes
	October 23, 2017	Yes
	September 23, 2016	Yes
Guy Fusion		
Meeting Type	**Meeting Date**	**Attended?**
Audit Meetings	September 23, 2016	Yes
Elna Leonardo, Chair		
Meeting Type	**Meeting Date**	**Attended?**
Audit Meetings	September 27, 2019	Yes
	August 9, 2019	Yes
	August 2, 2019	Yes
	March 23, 2018	Yes
	October 23, 2017	Yes
Sean Thuilliez		
Meeting Type	**Meeting Date**	**Attended?**
Audit Meetings	September 27, 2019	Yes
	August 9, 2019	Yes
	August 2, 2019	Yes

CALIFORNIA MASSAGE THERAPY COUNCIL

3. Organizational Charts

3.a. Organizational Chart as of November 1, 2016

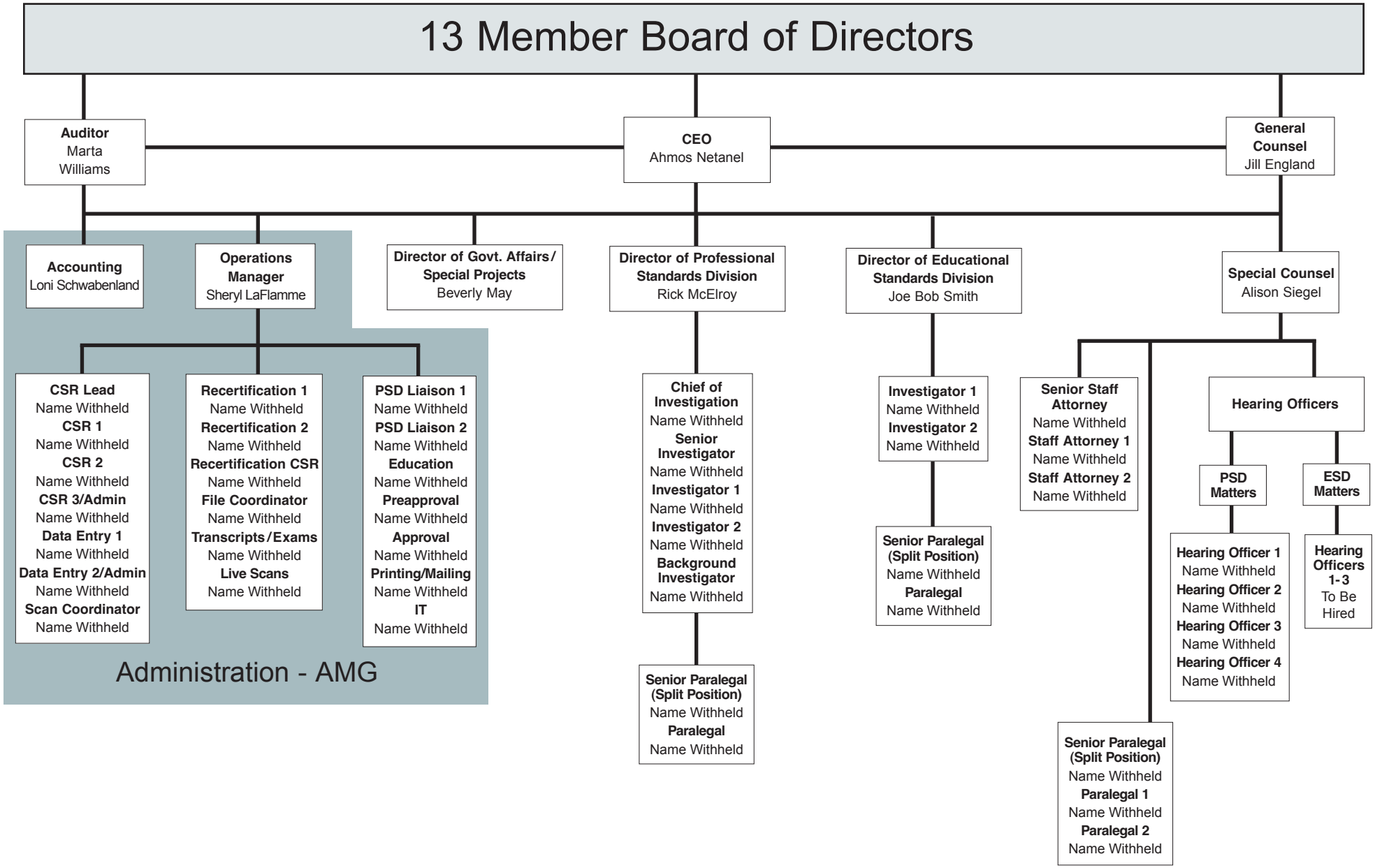
3.b. Organizational Chart as of September 1, 2017

3.c. Organizational Chart as of September 24, 2018

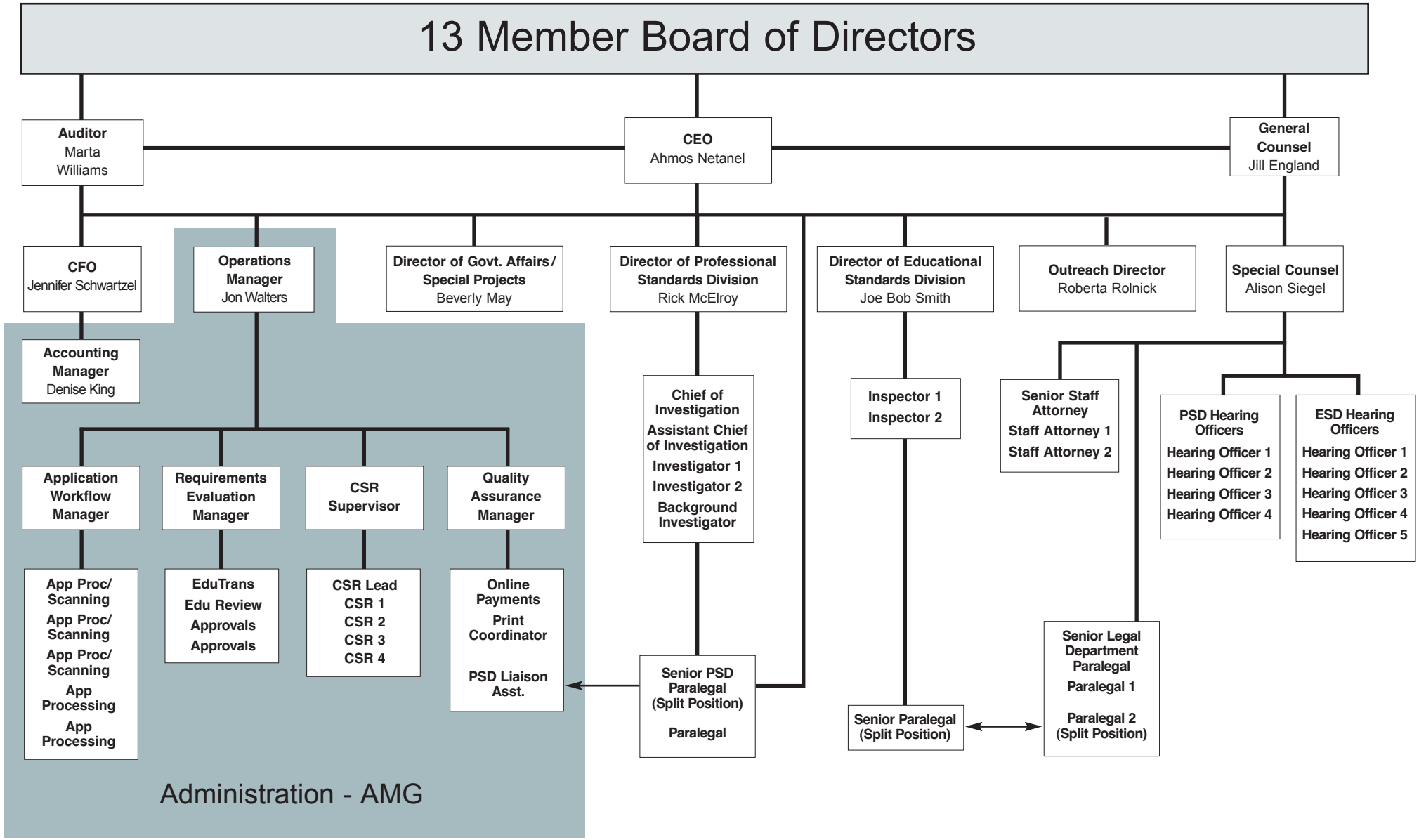
3.d. Organizational Chart as of April 5, 2019

3.e. Organizational Chart as of June 1, 2019

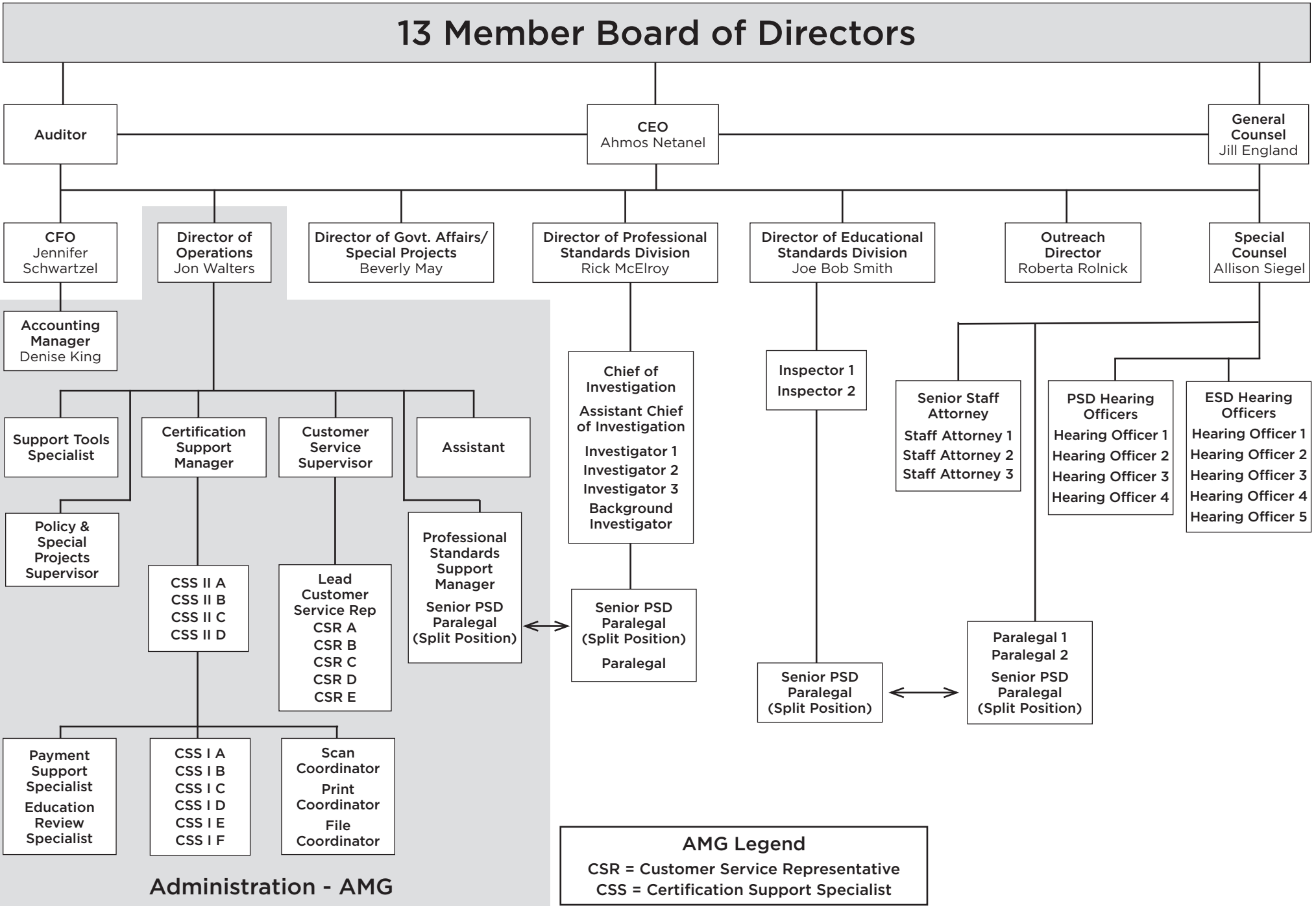
CAMTC Organizational Chart as of November 2016



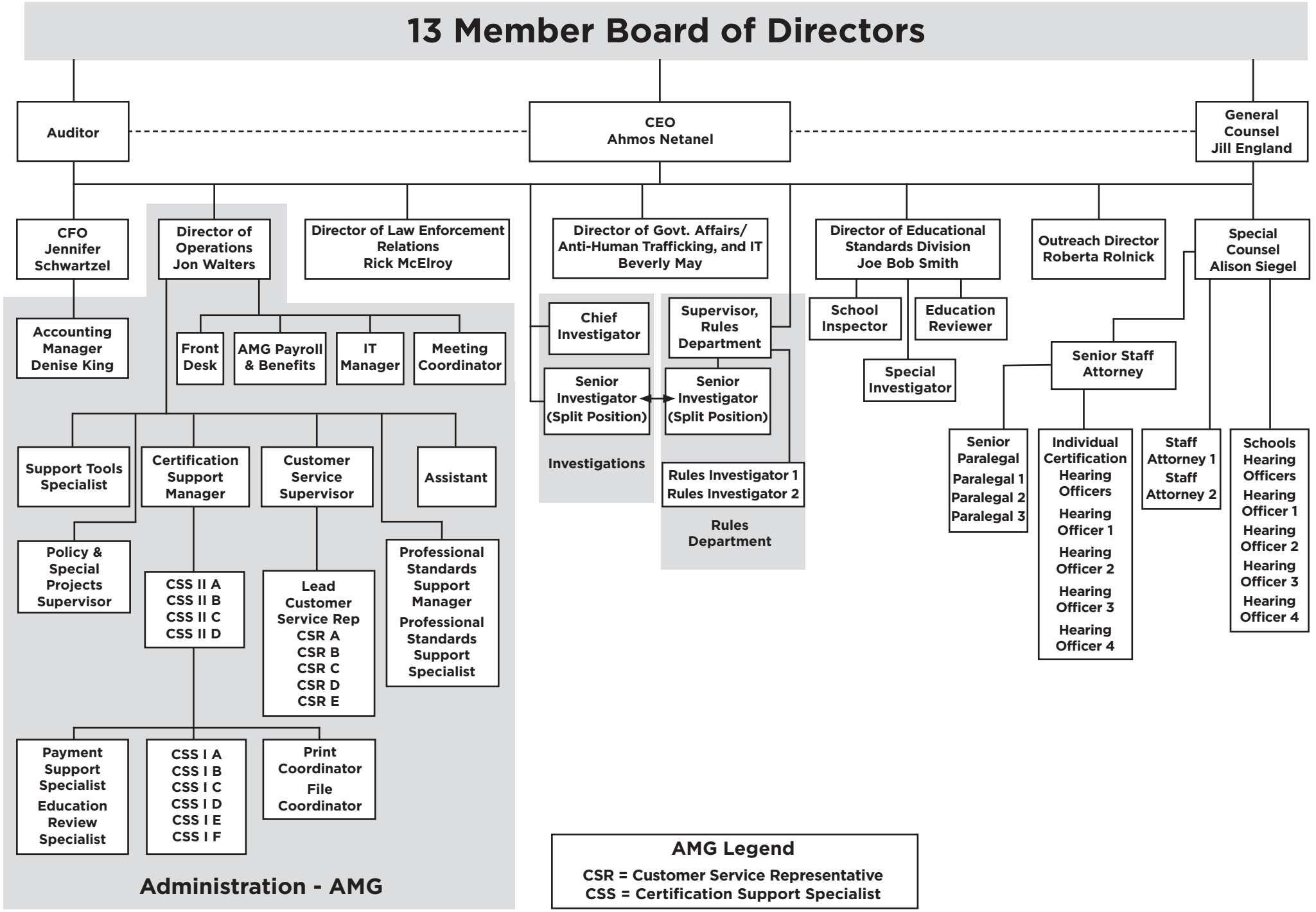
CAMTC Organizational Chart as of September 1, 2017



CAMTC Organizational Chart as of September 24, 2018



CAMTC Organizational Chart as of April 5, 2019



CAMTC Organizational Chart as of June 1, 2019

13 Member Board of Directors

- **Auditor**
- **CEO**
  Ahmos Netanel
- **General Counsel**
  Jill England

- **CFO**
  Jennifer Schwartzel
  - **Accounting Manager**
    Denise King
- **Director of Operations**
  Jon Walters
  - **Front Desk**
  - **AMG Payroll & Benefits**
  - **IT Manager**
  - **Meeting Coordinator**
  - **Support Tools Specialist**
    - **Policy & Special Projects Supervisor**
  - **Certification Support Manager**
    - **CSS II A**
      CSS II B
      CSS II C
      CSS II D
    - **CSS I A**
      CSS I B
      CSS I C
      CSS I D
      CSS I E
      CSS I F
  - **Customer Service Supervisor**
    - **Lead Customer Service Rep**
      CSR A
      CSR B
      CSR C
      CSR D
      CSR E
  - **Assistant**
    - **Background Review Support Manager**
      Background Review Support Specialist
    - **Payment Support Specialist**
      Education Review Specialist
    - **Print Coordinator**
      File Coordinator

  Administration - AMG
- **Director of Law Enforcement Relations**
  Rick McElroy
- **Director of Govt. Affairs/ Anti-Human Trafficking, and IT**
  Beverly May
  - **Chief Investigator**
  - **Senior Investigator (Split Position)** ↔ **Senior Investigator (Split Position)**

    Investigations
  - **Supervisor, Background Review Department**
    - **Background Reviewer**
      Background Records Coordinator

    Background Review Department
- **Director of Educational Standards Division**
  Joe Bob Smith
  - **School Inspector**
  - **Education Reviewer**
  - **Special Investigator**
- **Outreach Director**
  Roberta Rolnick
- **Special Counsel**
  Alison Siegel
  - **Senior Staff Attorney**
    - **Senior Paralegal**
      Paralegal 1
      Paralegal 2
      Paralegal 3
    - **Individual Certification Hearing Officers**
      Hearing Officer 1
      Hearing Officer 2
      Hearing Officer 3
      Hearing Officer 4
  - **Staff Attorney 1**
    Staff Attorney 2
  - **Schools Hearing Officers**
    Hearing Officer 1
    Hearing Officer 2
    Hearing Officer 3
    Hearing Officer 4

AMG Legend

CSR = Customer Service Representative
CSS = Certification Support Specialist

CALIFORNIA
MASSAGE THERAPY
COUNCIL

4. March 1, 2017
CEO Report

CEO Report

March 1, 2017

2016 in Review

2016 was another busy year for CAMTC. The organization met all of the Board's three strategic goals:

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.** As part of my comments during the Senate Committee on Business, Professions and Economic Development hearing on AB 2194, I thanked Asssemblymember Salas for authoring this important bill and informed the committee that we had many constructive discussions with the League of California Cities during the process. I was pleased to share with the committee that CAMTC and the League were able to get beyond the rhetoric and agree to legislation that protects the public but at the same time recognizes a viable and legitimate massage therapy profession. Throughout the year, senior staff engaged in continuous communication with the Legislature and many other stakeholders, including professional associations, schools, local government, law enforcement, individual massage providers, massage business owners and the media. The bill included numerous important improvements to our law. The new law went

into effect January 1, 2017 and as a result of a successful sunset review, CAMTC received the legislative mandate to continue for four more years (instead of two years stipulated in the original bill) as a private, non-profit organization administering voluntary massage certification programs and massage school approvals.

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**: CAMTC's robust vetting and disciplinary program provided constant support to cities, counties and law enforcement agencies throughout 2016. As of December 31, 2016, CAMTC took 7,098 disciplinary actions in the form of denials, revocations and suspensions against applicants and certificate holders. To help better facilitate CAMTC's objective to assist city governments, I reached out to the Executive Director of the League, Chris McKenzie, to explore specific ways in which the League can support our effort to improve communication with cities. We met at CAMTC's office with three key staff members from our respective organizations to discuss ways to share information with city officials about CAMTC's efforts and resources. Also in January, we initiated a meeting with CSAC in which two Board members and senior staff met with CSAC to address CAMTC's collaboration and communication with county governments. We submitted an article titled "Collaboration With CAMTC Results in Safer Communities" which was published in the June issue of the League's Western Cities magazine. Throughout the year senior staff has been continuously supporting local government officials. Rick McElroy continued to travel the state to provide his law enforcement training (current flyer attached). We often received

notes acknowledging PSD staff's assistance to law enforcement as well as the help Beverly May provided to local government officials and human trafficking organizations and taskforces. CAMTC was routinely mentioned in staff reports of municipalities throughout the state and we established direct communication with the League's senior staff. Beverly May and I attended the Leagues' Board of Directors meeting in June 2016 in Monterey. During the meeting, Chris McKenzie graciously invited me to address the League's Board. Beverley and I felt warmly welcomed throughout the meeting. At the end of the first day, McKenzie announced that he'd retire in October, 2016. He assured me that he'd encourage his successor to continue to build on the positive relationship we had developed. In October, two of CAMTC's board members and two senior staff presented on a panel titled "Massage Establishments - Challenges and Solutions" at the League's annual conference in Long Beach. In December I reached out to Ms. Carolyn Coleman, the new ED of the League suggesting time for us to get together (attached email exchange). Also in December we sent letters and supporting documents to all city and county managers, police chiefs and sheriffs to encourage them to take advantage of the assistance CAMTC provides (see attached samples).

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:** In order to assure objectivity, we decided to retain the services of a professional public policy and economics consulting firm to design and execute the study. After extensive vetting, The Blue Sky Consulting Group was retained for this project. The firm specializes in strategic and analytical services for public, not-for-profit, and private sector clients. Their team of subject matter experts and staff come from the highest levels of government, academia and the private sector. As part of the study a special effort was made to reach out and seek input

from to a wide range of diverse stakeholders. Throughout the study, Blue Sky maintained complete autonomy and control over design, data collection and analysis. The final study was submitted to the Legislature on December 30, 2016. As part of its conclusions and recommendations the study states: *"Regulation of massage therapists has many important goals, including protecting the public from physical harm and combating prostitution and human trafficking. However, our analysis found only limited evidence of harm to consumers caused by massage therapists. With respect to the second goal (combating prostitution), our analysis found that (a) regulation is of only limited value in combating prostitution and (b) to the extent that regulation can be effective,* ***certification, with its ability to respond more efficiently to allegations of wrongdoing, is a better alternative than licensure****."*

Financials

CAMTC maintained strong fiscal viability throughout 2016. Year-end financial results were better than expected. Excess revenue over expenses was $580,833 above budget and were driven mainly by surpassing expected revenues by almost $400,000. Year-end actual cash position was of $3,521,612 (budgeted was $2,620,928). The Treasures' Report in this packet provides additional data and analysis but it is important to keep in mind that this report is based on pre-audited financial statements.

Disciplinary Performance Measures

Attached please find CAMTC's 2016 Disciplinary Performance Metrics. In order to ensure that all stakeholders can review CAMTC's progress in meeting its public protection mission, we will regularly track these measures and make them easily available by prominently posting them on the website every 90 days. The performance measures targets were established in 2015. For 2017 we will be slashing these targets across the board by 50%.

In order to provide some perspective on these numbers, staff researched the published results of DCA's Boards and Bureaus and produced a comparison with the average results in each of the four categories (attached). None of DCA's Boards or Bureaus had reported results for the last quarter of 2016 at this point so we used the third quarter, which is the last reported. As has been demonstrated in previous years, a comparison of CAMTC's results to the aggregate average of DCA's Boards and Bureaus (attached) clearly demonstrates that CAMTC continues to make more efficient and effective use of its resources.

Media

Last year, CAMTC media coverage remained similar to previous years with much focus around the same type of coverage. We averaged about six to seven stories a month over the course of the year ranging in topics such as massage therapist arrests to stories generated by moratoriums of local government ordinances. In the second quarter, the Sacramento Bee wrote a good story (with a minor correction needed) that was favorable and honest about CAMTC and the industry. Last year we also continued to generate and pitch reporters regarding our no-cost training, and we were able to get T.V. coverage at our Modesto training resulting in significant coverage of the training. RBW Communications continues to monitor hundreds of email alerts and several websites to ensure we are putting forth all relevant stories that pertain to massage policy in California. RBW has continued to grow and maintain its reporter list even though media outlets tend to have freelancers cover local government issues.

Media coverage breakdown:
CAMTC generated media coverage for several trainings, which produced 5 stories.
There were 43 stories around city ordinance updates, changes etc.
There were 25 stories on illicit massage businesses.

There were 6 stories on robberies (in one story people were not certified - just used a massage business to commit crime).
There were 4 stories that were general about the industry or human trafficking related to massage businesses.
There were 6 misconduct stories some were in multiple outlets - most of them not about people who were certified through CAMTC.
There was 1 story related to a massage school.

In total there were 84 stories on massage in 2016.

Thai Consul-General

On December 19, 2016, on the invitation of the Thai Consul-General in Los Angeles, I presented at a meeting of the Thai Spa Association (attached). The government of the Kingdom of Thailand has been proactively engaged with CAMTC since 2009. This is the seventh time this group invited us to present and we were told it would not be the last time.

San Francisco Collaborative Against Human Trafficking (SFCAHT)

On December 7, Beverly May and I attended the 2016 Conference of the San Francisco Collaborative Against Human Trafficking (SFCAHT). Beverly was one of the speakers on a panel on “The Role of Socially Responsible Businesses in the Fight Against Human Trafficking” (program attached).

November 2016 - February 2017 - Operations

Application processing has not been functioning as well as we were expecting. Due to problems with the new database implementation, staff got behind on issuing certificates in November. Even though staff was able to catch up in December, adaptation to the new system by users and staff created operational pressures that resulted in longer turnaround times for applicants. The average number of days from the time all documents were received to approval for new

applicants without background or educational issues changed from 30 days in October to 55 days in December. For applicants with background or educational issues that turnaround time for the same period grew from 52 to 59 days. This is a temporary setback from which we are gradually recovering. It is our objective to restore our application turnaround time to that of October 2016. Applicants for recertification were notified by mail, emails and on the website that in order to ensure an uninterrupted certification status they need to submit their recertification applications at least 60 days prior to expiration. If they have background issues, recertification may take longer since such applicants must go through additional PSD review. In order to better serve all stakeholders, we increased the number of customer service representatives from 4 to 6.

In January 2017 we moved our recertification notification mailing operations to an outside mailing house. It is our hope that this move will reduce the instances in which certificate holders fail to receive notifications by mail.

While the database system went live on November 1, 2016, not all of its components are fully functioning at this time. PSD, ESD and legal counsel are still operating with the original system. Clearly, our vendors underestimated the complexity of our operational protocols and was unable to fully implement a seamlessly integrates system in 2016. Our staff and vendors are pushing hard to finalize this project but our number one priority is to ensure the reliability of the system and the accuracy of the data it provides to the public, local government and certificate holders. We do expect all aspect of the new system to be fully tested and operational before the end of the year.

Other 2017 Updates

Schools

CAMTC's number one goal for 2017 is to evaluate the accessibility of massage education in California and review schools-related policies.

The Board agreed to conduct a study to measure how accessible massage education really is and to examine CAMTC's potential role in mitigating the shortage of professional massage education, if such shortage actually exists. For the purpose of this study, we defined "accessible" as geographic areas with approved programs located within a one hour drive of the residence of a potential student. Specifically, we wanted to determine what is the percentage of California residents who live within a one-hour drive from an approved school. We retained the services of GbBIS, a division of Intelligent Direct Inc., a leading provider of geographic-based information solutions with many Fortune 500 clients and provided them with all the addresses of schools with CAMTC-approved programs. The analysis revealed that approximately 97% of California residents live at an accessible address to professional massage education. Attached is a map with visual depiction of the study. It is my opinion that based on this data, California has no shortage of professional massage educational opportunities and therefore no action needed to be contemplated by CAMTC to address this issue at this time.

The school advisory committee has been established and is scheduled to hold its first meeting on March 8, 2017 (Agenda attached)

Local Government

CAMTC has continued to promote collaboration with cites and counties. As part of the Board's strategic priorities, staff developed an educational program specially designed for city attorneys about CAMTC's certification, school approval program, and the use of revocable registration. On January 9, 2017 ,

we submitted a proposal (attached) to the League offering to present this program to city attorneys at the annual conference in Sacramento in October 2017. On February 23, 2017, the League informed us that our program would not be presented.

In the past 60 days, 25 law enforcement agencies have responded to our December 2016 letter and requested that we conduct our training for their officers. On January 31, 2017, PSD's director provided training at a DOJ meeting in San Diego. More than 100 officials from local, state and federal agencies (including FBI and Homeland Security) were in attendance.

Earlier this year I had several conversations with the President of the California Police Chiefs Association (CPCA), Chief Ken Corney (Ventura). We are planning a meeting in March 2017 that will include CPCA's incoming President and senior CAMTC staff to discuss cooperation between our respective organizations.

The League's Los Angeles County Division will hold a general membership meeting on March 2, 2017 with special guest Carolyn Coleman, the new Executive Director of the League. Beverly May and I accepted the invitation to attend.

Outreach

Legislator of the Year - On January 10, 2017 CAMTC's Chairman and Vice Chairman presented Assemblymember Rudy Salas with CAMTC's Legislator of the Year award for 2016. The presentation took place at the State Capitol. (attached)

Massage magazine - On January 13, 2017 Massage magazine published an article titled "*Changes to California's Massage Law Are Now in Effect"* (Attached). CAMTC submitted the written content (not the artwork).

San Diego DA's news conference – On January 31, 2017 CAMTC participated in the news conference held at the Hall of Justice in San Diego that announced a state wide anti-human trafficking undercover sting operation that resulted in more than 400 arrests over three days. There were more than 30 news organizations at the news conference in which Chief Deputy District Attorney Summer Stephan stated: *"In our continuing effort to fight human trafficking in San Diego County, I am pleased to announce that the California Massage Therapy Council is conducting a specialized training in San Diego today which is an essential part of their continuous assistance to law enforcement in maintaining the highest standards of conduct and safety in massage establishments. I want to thank the Council for their work on addressing this aspect of human trafficking."* (photo attached).

Website foreign languages translation - The information on CAMTC's website is now translated in 103 foreign languages. We believe that this new feature will make it easier for massage professionals and the public to be informed about CAMTC.

Human Trafficking Brochure – We made one important change to the human trafficking brochure (attached amended side). In order to collect meaningful data about human trafficking as it relates to CAMTC's certificate holders, we established a CAMTC tip line. This line is specifically set up so anyone will be able to report an anonymous tip. The tip line will be monitored by senior staff. CAMTC's tip line replaces the National Human Trafficking Resource Center Hotline in the brochure.

California Massage Schools Association - On March 18, 2017 CAMTC will have a booth and will conduct three separate presentations at the California Massage Schools Association conference in Los Angeles. All certificate holders and schools are invited. (Electronic and mail invitations attached).

Journey Out - On March 24, 2017 CAMTC is sponsoring *Journey Out's Inaugural Visionaries for Freedom Awards Ceremony and Summit*. Honoree, Los Angeles County Sheriff Jim McDonnell, will be giving the keynote address (invitation attached).

American Massage Therapy Association (AMTA) - CAMTC's application processing staff will have a booth at the AMTA - California Chapter's Annual Massage & Bodywork Educational Conference. The Conference will be held in San Jose March 24-27 (announcement attached). CAMTC's leadership will also be in attendance.

Federation of State Massage Therapy Boards (FSMTB) - I will be attending the inaugural Executive Directors' Summit for the executive director or key staff person from each massage therapy member board on March 30 - 31, 2017 in Kansas City, Missouri (all travel expenses are covered by FSMTB). The main focus of the summit will be exam fraud prevention and security.

From: Carolyn Coleman <ccoleman@cacities.org>
Subject: RE: Getting together
Date: January 7, 2017 6:26:01 AM PST
To: Ahmos Netanel <anetanel@camtc.org>

Ahmos,

My apologies for the delay in responding to your email. I share your and Chris' hope that our organizations will continue the strong relationship we enjoyed under his leadership.

Unfortunately, I'll be on business travel during your upcoming visit to Sacramento and will not be able to meet with you.

I hope the award presentation goes well and look forward to connecting with you on a future trip.

Best,

Carolyn

Carolyn M. Coleman, Executive Director
League of California Cities
p: 916.658.8275 | f: 916.658.8240
1400 K Street, Suite 400, Sacramento, CA 95814
ccoleman@cacities.org<mailto:ccoleman@cacities.org>

Website<http://www.cacities.org/> | Facebook<http://www.facebook.com/#!/pages/League-of-California-Cities/76642059637> | Twitter<http://www.twitter.com/cacitieslearn>

Sent from Mail<https://go.microsoft.com/fwlink/?LinkId=550986> for Windows 10

From: Ahmos Netanel<mailto:anetanel@camtc.org>
Sent: Wednesday, December 28, 2016 11:02 AM
To: Carolyn Coleman<mailto:ccoleman@cacities.org>
Subject: Getting together

Dear Ms. Coleman,
I'm writing you in my capacity as CEO of the California Massage Therapy Council (CAMTC). When Chris McKenzie and I last spoke, he expressed the hope that his successor and I would continue the strong relationship we have forged between our respective organizations. That is my hope as well.
CAMTC's mission is to protect the public by certifying massage professionals in California who meet certain statutory requirements, and by approving massage programs that meet minimum standards for training and curriculum. Two of CAMTC's top priorities are to assist cities in

meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and to improve communications with cities.

I'll be in Sacramento on January 10, 2017 (for CAMTC's Legislator of the Year Award presentation) and I thought it would make sense for us to meet for lunch if you are available. I look forward to connecting with you. You can reply to this email, or you can reach me any time on my direct line at 310-821-7776.

Respectfully,

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

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 27, 2016

Jill Keimach
City Manager City Of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

RE: California Massage Therapy Council - Assisting Your City

Dear Jill Keimach:

Two of CAMTC's top priorities are to assist cities in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and to improve communications with cities.

In the June 2016 issue of Western Cities, the League of California Cities published an article titled "Collaboration with CAMTC Results in Safer Communities". In case you've not had a chance to read it, I'm enclosing a reprint for your convenience.

On September 22, 2016, Governor Jerry Brown signed California Assembly Bill AB 2194 into law. The revisions to the Massage Therapy Act and Government Code section 51034 will become operative on January 1, 2017. Enclosed please find a summary of changes to CAMTC's Statute. These amendments may necessitate a review and update to your ordinance. CAMTC can provide you with support and expertise in this process at your request.

CAMTC is also pleased to announce the re-design of its secure Local Government Agencies website. This powerful tool will allow your authorized staff to access information about our applicants and certificate holders in greater detail. Departments in your city that require information relevant to administering the local ordinance can request access for our secure site by registering with CAMTC at the following link:
https://agency.camtc.org/Agency/Account/RequestAccess

Please contact me directly at anetanel@camtc.org or by calling my direct line 310-821-7776 if you are interested in meeting to discuss further the assistance that CAMTC can provide. Looking forward to working with you on our mutual goal of public protection.

Respectfully,

Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 28, 2016

Chief Rolleri
Police Department
City Of Alameda
1555 Oak Street
Alameda, CA 94501

RE: California Massage Therapy Council - Assisting Your Department

Dear Chief Rolleri,

Two of CAMTC's top priorities are to assist police departments in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and to improve communications with law enforcement.

In the June 2016 issue of Western Cities, the League of California Cities published an article titled "Collaboration with CAMTC Results in Safer Communities". In case you've not had a chance to read it, I'm enclosing a reprint for your convenience.

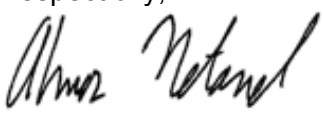
On September 22, 2016, Governor Jerry Brown signed California Assembly Bill AB 2194 into law. The revisions to the Massage Therapy Act and Government Code section 51034 will become operative on January 1, 2017. Enclosed please find a summary of changes to CAMTC's Statute. These amendments have been incorporated into CAMTC's 2017 law enforcement free training (flyer enclosed). I encourage you to enroll your officers in this course.

CAMTC is also pleased to announce the re-design of its secure Law Enforcement website. This powerful tool will allow your authorized staff to access information about our applicants and certificate holders in greater detail. Your departments can request access to our secure site by registering with CAMTC at the below link:
https://agency.camtc.org/Agency/Account/RequestAccess

Please contact me directly at anetanel@camtc.org or by calling my direct line 310-821-7776 if you are interested in meeting to discuss further the assistance that CAMTC can provide.

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

Respectfully,



Ahmos Netanel, CEO

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COUNCIL

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tel 916.669.5336 fax 916.669.5337 www.camtc.org

Summary of Changes to CAMTC's Statute

On September 22, 2016, California Assembly Bill AB 2194 was signed into law by Governor Jerry Brown. The revisions to the Massage Therapy Act ("Act") and Government Code section 51034 will become operative on January 1, 2017. The bill made some technical edits, provided much needed clean up after the sweeping changes made by AB 1147, extended the Act for another four years, made some clarifying changes to CAMTC's denial and disciplinary provisions, and made some other more substantive changes.

Changes Applicable to Local Regulation of Massage Businesses

- One of the more significant changes made to the Act (Business and Professions Code sections 4600 et. seq.) is the change of current section 4600.5(c) from intent language to its placement in 4603.1 as directive language. The current statute states that it is the intent of the Legislature that local governments impose and enforce only reasonable and necessary fees and regulations. The new version of the law, Business and Professions Code section 4603.1, now provides:

  > 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.

- Changes were also made to the intent language in Business and Professions Code section 4600.5(b), where the legislature showed their strong support of revocable registrations by adding the following language:

  - Local governments should give strong consideration to establishing a registration program that grants local governments the ability to either suspend or revoke a registration of massage business for specific violations.

- Changes were also made to Government Code section 51034. This section was partially renumbered and the following provisions were added:

- Local governments can't require a massage business or establishment to have a shower or a bath; and

- While the law already provides that local governments can't require a CAMTC certificate holder to pass a background check, this provision has been clarified to state that this includes a criminal background check or submission of fingerprints for a state or federal background check.

Changes Applicable to Procedures for Denial and Discipline

- The procedures related to denials and discipline have been clarified in the following ways:

    - Provision that allows a certificate holder to request a hearing on a suspension based on evidence has been clarified to state that the hearing is an "oral hearing or consideration of a written statement." This makes it clear that "hearing" doesn't mean an in person hearing;

    - Written statements and declarations signed under penalty of perjury can currently be used to "determine the basis" of the denial or discipline. This provision has been clarified to state that this includes using those statements and declarations to make a final decision on denial or discipline;

    - The procedures set forth in CAMTC's law are deemed to meet the requirements for fair procedure;

    - Final decisions to deny or impose discipline are specifically authorized to be made based solely on written statements or declarations made under penalty of perjury, and those providing the statements or declarations can't be required to appear at an oral hearing or provide additional documents; and

    - It has been clarified that certification is not a fundamental vested right, and the legal standard on review has been defined as the substantial evidence test.

- Lawsuits against CAMTC related to individual certification denials or discipline must now be brought within 90 days.

Technical Changes

- The law was changed to state (as it previously did before AB 1147) that all education be from "approved schools" instead of "schools approved by the council," so that the law again requires approval by BPPE or one of the other organizations listed in Business and Professions Code section 4601.

- The provision stating that owners and operators of massage businesses and establishments are responsible for the conduct of all those providing massage for compensation on the premises has been clarified. It now states that this provision applies to owners and operators who are applicants for CAMTC certification, when it previously stated that it applied to owners or operators who were certificate holders.

- The law again requires (as it previously did before AB 1147) that when a certificate holder is suspended based on an arrest with charges filed for 647(b) or another act punishable as a sexually related crime, that their employer of record be notified of the suspension by mail (current statute only specifies notification by email).

- The deadline to submit the feasibility study has been extended until January 1 of 2017.

- The Act has been extended for a four year time period.

California Massage Therapy Council
2017 LAW ENFORCEMENT TRAINING

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

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



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

California Massage Therapy Council

For more information contact:

Rick McElroy

Division Director
Professional Standards Division

rmcelroy@camtc.org

805-390-0397

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WESTERN City



Carlsbad Focuses on Economic Opportunities in High-Tech Sectors p.13

Maximizing Revenue From City Property With Municipal Leases p.9

Gigabit Networks: Tomorrow's Infrastructure p.11

www.westerncity.com

Collaboration With CAMTC Results in Safer Communities

by Ahmos Netanel

The California Massage Therapy Council (CAMTC) and cities share a common goal of protecting the public. In a world of ever-diminishing budgets, CAMTC is positioned to assist cities in meeting "their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders" (California Business and Professions Code Section 4600.5[a]). CAMTC helps cities meet this duty by providing no-cost training and up-to-date information about applicants and certificate holders and working cooperatively with local personnel to obtain evidence needed for CAMTC to deny applicants and discipline certificate holders who violate the Massage Therapy Act.

CAMTC is a private nonprofit corporation that certifies massage professionals who meet the Massage Therapy Act requirements. CAMTC is authorized to take action for both conduct-based violations *and* criminal convictions. CAMTC's authority is broad and far reaching, but without the cooperation of local agencies it doesn't have the evidence needed to take action. Cities play a key role in this process.

Taking Disciplinary Action

CAMTC may immediately suspend a certificate if it has evidence of an act punishable as a sexually related crime or a related felony. It may also revoke a certificate if it has evidence of unprofessional conduct or other violations of the Massage Therapy Act. Unprofessional conduct generally includes, but is not limited to:

- Sexually suggestive advertising;
- Sexual activity on the premises of a massage establishment;
- Sexual activity while providing a massage for compensation at any location;
- Massage of the genitals or anal region; and
- Massage of the female breast without the written consent of the client and referral from a licensed California health care provider.

CAMTC may also take action if it has evidence that a city has taken disciplinary action, such as issuing an administrative citation or revoking a business license.

Cities' Role in Providing Evidence

While CAMTC has the authority to take action based on a wide variety of violations, it relies on local personnel to provide evidence that these violations occurred. Cities have proof that an administrative citation was issued, that a business license was revoked, or that unprofessional statements were made to an undercover officer during a massage. It is only through the cooperation of local law enforcement personnel (who provide declarations signed under penalty of perjury), or cities (which provide certified copies of administrative citations and business license revocations), that CAMTC has the evidence needed to fully vet applicants and discipline certificate holders.

CAMTC also provides cities with up-to-date information about the status of certificate holders both by sending emails every time a certificate holder is suspended, revoked or disciplined and by providing access to CAMTC's secure site.

No-Cost Training Available

Cities have seen the value of CAMTC's no-cost training. "The training allows officers to support legitimate massage business in our communities, while also helping them to recognize and address businesses that operate outside the law," says Lieutenant Russ Norris of the Concord Police Department.

"CAMTC's no-cost training has been invaluable in developing an effective tool to combat illicit activity occurring under the guise of providing massage therapy," says Shana Faber, assistant city attorney of Vacaville and CAMTC board member. "Through partnering with CAMTC, we have been successful in curtailing unscrupulous and illegal businesses that seek to prey on our community." To date, CAMTC has provided no-cost training to 278 separate agencies and over 700 individuals.

By working together we can accomplish our common goals to rid cities of illicit massage establishments, stop the hijacking of an ancient therapeutic profession and support legitimate massage businesses. Contact Beverly May, CAMTC director of governmental affairs, at bmay@camtc.org for more information or if you are interested in CAMTC's no-cost training. ■

Ahmos Netanel is chief executive officer of the California Massage Therapy Council and can be reached at anetanel@camtc.org.



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PERFORMANCE METRICS – 2016

PM1 – COMPLAINT VOLUME

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

FIRST QUARTER 2016: 36.7 complaints received on average per month.

SECOND QUARTER 2016: 47.7 complaints received on average per month.

THIRD QUARTER 2016: 33.7 complaints received on average per month.

FOURTH QUARTER 2016: 35.7 complaints received on average per month.

PM1.1 – VOLUME- CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

FIRST QUARTER 2016: 26.7 complaints against certificate holders received on average per month.

SECOND QUARTER 2016: 31 complaints against certificate holders receive on average per month.

THIRD QUARTER 2016: 20.3 complaints against certificate holders received on average per month.

FOURTH QUARTER 2016: 20.3 complaints against certificate holders received on average per month.

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

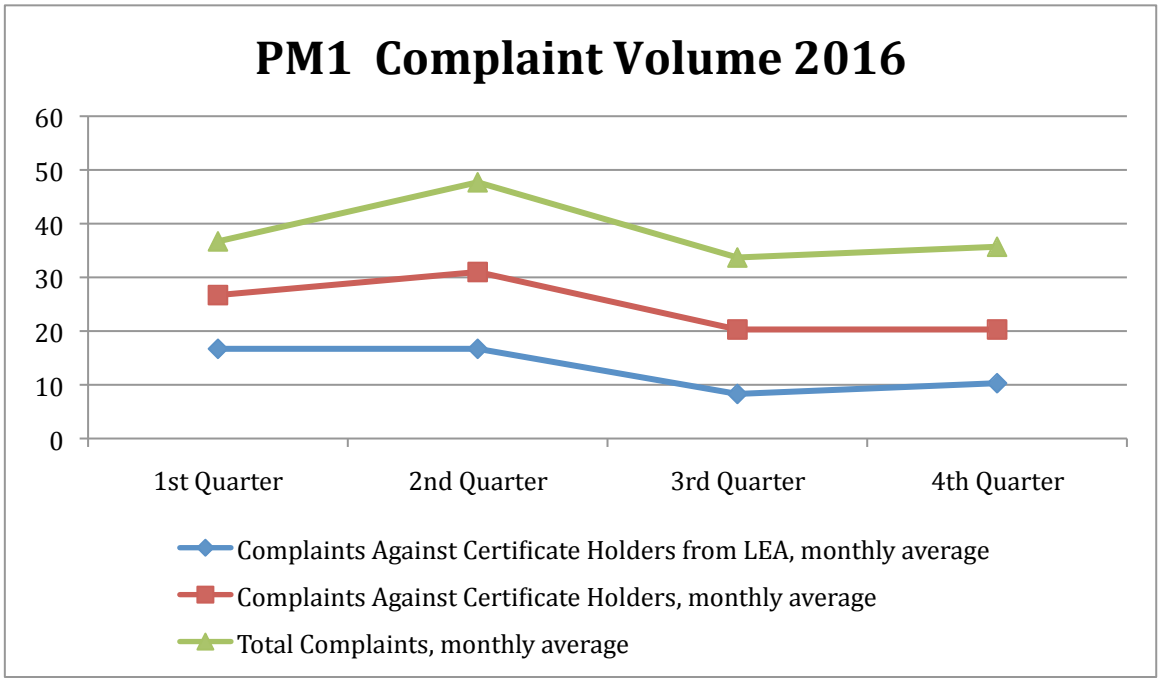
Total number of complaints received (on average per month) against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

FIRST QUARTER 2016: 16.7 complaints from LEA received against certificate holders on average per month.

SECOND QUARTER 2016: 16.7 complaints from LEA received against certificate holders on average per month.

THIRD QUARTER 2016: 8.3 complaints from LEA received against certificate holders on average per month.

FOURTH QUARTER 2016: 10.3 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

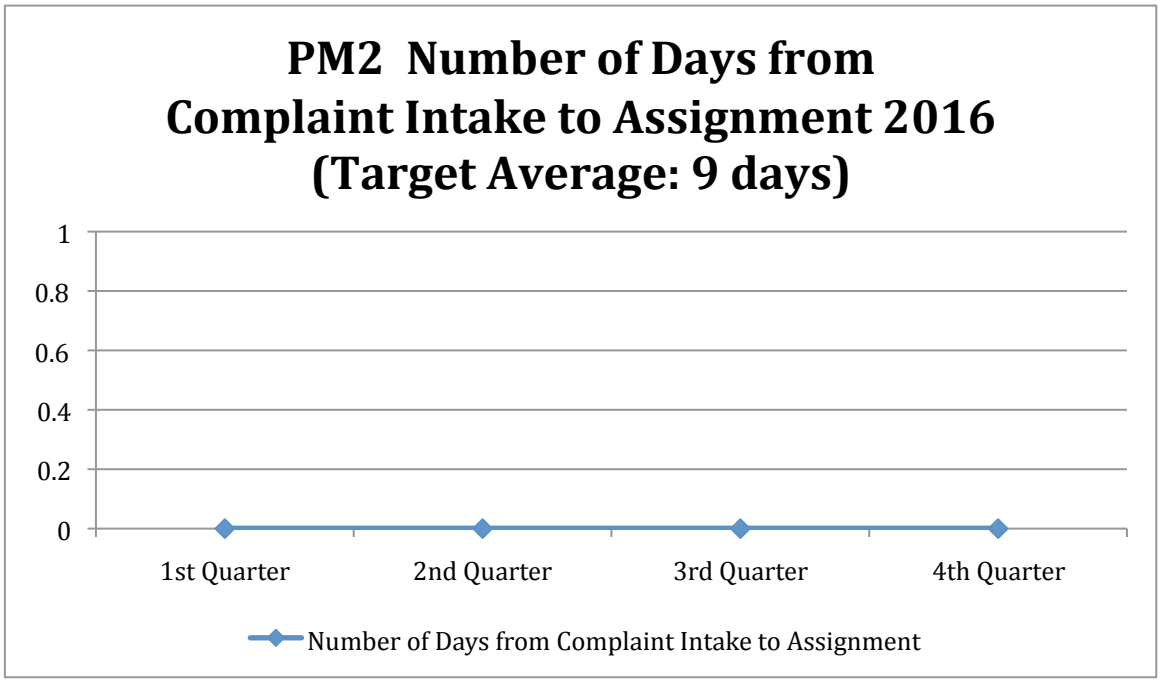
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

FIRST QUARTER 2016: 0 days to assignment

SECOND QUARTER 2016: 0 days to assignment

THIRD QUARTER 2016: 0 days to assignment

FOURTH QUARTER 2016: 0 days to assignment



PM3 – INTAKE AND INVESTIGATION – INFORMAL RESOLUTION

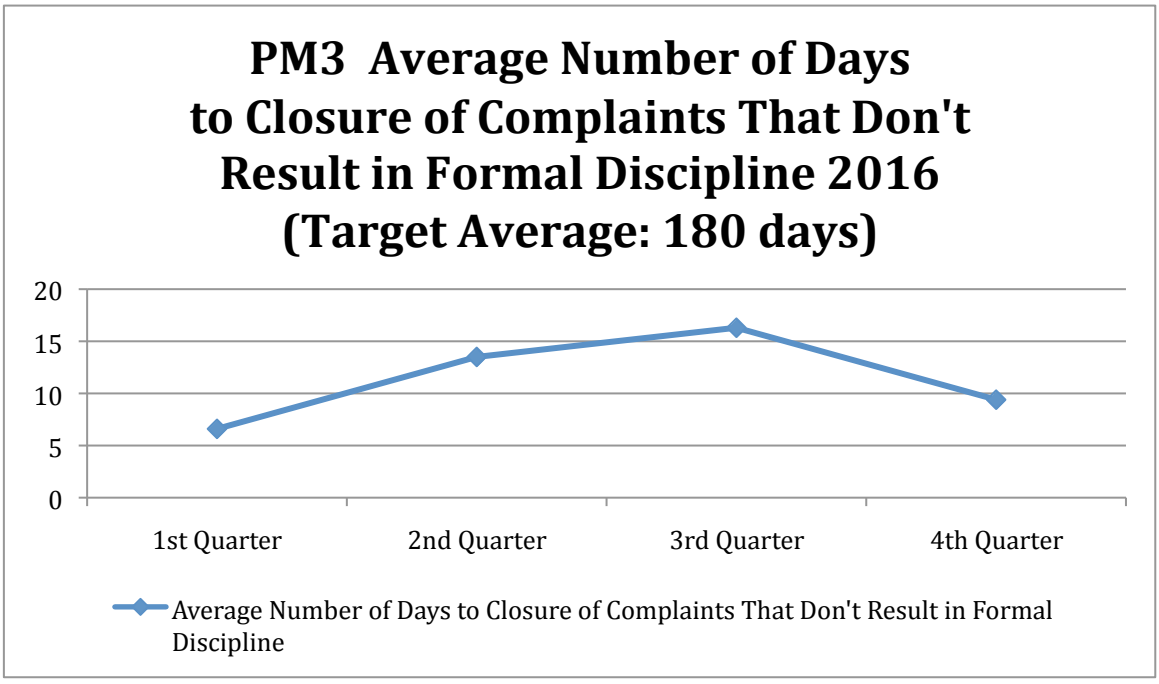
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

FIRST QUARTER 2016: 6.6 days is the average number of days to closure.

SECOND QUARTER 2016: 13.5 days is the average number of days to closure.

THIRD QUARTER 2016: 16.3 days is the average number of days to closure.

FOURTH QUARTER 2016: 9.4 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

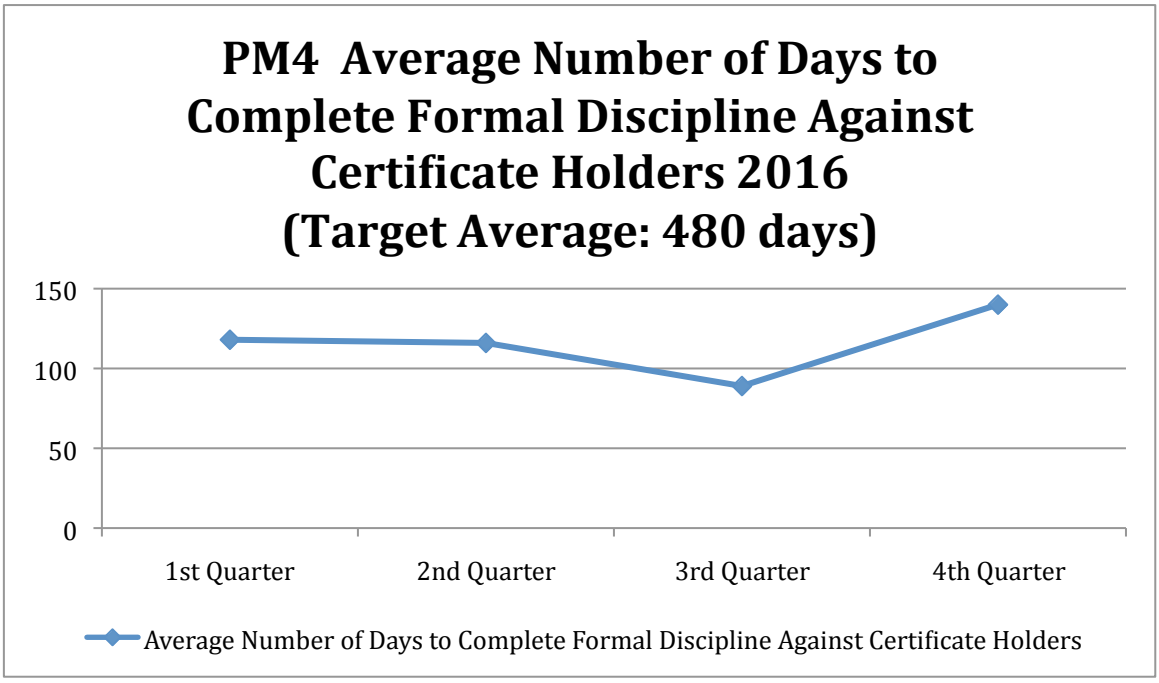
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

FIRST QUARTER 2016: 118 days is the average number of days from intake to final date of formal discipline.

SECOND QUARTER 2016: 116 days is the average number of days from intake to final date of formal discipline.

THIRD QUARTER 2016: 89 days is the average number of days from intake to final date of formal discipline.

FOURTH QUARTER 2016: 140 days is the average number of days from intake to final date of formal discipline.



July 1- September 30, 2016

PM 1 Complaint Volume

Fourth Quarter 2015: Aggregate Average # Complaints Received 816.3

Fourth Quarter 2015 Monthly Average # Complaints Received : 272.5

PM 2 Number of Days from when a complaint is received to the date the complaint is assigned to an investigator

Fourth Quarter 2015: Aggregate Target number of days 10.3

Fourth Quarter 2015 Aggregate Actual number of days 8.4

PM3 Average number of days to complete the entire enforcement process for intake and investigation (not including cases transmitted to AG office)

Fourth Quarter 2015: Aggregate Target number of days 208.0

Fourth Quarter 2015 Aggregate Actual number of days 139.0

PM 4 Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline (intake, investigation and transmittal of outcome)

Fourth Quarter 2015: Aggregate Target number of days 540

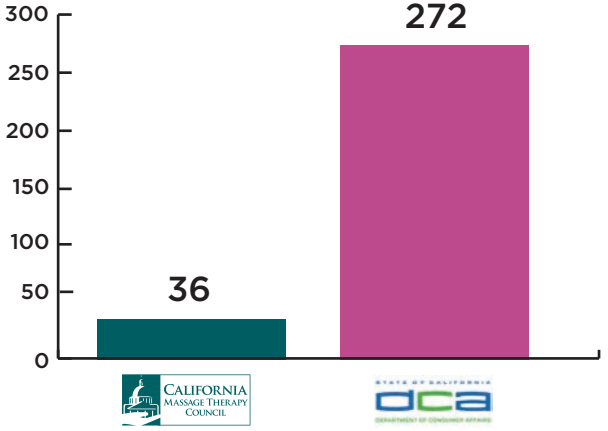
Fourth Quarter 2015: Aggregate Actual number of days 1,635

	# complaints	Monthly Average	PM2 target	PM2 actual	PM 3 target	PM 3 actual	PM 4 target	PM 4 actual
Accountancy July 1-Sept 30, 2016	559	186	10	2	180	141	540	1,006
Acupuncture	39	14	10	5	200	167	540	900
Architects	72	24	7	1	270	134	540	895
Auto Repair	5,137	1,712	7	3	60	43	540	873
Cosmetology	829	276	10	5	120	95	540	973
Behavioral	660	220	5	4	180	95	540	731
Cemetery & Funeral Bureau	202	67	7	1	120	36	540	430
Chiropractic	115	38	7	14	180	108	540	1,356
Contractors	4,835	1,612	3	1	180	84	540	637
Court Reporters	19	6	5	1	60	49	540	436
Dental Hygiene	60	20	30	12	270	42	540	291
Dental	992	331	10	4	270	187	540	838
Bureau Electronic & Appliance repair, etc	653	218	10	1	180	100	540	380
Engineers, surveyors, geologists, geophysicists	95	48	10	9	360	260	540	1,106
Landscape Architects	3	1	7	1	270	118	540	953
Medical	2,415	805	9	11	125	193	540	953
Naturopathic	5	2	5	114	90	348	540	0 closed
Occupational Therapy	117	39	2	1	270	332	540	750
Optometry	25	8	7	2	90	51	540	1,066
Osteopathy	124	41	30	18	360	138	540	890
Pharmacy	960	320	20	16	210	261	540	825
Physical Therapy	205	68	9	3	90	126	540	715
Physician Assistant	131	44	10	9	150	187	540	925
Podiatric Medicine	37	12	9	6	125	153	540	1,145
BPPE	212	71	10	3	180	359	540	1,413
Professional Fiduciaries Bureau	31	10	5	5	365	112	540	0 closed
Psychology	313	104	9	7	80	89	540	624
Real Estate, Bureau	788	263	10	19	360	146	540	250
Appraisers, Real Estate, Bureau	102	34	10	1	360	58	540	305
RN	2,180	727	15	4	100	77	540	701
Respiratory Care	254	85	7	2	510	65	540	591
Security & Investigatory Services, Bureau	5,855	1,951	10	6	120	127	540	866

Speech, audiology and hearing aid dispensers	52	17	5	2	90	48	540	1,090
Structural Pest Contrl	164	55	10	2	180	109	540	567
Veterinary	264	88	10	2	365	192	540	727
Vocational Nursing and Psychiatric Techs	881	294	30	4	360	166	540	29,385
TOTAL	29385	9811	370	301	7480	4996	19440	55,593
Aggregate Averages for All Boards	816.25	272.5277778	10.2777778	8.361111111	207.777778	138.7777778	540	1,635

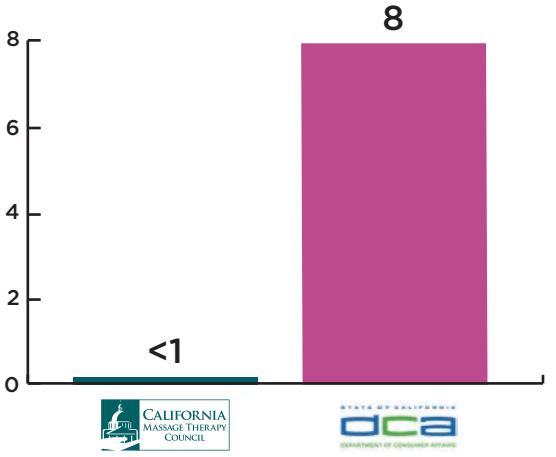
Average Monthly Complaint Volume

3RD QUARTER 2016



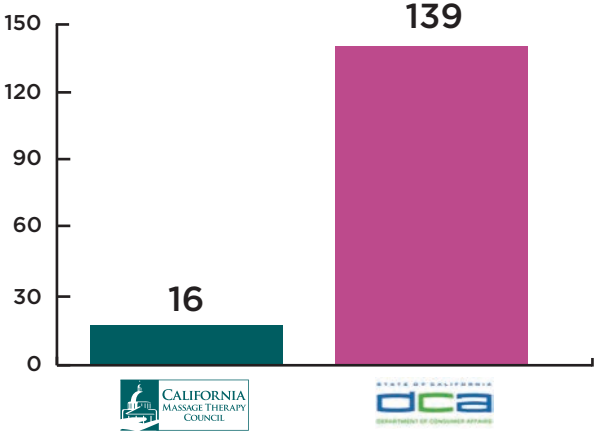
Average Number of Days From Complaint Intake To Assignment

3RD QUARTER 2016



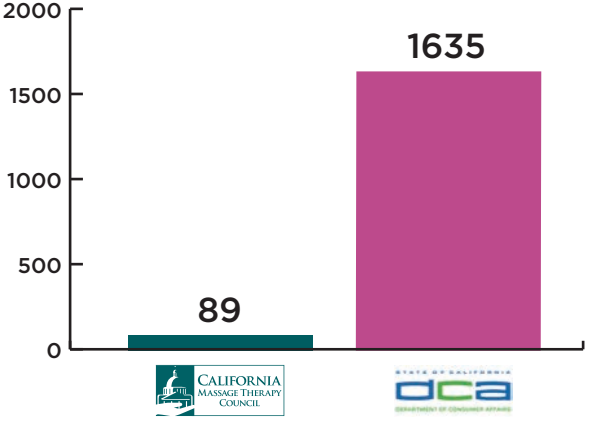
Average Number of Days To Closure of Complaints That Don't Result in Formal Discipline

3RD QUARTER 2016



Average Number of Days To Complete Formal Discipline Against Certificate Holders

3RD QUARTER 2016





ต้องขอกราบขอบพระคุณ...
ท่านผู้ใหญ่ใจดีของพวกเราทุกท่าน...
ที่ให้ความเมตตา.เพิ่มความรู้.กับพวกเรา

Conference Program

8:30 am

Registration/Check-in

9:00 am

Master of Ceremonies - **Dr. Emily Murase**, Executive Director, San Francisco Department on the Status of Women (DOSW)

Welcome

- **Marianna Warmee**, Federal Administrative Judge & Chair, SFCAHT

Honorary Opening Remarks

- California Assemblyman **Phil Ting**

Video Address

Introduction by **Nancy Goldberg**, Immediate Past Co-Chair, SFCAHT

- U.S. Congresswoman **Jackie Speier**
  U.S. Senator **Dianne Feinstein**

Keynote Address

- **Savannah Sanders**, trafficking survivor and author of Sex Trafficking Prevention: A Trauma-Informed Approach for Parent and Professionals

9:45 – 11:45 am

Plenary Panel Presentation

Fighting human trafficking by confronting its nature as an organized global market. Moderator: **Marianna Warmee**

- **Brian Stretch**, U.S. Attorney, Northern District of CA
- **Nancy O'Malley**, Alameda County District Attorney
- **George Gascón**, San Francisco District Attorney
- **John Bennett**, Special Agent in Charge, FBI
- **Rebecca Marcus**, San Francisco Deputy Public Defender
- **Elmy Bermejo**, Regional Representative for the U.S. Secretary of Labor
- **Ryan Spradlin**, Special Agent in Charge,
  U.S. Department of Homeland Security Investigations

11:45 am – 12:45 pm

Lunch & Networking

12:45 – 2:00 pm Break-out Workshops

Workshop 1: Human Trafficking Prevention & Demand-Supply Reduction

Moderated by **Rose Mukhar,** attorney for trafficking survivors & Chair, SFCAHT teen poster and writing contest and teen empowerment event

- **Rani Singh**, Managing Attorney, Collaborative Courts & Mental Health, San Francisco District Attorney's Office
- **Robyn Levinson**, HEATwatch Coordinator, Alameda County District Attorney's Office
- **Johanna Gendelman**, SF Human Services Agency, Department of Social Services
- **Angelina Romano**, MSW, Program Family & Community Support Department, SFUSD
- **Savannah Sanders**, trafficking survivor and author

Workshop 2: The Role of Socially Responsible Businesses in the Fight against Human Trafficking

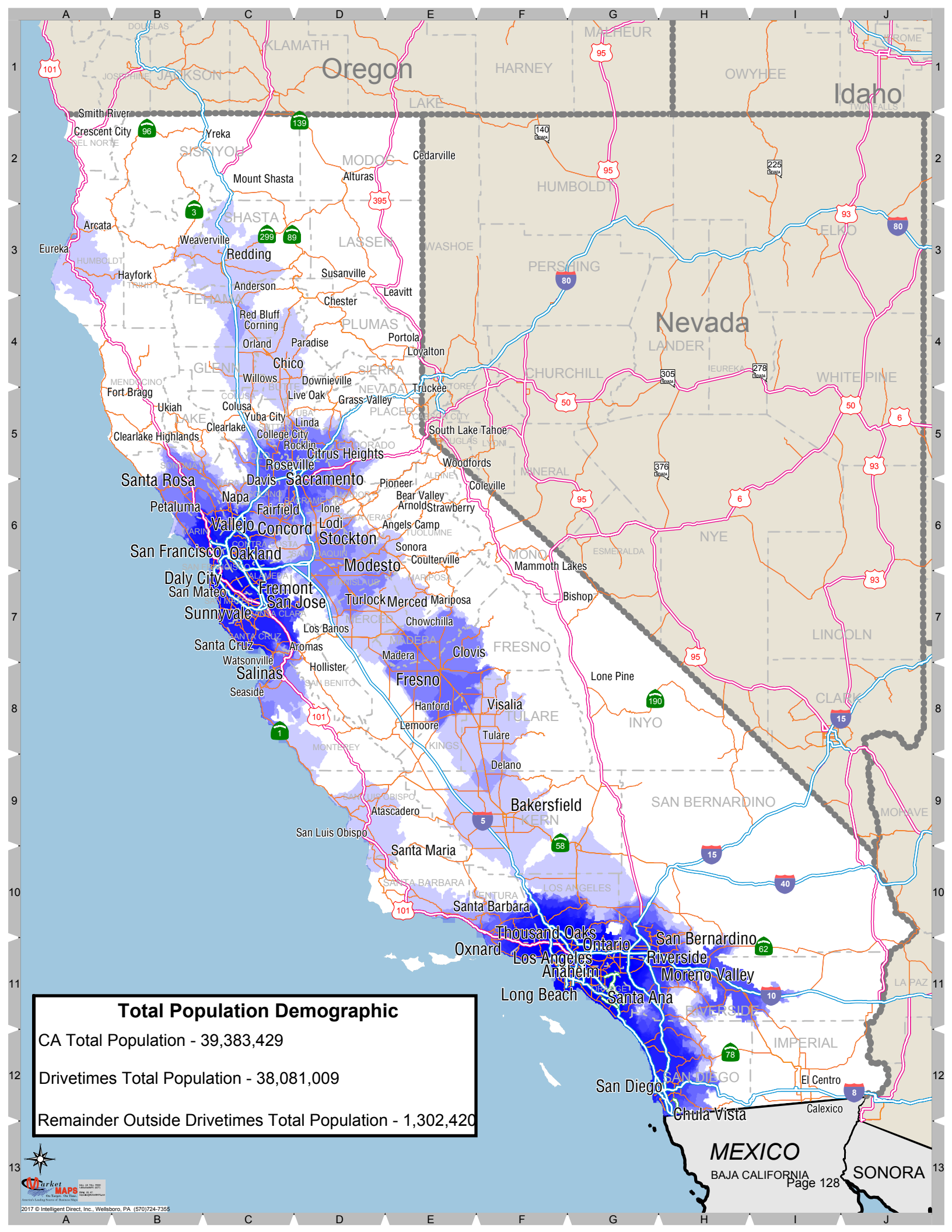
Moderated by **Teddi Silverman**, National Council of Jewish Women

- **Katy Tang**, Supervisor, District 4, San Francisco Board of Supervisors
- **Mike Brosnan**, San Mateo County Human Trafficking Coordinator
- **Beverly May**, Director of Governmental Affairs, CA Massage Therapy Council
- **Susan Kim**, Manager, EEO Compliance and Community Programs, San Francisco International Airport
- **Regina Evans**, trafficking survivor, SHADE Foundation

Workshop 3: Addressing the Use of Internet & Social Media for Human Trafficking Marketing & Recruitment

Moderated by **Antonia Lavine**, SFCAHT Coordinator and Executive Director, NCJWSF

- **Mike Sena**, Director, Northern California Regional Intelligence Center (NCRIC)
- **Jessica Owen**, Deputy Attorney General, CA Department of Justice, Office of Attorney General Kamala Harris
- **Melissa Saurwein**, Special Agent, Homeland Security Investigations
- **Brooke Istook**, Director of Strategy and Operations, THORN
- **Maryia Jackson**, trafficking survivor, NALLS Foundation



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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

Sent and Posted: February 24, 2017

NOTICE OF PUBLIC MEETING

Schools Advisory Committee

Wednesday, March 8, 2017 – 12:45 p.m.

Hilton San Francisco Airport Bayfront

600 Airport Boulevard

Burlingame, CA 94010

Meeting Room: Glimmer

AGENDA

1. Call to order, roll call, and establish quorum
2. Chair's comments
    - Welcome/Introductions
    - Background info on the purpose and charge of the committee
    - Rules of Debate
3. Bagley-Keene Open Meeting Act - General Counsel
4. CEO comments and report regarding study on accessibility of massage education
5. Staff recommended amendments to the Policies and Procedures for Approval of Schools
6. Staff recommended amendments to the Procedures for Un-Approval of Schools
7. ESD Director's report
8. Committee review of Policies and Procedures for Approval of Schools
9. Committee review of the Procedures for Un-Approval of Schools
10. Suggestions on how to improve the school approval process
11. Suggestions regarding timely processing of applications for school approval
12. Fees charged for school approval
13. Re-approval process for schools
14. Length of school approval/renewal cycles

15. Public comments regarding issues not in this agenda/suggested agenda items for future meetings
16. School outreach
17. Support material for schools
18. Applicant grievances
19. Improvements of daily operations
20. Items/suggestions from Committee members for future meeting agendas
21. 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 Committee, or to make a request regarding a disability-related modification or accommodations for the meeting, please contact Sheryl LaFlamme at (916) 669-5336 or One Capitol Mall, Suite 800 Sacramento CA 95814 or via email at camtc@amgroup.us. 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*

Put the Massage Therapy Act to Work for You

This presentation will help City Attorneys learn to use the Massage Therapy Act effectively in their jurisdictions to take targeted action against those engaged in illicit activity while minimally impacting legitimate massage professionals.

Learn how to:

- Effectively use revocable registrations to rid your city of criminal activity masquerading as massage businesses.
- Benefit from CAMTC's unique authority to deny, discipline and revoke.
- Re-write your local ordinance so that it complies with state law and allows quick city action against massage businesses based on CAMTC's denial or disciplinary actions.
- Work cooperatively with CAMTC to protect the public.

The Panelists will be:

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

Shana Faber, Attorney at Law, has more than 24 years of municipal law experience with the cities of Sacramento and Vacaville and was appointed as a board member by the CAMTC Board of Directors in 2015. Ms. Faber has worked closely with local law enforcement in closing down illicit massage parlors. Following the passage of the Massage Therapy Act in 2009, Ms. Faber drafted one of the first ordinances in the State of California that required massage therapists be certified by the CAMTC.

-------- Original Message --------
Subject: League of California Cities(r) 2017 Annual Conference Session Proposal Submission Status
From: Kayla Boutros <kboutros@cacities.org>
Date: Thu, February 23, 2017 4:53 pm
To: "'bmay@camtc.org'" <bmay@camtc.org>

Dear Beverly,

On behalf of the 2017 Annual Conference Planning Committee, we would like to thank you for taking the time to develop and submit a proposal for this year's conference. The committee had a difficult task narrowing the 180 submitted proposals down to the 35 available slots. Unfortunately, they were unable to accept your submission for "*Put the Massage Therapy Act to Work for You*" for the conference this year.

Although the committee was unable to accept your proposal for the Annual Conference, there are opportunities to submit session proposals for other conferences throughout the year. Please watch our website at www.cacities.org/events and your email for upcoming calls for proposals.

Thank you again for your ongoing involvement with the League, your participation is invaluable. We look forward to seeing you in Sacramento, September 13 – September 15.

Thank you,

The Education and Conferences Team

LEAGUE OF CALIFORNIA CITIES ®
1400 K Street, Suite 400, Sacramento, CA 95814
Website | Facebook | Twitter
Checkout our Conference Calendar

Please consider the environment before printing this e-mail.

Assemblymember Salas Named Legislator of the Year

Wednesday, January 11, 2017



CA Massage Therapy Council Awards Salas for regulatory leadership

SACRAMENTO – Today, Assemblymember Rudy Salas (D-Bakersfield) received the Legislator of the Year award for the 2016 legislative session from the California Massage Therapy Council (CAMTC). Salas was recognized for his exemplary leadership as the author of AB 2194 and as Chair of the Assembly Committee on Business and Professions.

"I am honored to receive this distinguished award and thank the California Massage Therapy Council for this recognition," said Assemblymember Salas (D-Bakersfield). "Together, we were able to craft meaningful policy that will protect consumers and enable certified therapists to continue to play a vital healing role in our local communities."

"All Californians should be proud of the work done by Assemblymember Salas," said California Massage Therapy Council Chair, Mark Dixon. "Assemblymember Salas' leadership, personal engagement, and command of understanding the issues that impact the safety and quality of life for many Californians is why we've named him Legislator of the Year. We share the same goals and commitment to protecting the public."

The CAMTC board unanimously selected Salas because of his willingness to carefully work on complex massage regulatory issues which continue to further define California's leadership in protecting consumers and local communities. AB 2194 extended the California Massage Therapy Counsel until 2021 and amended the Massage Therapy Act to bolster consumer protections and provide solutions to issues raised in the 2014 review of the CAMTC.

The Legislator of the Year is an annual award given by the Massage Therapy Council to lawmakers who show exemplary leadership on matters of public importance. Past legislators to receive recognition were Senator Lou Correa, Senator Curren Price Jr., and Assemblywomen Susan Bonilla.

###

Assemblymember Salas represents part of the City of Bakersfield, the cities of Arvin, Avenal, Corcoran, Delano, Hanford, Lemoore, McFarland, Shafter, Wasco, and the communities of Armona, Buttonwillow, Home Garden, Kettleman City, Lamont, Lost Hills, Stratford and Weedpatch.

CONTACT: Teodoro Martinez, (916) 319-2032

DOCUMENT 11.14

Changes to California's Massage Law Are Now in Effect

By *Ahmos Netanel* January 18, 2017



It's a New Year—and with the New Year come changes to the law applicable to California Massage Therapy Council (**CAMTC**) certified massage professionals.

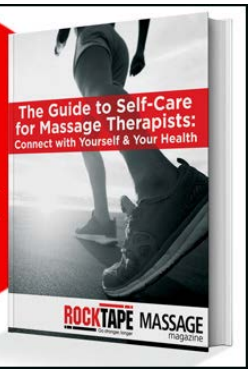
Assembly Bill 2194, signed into law by Gov. Jerry Brown on Sept. 22, 2016, extends the Massage Therapy Act—and CAMTC's voluntary certification program—for another four years.

While some amendments were made to the California massage law, the individual requirements for certification as a massage therapist have not changed.

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International Cupping Therapy Association
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In Response to Local Regulations

During the sunset hearing, the California State Legislature heard from many massage business owners, a good portion of whom were sole proprietors, about the devastating impact of oppressive local regulations, excessive fees and overlapping permitting requirements on their small businesses.

After negotiations with local government representatives and industry representatives, the legislature amended the law with a focus on trying to protect legitimate massage businesses and providers.

The new amendments accomplish the following:

• Limit local government's ability to impose oppressive fees and regulations on massage businesses by stating 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."

• Showed the Legislature's support for local regulation of massage businesses through revocable registration programs by stating that, "Local governments should give strong consideration to establishing a registration program that grants local governments the ability to either suspend or revoke a registration of massage business for specific violations."

• Prohibit local governments from requiring that a massage business or establishment have a shower or a bath. While this prohibition might sound minor, requiring showers or baths under the old law was one way that some local governments made it harder for small massage businesses to operate.

• Clarified the provision prohibiting local governments from requiring CAMTC certificate holders to pass a background check to clearly state that local governments can't require a CAMTC certificate holder to submit to a criminal background check or submit fingerprints for a state or federal background check.

Changes to the California Massage Law

AB 2194 also made some clarifying and technical changes to the California massage law and changed some provisions applicable to denial and disciplinary decisions. The provisions applicable to denials and discipline were amended in the following ways:

Massage Therapy Improves Quality of Life for Frail Children

The gift that massage therapists share with the world is an ... **Read »**

We Are a Nation of Stressed-Out People

A new report shows Americans' stress levels are rising—with ... **Read »**

This is How Massage Education Impacts the Quality of Your Profession

A recent *MASSAGE Magazine* reader survey identified ... **Read »**



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• The existing provision that allows a certificate holder to request a hearing on a suspension based on evidence has been clarified to state that the referenced hearing is an "oral hearing or consideration of a written statement." This makes it clear that "hearing" doesn't mean an in person hearing.

• Written statements and declarations signed under penalty of perjury can currently be used to "determine the basis" of a denial or disciplinary decision. This provision has been clarified to state that this also includes using those statements and declarations to make a final decision on denial or discipline.

• The procedures set forth in CAMTC's law are deemed to meet the requirements for fair procedure.

• Lawsuits against CAMTC must now be brought within 90 days of the effective date of denial or discipline.

• Final decisions to deny or impose discipline are specifically authorized to be made based solely on written statements or declarations made under penalty of perjury, and those providing the statements or declarations cannot be required to appear at an oral hearing or provide additional documents.

• It has been clarified that certification is not a fundamental vested right, and the legal standard on review has been defined as the substantial evidence test.
In a recent meeting with the author of AB2194, Rudy Salas (D-Bakersfield), CAMTC Chairman Mark Dixon, C.M.T., B.C.T.M.B., thanked Salas for his diligent work "to protect consumers, local communities and the profession."



For More Information

If you have any questions about the new California massage law and how it applies to you, please contact CAMTC Director of Governmental Affairs Beverly May, C.M.T., at bmay@camtc.org.

A full version of AB 2194 can be found **here**.

Ahmos Netanel is chief executive officer of the **California Massage Therapy Council**.

Related Posts:

PR Newswire
a CISION company

San Diego District Attorney's Office Commends California Massage Therapy Council For Its Role In Battling Human Trafficking

NEWS PROVIDED BY
California Massage Therapy Council →
Feb 01, 2017, 13:16 ET

SAN DIEGO, Feb 1, 2017 /PRNewswire/ -- The San Diego District Attorney's office commended the California Massage Therapy Council's leadership in providing specialized training yesterday at a press conference that announced the results of a large-scale, multi-agency operation across Southern California to stop the sexual exploitation of young women and girls.

"In our continuing effort to fight human trafficking in San Diego County, I am pleased to announce that the California Massage Therapy Council is conducting a specialized training in San Diego today which is an essential part of their continuous assistance to law enforcement in maintaining the highest standards of conduct and safety in massage establishments," said Chief Deputy District Attorney Summer Stephan. "I want to thank the Council for their work on addressing this aspect of human trafficking."



San Diego Chief Deputy District Attorney Summer Stephan and partner agencies speak with reporters at news conference.

"The mission of California Massage Therapy Council is to protect the public by certifying massage professionals in California that meet the requirements in the law," said Ahmos Netanel, CEO of the CAMTC. "We are pleased that the Council's rigorous vetting and disciplinary protocols have been enormously effective in keeping individuals associated with human trafficking from getting certified."

The training was for the San Diego Human Trafficking Task Force, which the California Department of Justice (DOJ) leads, but the Task Force sponsored, for the Southern California Regional Human Trafficking Task Forces, which include Task Forces from San Diego, Orange, Riverside, San Bernardino and Los Angeles.

Contact: Regina Wilson 951-823-7659

SOURCE California Massage Therapy Council

Know The Signs

Persons May Be Trafficked If They:

- Cannot leave their work environment or cannot quit to find another job
- Do not have control over their wages, money, or finances
- Show signs of physical abuse or injury
- Are accompanied everywhere by someone who speaks for them or allow others to speak for them when addressed directly
- Owe money to an employer or another person whom they feel bound to repay
- Moves or changes jobs suddenly and often
- Are not working in the job originally promised to them
- Lack identification, passport or other travel documents or don't have control over their documentation
- Provide sexual services in a strip club, massage parlor, brothel or other locations and have a manager or pimp
- Live illegally in the massage establishment
- Have restricted freedom of movement
- Are a juvenile engaged in a commercial sex act
- Are forced to work under deplorable conditions
- Work excessively long hours

Trafficked Persons

May Be Reluctant To Report Or Seek Services Because They:

- Do not know or understand that they are being exploited, or "trafficked"
- Are threatened that if they tell anyone, they or their families will be hurt
- Are unfamiliar with their surroundings and do not know whom to trust
- Do not know help exists, how to access it, or where to go for it
- Are unfamiliar with the laws, cultures, and languages of the destination location or country
- Fear retribution and forcible removal or deportation
- Fear law enforcement and other authorities
- Are in debt to their traffickers
- Are sending much needed money back 'home' and worry about not being able to do this.

STOP HUMAN TRAFFICKING

If you believe someone may be a potential victim, you may report an anonymous tip.

Call or text the CAMTC Tip-Line

916-589-7638

or email

tipline@camtc.org



CALIFORNIA MASSAGE THERAPY COUNCIL

Appearing in March 2017 Southern California Event!

Southern California

CALIFORNIA MASSAGE SCHOOL ASSOCIATION
Meeting & Expo - 3/18/17

School Owners, Massage/Spa Business Owners & Massage Therapists are Welcome

Saturday, March 18, 2017
9am to 12pm – Session by CAMTC
12pm to 6pm – A2Z Health Expo & Programs

Location:
Airtel Plaza Hotel
7277 Valjean Ave., Van Nuys, 91406

For Expo registration please go to:
http://www.camtc.org/media/1330/camsa-event-hosted-by-a2zhealth-expo.jpg

FEATURED CAMTC PRESENTATIONS ARE FREE



9am - Opening Remarks

- Dr. Ben Drillings



9:15am - CAMTC Approved Massage Schools

Presentation by Joe Bob Smith
Director of CAMTC Educational Standards Division

Joe Bob will update schools owners on:

- the current status of the new school approval process
- what CAMTC approval can do for your school
- how school approval protects the public
- learn best practices to help students get CAMTC certified









10:30am - Future of Massage in California
Presentation by Mark W. Dixon, CMT, BCTMB – CAMTC's Chairman

Whether you're a Massage Therapist, Educator, or a Massage/Spa Business Owner, the field of massage in California is currently going through many changes that create both challenges and opportunities.

Mark W. Dixon, CAMTC's Chairman has been in the field of massage for 29 years as a therapist and educator. He's held multiple leadership positions in California and Nationally. He will lead a discussion about:

- How CAMTC is raising professional standards
- Consumers' increasing demand for massage
- How the shortage of qualified massage professionals is impacting the industry
- Pricing and competitive pressures
- How to best position your career, school and or business to thrive in the new California massage ecosystem

If you are serious about success in the massage profession, this is one presentation you do not want to miss.





11:30am – Q&A

- Mark W. Dixon - CAMTC's Chairman
- Joe Bob Smith - Director of CAMTC Educational Standards Division
- Beverly May - Director of CAMTC Governmental Affairs

CAMTC certification processing staff will be onsite to help you with any issues regarding your application or certification status.

CALIFORNIA MASSAGE THERAPY COUNCIL

www.camtc.org

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

February 16, 2017

A2Z Health.net, Inc.
7620 Lindley Ave.
Reseda, CA 91335

Dear California Massage School Owner(s)/Administrator(s),

The California Massage Therapy Council invites you to a FREE presentation on Saturday, March 18, 2017.

- Joe Bob Smith - Director of CAMTC's Educational Standards Division, will discuss topics related to current CAMTC approved schools, pending schools, and schools considering applying for CAMTC school approval.

- Mark W. Dixon, CMT, BCTMB - CAMTC's Chairman, will discuss the future of massage in California with topics for massage therapists, massage educators, and massage/spa business owners.

- These presentations will be followed by a Q&A with Mr. Smith, Mr. Dixon, and Ms. Beverly May - Director of CAMTC Governmental Affairs.

Please see the enclosed flyer for location, times, and additional information. Also feel free to post the flyer for others to view.

While these presentations will take place as part of the California Massage School Association's Meeting & Expo, the featured CAMTC presentations are FREE to the public.

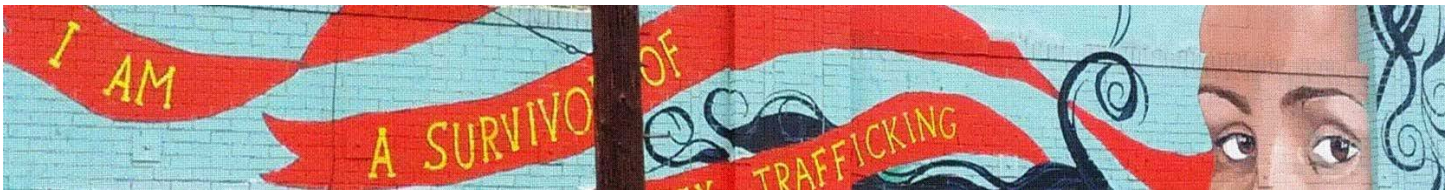
We look forward to seeing you there!

Sincerely,

Ahmos Netanel, CEO
California Massage Therapy Council

DOCUMENT 11.19

FORMERLY THE MARY MAGDALENE PROJECT



INAUGURAL VISIONARIES OF FREEDOM AWARDS & SUMMIT

March 24th, 2017 11:00am - 2:00pm | The California Community Foundation's Joan Palevsky Center



Journey Out's Inaugural Visionaries of Freedom Awards

Journey Out cordially invites you to attend our

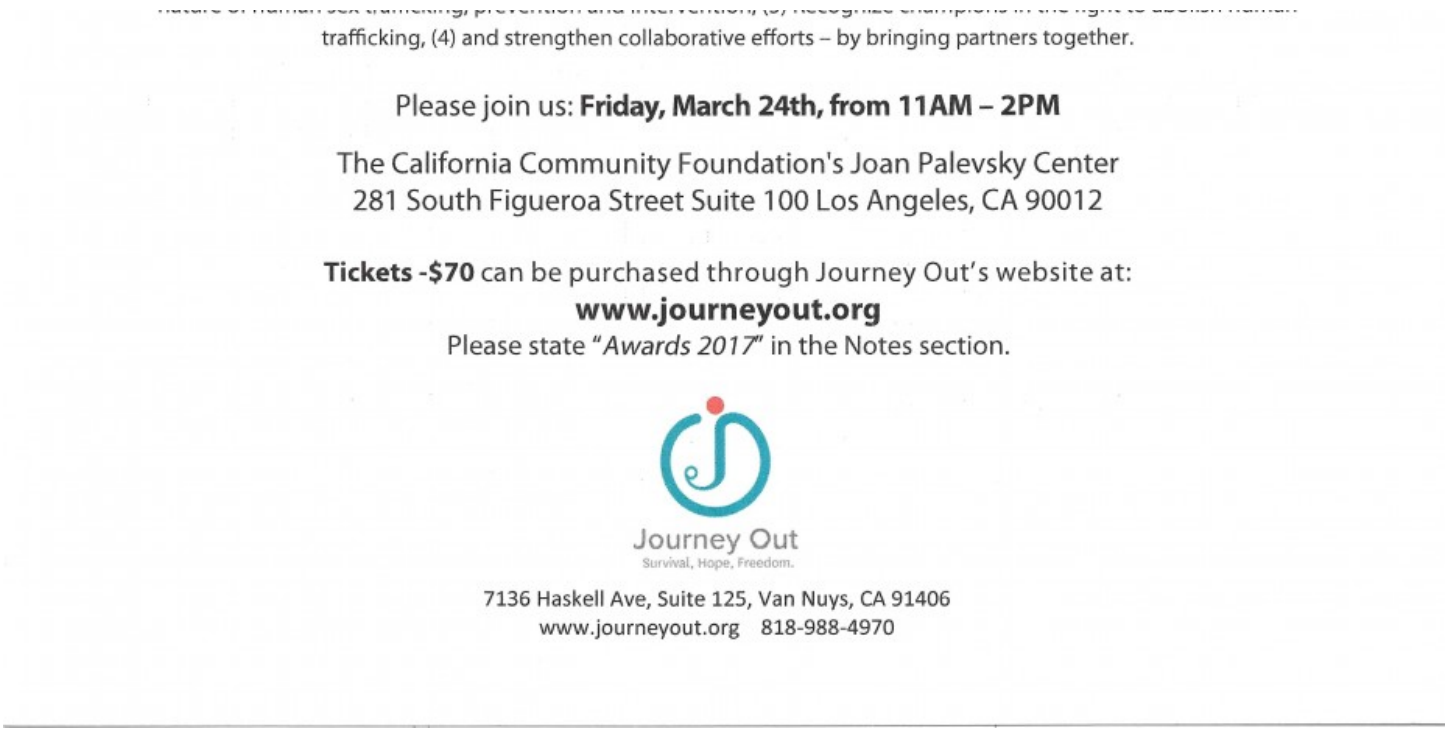
Inaugural Visionaries of Freedom Awards & Summit

Keynote address by LA County Sheriff Jim Mc Donnell

Awards are being presented to a magnificent group of honorees, who have lent their support, voice, and expertise to address the problem of domestic human sex trafficking

Jim McDonnel, Los Angeles County Sheriff
Sonja Dawson, Los Angeles City Attorney
Kay Buck, CEO & Executive Director of CAST
Melissa Cheslock, LA County First Step Program

Through this ceremony we hope to: (1) Advocate on the behalf of our clients - victims of human sex trafficking, (2) Continue our work of educating law enforcement, health and human service professionals, as well as community members about the nature of human sex trafficking, prevention and intervention, (3) Recognize champions in the fight to abolish human



Journey Outcordially invites you to attend our Inaugural Visionaries for Freedom Awards Ceremony. Honoree, Los Angeles County Sheriff Jim Mc Donnell, will be giving the Keynote address.

These esteemed honorees include:

Jim Mc Donnell, Los Angeles County Sheriff Kay Buck, CEO & Executive Director of CAST

Sonja Dawson, Los Angeles City Attorney Melissa Cheslock, LA County First Step Diversion Program

The Awards ceremony will be taking place on **Friday March 24th from 11AM – 2PM.** It is being held at The California Community Foundation's Joan Palevsky Center, located at 281 South Figueroa Street Suite 100 Los Angeles, CA 90012.

Through this ceremony we hope to: (1) Advocate on the behalf of our clients – children and adult victims of human trafficking, (2) Continue our work of Educating health, law enforcement, human services professionals, and communities about domestic human trafficking (3)

Recognize champions in the fight to abolish human trafficking, (4) and continue to strengthen collaborative efforts – by bringing partners together.

We hope that you will be able to join us to help celebrate our honorees and continue to raise awareness and understanding about human sex trafficking; and encourage you to register as soon as possible! Let us gather in great numbers, strongly demonstrating the power and spread of those who are willing to work together and to take a stand against human sex trafficking.

TICKET INFORMATION:

Ticket costs are $70/seat.Tickets can be purchased by contacting **cherise.charleswell@journeyout.org (mailto:cherise.charleswell@journeyout.org)** or through our **donation page (http://journeyout.org/donate)**. Please state "Awards 2017" in the Notes section.

A very special thank you to the California Massage Therapy Council for supporting this event and the fight against human trafficking!

The mission of the California Massage Therapy Council (CAMTC) 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. CAMTC assists law enforcement in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders.



If you have would like to inquire on ***Sponsorship Opportunities***, or if you have any additional questions about the event or would like to contribute in another way, please contact Cherise Charleswell at **cherise.charleswell@journeyout.org (mailto:cherise.charleswell@journeyout.org)**.

Tagged as: sex trafficking (./search_tag_sex trafficking), Journey Out (./search_tag_Journey Out), hope (./search_tag_hope), freedom (./search_tag_freedom), domestic sex trafficking (./search_tag_domestic sex trafficking)

Help victims of sexual exploitation today: **GET INVOLVED (GET-INVOLVED)**

DONATE (DONATE)

SIGN UP FOR OUR NEWSLETTER

EMAIL SIGN UP

(http://www.facebook.com/JourneyOutLA) (https://twitter.com/JourneyOutLA)

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CALIFORNIA MASSAGE THERAPY COUNCIL

Attending March 2017 Northern California Event!

Northern California

AMTA CALIFORNIA CHAPTER
ANNUAL MASSAGE & BODYWORK EDUCATIONAL CONFERENCE
WEEKEND OF MARCH 24-26

Location: DOLCE HAYES MANSION – Conference Center
200 Edenvale Avenue • San Jose 95136

For Conference Registration please go to:
https://www.eventbrite.com/e/2017-amta-ca-annual-education-conference-tickets-29586091797

Early Bird Registration is available through February 28th

For Hotel Reservations please go to:
https://aws.passkey.com/event/16381147/owner/20668/home

CAMTC leadership and staff will be in attendance throughout the conference and will be available to address any CAMTC related concerns you may have.

CAMTC will have a booth all 3 days of the conference. Stop by for help with local government challenges, school issues, start the application process, check your certification status, or to simply say "hi" anytime.

CALIFORNIA MASSAGE THERAPY COUNCIL



Massage Professionals



Massage Business Owners



Consumers



Schools



Governmental Affairs

CALIFORNIA MASSAGE THERAPY COUNCIL

www.camtc.org

CAMTC Bank Account
Summary
1/31/2017

	Bank	Type	Term	Maturity Date	Rate	Interest Deposits to:	Value	% of Portfolio	Valuation Date
1	Umpqua Bank	Checking	NA	NA	0.000%	NA	529,419.68	15.0%	1/31/2017
2	Preferred Bank	MM	NA	NA	0.400%	Self	251,724.75	7.1%	1/31/2017
3	California Bank & Trust	MM	NA	NA	0.070%	Self	250,176.00	7.1%	1/31/2017
4	Synchrony	CD	12 Mos	11/10/2017	1.242%	Self	256,441.88	7.2%	1/31/2017
5	CalFirst	CD	12 Mos	10/2/2017	1.230%	Umpqua-Chk	250,000.00	7.1%	1/31/2017
6	State Farm Bank	CD	36 Mos	11/26/2017	1.490%	Self	258,214.65	7.3%	1/31/2017
7	Giant/Landmark Bank	CD	36 Mos	11/26/2017	1.250%	Umpqua-Chk	250,000.00	7.1%	1/31/2017
8	EH National Bank	CD	24 Mos	12/5/2018	1.120%	323-602-2000	255,320.12	7.2%	12/5/2016
9	First Internet Bank of Indiana	CD	24 Mos	12/8/2018	1.350%	Self	250,059.60	7.1%	12/31/2016
10	Silvergate Bank	CD	12 Mos	9/8/2016	1.070%	Self	237,534.40	6.7%	1/31/2017
11	Presidential Bank	CD	12 Mos	9/9/2016	0.950%	800-383-6266	250,000.00	7.1%	9/9/2016
12	KS State Bank	CD	12 Mos		1.010%	Umpqua-ACH	-	0.0%	11/30/2016
13	Tab Bank	CD	12 Mos	11/12/2017	0.950%	Umpqua-ACH	250,000.00	7.1%	1/31/2017
14	Golden State Bank	CD	36 Mos	6/21/2019	1.000%	Self	251,442.48	7.1%	1/31/2017
							3,540,333.56		

CALIFORNIA
MASSAGE THERAPY
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5. Sample of 2016 Correspondence to City, County, and Law Enforcement Officials

5.a. December 28, 2016 letter to Chief Rolleri, City of Alameda

5.b. December 27, 2016 letter to Jill Keimach, City Manager, City of Alameda

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 28, 2016

Chief Rolleri
Police Department
City Of Alameda
1555 Oak Street
Alameda, CA 94501

RE: California Massage Therapy Council - Assisting Your Department

Dear Chief Rolleri,

Two of CAMTC's top priorities are to assist police departments in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and to improve communications with law enforcement.

In the June 2016 issue of Western Cities, the League of California Cities published an article titled "Collaboration with CAMTC Results in Safer Communities". In case you've not had a chance to read it, I'm enclosing a reprint for your convenience.

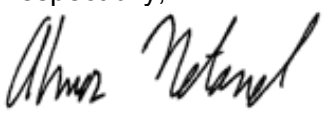
On September 22, 2016, Governor Jerry Brown signed California Assembly Bill AB 2194 into law. The revisions to the Massage Therapy Act and Government Code section 51034 will become operative on January 1, 2017. Enclosed please find a summary of changes to CAMTC's Statute. These amendments have been incorporated into CAMTC's 2017 law enforcement free training (flyer enclosed). I encourage you to enroll your officers in this course.

CAMTC is also pleased to announce the re-design of its secure Law Enforcement website. This powerful tool will allow your authorized staff to access information about our applicants and certificate holders in greater detail. Your departments can request access to our secure site by registering with CAMTC at the below link:
https://agency.camtc.org/Agency/Account/RequestAccess

Please contact me directly at anetanel@camtc.org or by calling my direct line 310-821-7776 if you are interested in meeting to discuss further the assistance that CAMTC can provide.

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

Respectfully,



Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 27, 2016

Jill Keimach
City Manager City Of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

RE: California Massage Therapy Council - Assisting Your City

Dear Jill Keimach:

Two of CAMTC's top priorities are to assist cities in meeting their duty to maintain the highest standards of conduct and safety in massage establishments by vetting and disciplining certificate holders, and to improve communications with cities.

In the June 2016 issue of Western Cities, the League of California Cities published an article titled "Collaboration with CAMTC Results in Safer Communities". In case you've not had a chance to read it, I'm enclosing a reprint for your convenience.

On September 22, 2016, Governor Jerry Brown signed California Assembly Bill AB 2194 into law. The revisions to the Massage Therapy Act and Government Code section 51034 will become operative on January 1, 2017. Enclosed please find a summary of changes to CAMTC's Statute. These amendments may necessitate a review and update to your ordinance. CAMTC can provide you with support and expertise in this process at your request.

CAMTC is also pleased to announce the re-design of its secure Local Government Agencies website. This powerful tool will allow your authorized staff to access information about our applicants and certificate holders in greater detail. Departments in your city that require information relevant to administering the local ordinance can request access for our secure site by registering with CAMTC at the following link:
https://agency.camtc.org/Agency/Account/RequestAccess

Please contact me directly at anetanel@camtc.org or by calling my direct line 310-821-7776 if you are interested in meeting to discuss further the assistance that CAMTC can provide. Looking forward to working with you on our mutual goal of public protection.

Respectfully,

Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

6. February 22, 2018
CEO Report

CEO Report

February 22, 2018

2017 in Review

2017 was the busiest year CAMTC has had since its inception. The Board adopted an ambitious set of initiatives and projects as part of CAMTC's strategic goals and objectives. Updates on the outcome of each objective are provided in blue:

2017 Strategic Goals and Objectives
Approved 3/9/17

Goal 1: Public Protection

Ensure that legislation and related rules are in line with CAMTC's goal of protecting the public.

1.1 Monitor legislative initiatives and take appropriate action to ensure that amendments are consistent, and not in conflict with Business and Professions Code section 4603 and CAMTC's mission.

Senator Janet Nugyen introduced two bills impacting the Massage Therapy Act - SB 314 and SB 315.

SB 314 (certification, credit hours) - This bill was first introduced on February 13, 2017 as "*An act to amend Section 7403 of the Business and Professions Code, relating to barbering and cosmetology".* On March 17, 2017 a "gut and amend" was performed and the bill was relabeled as "*An act to amend Section 4604 of the Business and Professions Code, relating to massage therapy"* and required CAMTC to:*" …accept any and all hours earned by an applicant for certification as a massage therapist if those hours were earned from a school that was not approved by the council prior to July 1, 2016".* The bill also required *"an applicant to apply for certification as a massage therapist within 5 years of completing those educational requirements*" (from Legislative Counsel's Digest).

The proposed language relating to acceptance of education was in direct conflict with Business and Profession Code section 4603 and had the potential consequence of demolishing CAMTC's school approval program. The requirement to impose a 5-year deadline on applicants was detrimental to massage students.

On April 11, 2017 CAMTC issued an "Oppose unless amended" letter and on April 17, 2017, we addressed the Senate Committee on Business, Professions and Economic Development. Senator Jerry Hill, the committee's Chairman, postponed the vote to April 24, 2017 to allow for further improvements to the language.

On April 19, 2017 the bill was amended. The five-year deadline for students was removed. The new amendments stated that: "… *the council shall accept hours earned by an applicant for certification as a massage therapist if those hours were earned from a school that was unapproved by the council after July 1, 2016, if the school had never been unapproved by the council or had never had its approval to operate revoked by the Bureau for Private Postsecondary Education prior to July 1, 2016, or had never been deemed ineligible by the council for purposes of applicants providing proof of education to meet the requirements of subparagraph (A)".*

This language provided to schools, which were unapproved by CAMTC after July 1, 2016, a special privilege: a de facto CAMTC approval in perpetuity without the need to apply or be vetted first. CAMTC had numerous concerns with this language and staff communicated those concerns to the Legislature and other stakeholders. On April 20, 2017 CAMTC produced another "Oppose unless amended" letter. There were numerous follow-up discussions and CAMTC proposed amendments, which the author accepted. I testified in front of the Committee on April 24, 2017 and the bill was passed to be sent to the Senate floor.

On April 26, 2017 CAMTC's proposed amendments were incorporated into the bill to read: *(B) All of the 500 hours shall be from approved schools. Notwithstanding any other law, pursuant to its policies and procedures for approval of schools, the council shall 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 that was unapproved by the council after July 1, 2016, based on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school. For purposes of this section, "unapproved" means that the council determined that it will not accept hours from a school toward certification.*

On April 28, 2017 CAMTC issued a letter of support and on May 1, 2017 the bill passed (35-0) the senate floor. On June 27, 2017, SB 314 was heard and passed in the Assembly Business and Professions Committee. I testified on behalf of CAMTC. On July 6, 2017, the author sent CAMTC proposed amendments that further narrowed the language. CAMTC was fine with the amendments and on August 24, 2017 the bill was amended as follows (see in *blue italics* from Legislative Counsel's Digest):
"This bill would require the council, 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 the state that was* unapproved, as defined, by the council 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."

SB 314 was enacted into law effective January 1, 2018.

SB 315 (material for non-English speakers) - This bill was first introduced on February 13, 2017 as *" An act to amend Section 4050 of the Business and Professions Code, relating to pharmacy".* On March 16, 2017 a "gut and amend" was performed and the bill was relabeled as "An act to amend Section *4602* of the Business and Professions Code, relating to *healing arts."* and stated that: *"The council shall assess its contact with non-English speakers. Based on this assessment, the council shall offer and make available all written and electronic materials provided to certificate holders and applicants in languages other than English that the council determines will be used by a substantial number of non-English speakers who are in contact with the council. This subdivision shall not apply to examinations. The council shall provide a report to the Legislature on the findings of its assessment of contact with non-English speakers on or before January 1, 2019."*

CAMTC is a non-English speaker friendly organization. As of February 2017 CAMTC has been making the information on CAMTC's website available in 103 foreign languages. We believe that this new feature has been making it easier for massage professionals and the public to interact with CAMTC.

The original language of SB 315, if enacted, would have put CAMTC out of existence. The cost associated with a mandate to make available "***all***" written and electronic materials provided to certificate holders and applicants in languages other than English is astronomical. We are not aware of any governmental entity that makes available ***"all"*** materials in languages other than English.

On April 11, 2017 CAMTC issued an "Oppose unless amended" letter. CAMTC proposed, and the author accepted, the following amendments (in bold): "*The council shall assess its contact with non-English speakers. Based on this assessment the council shall offer and make available all* ***publicly available*** *written and electronic*

materials provided to certificate holders and applicants in languages other than English that the council determines will be used by a substantial number of non-English speakers who are in contact with the council. This subdivision shall not apply to ***examinations, denial and disciplinary legal documents, and email communications."***

On April 17, 2017, CAMTC addressed the Senate Committee on Business, Professions and Economic Development. The bill passed out of Committee (6-3). On April 28, 2017 CAMTC issued a Support letter and on May 1, 2017 and the bill was voted out of the Senate (36-0). On June 27, 2017, SB 315 passed in the Assembly Business and Professions Committee and on July 6, 2017 it passed on the Assembly floor.

SB 315 was enacted into law January 1, 2018.

Throughout the year, staff was fully engaged in ensuring that legislative changes are consistent with Business and Professions Code 4603 and CAMTC's mission.

1.2 Take appropriate action to ensure that CAMTC's approved exams eligibility requirements do not weaken CAMTC's ability to protect the public.

Exam Eligibility

The Board's second strategic priority for 2017 was to "Take appropriate action to ensure that CAMTC's approved exams eligibility requirements do not weaken CAMTC's ability to protect the public". On March 30, 2017, I attended the inaugural Executive Directors' Summit of the Federation of State Massage Therapy Boards (FSMTB) in Kansas City Missouri (all travel expenses were covered by FSMTB). The main focus of the summit was exam fraud prevention and security .

FSMTB announced that effective July 1, 2017, candidates seeking access to the MBLEx will be required to substantiate either:

a. Enrollment in and having received education and training in all subject areas of the MBLEx Content Outline from an approved massage therapy education program; or

b. Graduation from an approved massage therapy education program.
Substantiation documentation must be submitted to FSMTB directly from the education program. An approved massage therapy education program is one that is approved or recognized by the state board or agency authorized to regulate massage therapy in the state in which the school is located.

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

The new FSMTB rules mean that education from a BPPE approved school will not be accepted for the MBLEx eligibly unless the school is also approved by CAMTC. This clarification received an enthusiastic reception from all the delegates in attendance since many states are grappling with the problem fraudulent massage schools from California.

Goal 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.

The Board agreed to conduct a study to measure how accessible massage education really is and to examine CAMTC's potential role in mitigating the shortage of professional massage education, if such shortage actually exists. For the purpose of this study, we defined "accessible" as geographic areas with approved programs located within a one hour drive of the residence of a potential student. Specifically, we wanted to determine what is the percentage of California residents who live within a one-hour drive from an approved school. We retained the services of GbBIS, a division of Intelligent Direct Inc., a leading provider of geographic-based information solutions with many Fortune 500 clients and provided them with all the addresses of schools with CAMTC-approved programs. The analysis revealed that approximately 97% of California residents live at an accessible address to professional massage education.

2.2 By July 1, 2017, Examine CAMTC's potential role in mitigating the shortage of professional massage educational opportunities, if such exist.
It is my opinion that based on the data above, California has no shortage of professional massage educational opportunities and therefore no action needed

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.
The school advisory committee has been established, held four productive meetings in 2017 and provided the Board numerous valuable recommendations, many of which were implemented by the Board.

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.

CAMTC developed and printed 10,000 brochures for prospective massage students (attached) which were mailed (cover letter attached) to all massage schools in California. CAMTC approved schools received packets of 50 brochures each and schools not approved by CAMTC received packets of 25 each. All schools were informed that they can receive additional brochures free of charge.

2.6 By October 1, 2017, develop and analyze data pertaining to correlation between individual schools and disciplinary actions against applicants and certificate holders.

Staff developed a comprehensive study regarding schools and individuals' disciplinary actions and provided an analysis to the Board in September 2017.

Goal 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.

Staff produced and posted on CAMTC's website quarterly disciplinary performance measures. A report of all 2017 quarters is attached. To provide some context to these numbers, also included were four charts comparing DCA's and CAMTC performance measures.

Goal 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.

CAMTC submitted a proposal to the League of California Cities to conduct an educational program as part of the city attorney's track at the Leagues annual conference (attached). The League will let us know by the end of March 2018 as to whether our proposal is accepted.

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.

CAMTC mailed 3,399 letters (samples attached) to local government officials (mayors, city council members, county supervisors, city managers, county managers police chiefs and sheriffs). We received responses from more tan 60 cities and counties that resulted in numerous meetings and enhanced collaboration between local government and CAMTC.

4.3 Continue to build a positive relationship with the League of California Cities and California State Association of Counties throughout 2017.

CAMTC's and the League's staff have been in communication throughout the year. Beverly May and I had a constructive meeting with Carolyn Coleman, Executive Director of the League and her staff in which we discussed several emerging massage related initiatives that are of interest to both organizations. I also approached Mat Case, the Executive Director of the California State Association of Counties, but so far no substantive communications have taken place.

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.

Per the Legislature's request and recommendation, CAMTC surveyed its certificate holders on their experience with local goverments' implementation of the Massage Therapy Act. Attached is a summary of the survey's results from 3,789 certificate holders.

We waited until December 2017 in order to allow cities and counties more time to adapt to the new law.

There are several questions that the Board may be especially interested in:

Q 2: **55%** of respondents stated that they are **sole providers**.

Q 8: *In your experience, has the city or county been imposing and enforcing only reasonable and necessary fees and regulations on massage businesses and certified massage professionals?* **45% yes, 25% no** (30% N/A).

Q 9: *In your experience, has the city or county been mindful of the need to protect legitimate massage business owners and professionals?* **42% yes, 27% no** (31% N/A)

Q 10: *Did the city or county require you to be fingerprinted or pass a background check in addition to the finger printing and background check when you applied for CAMTC Certification*? **47% yes, 22% no** (12% N/A)

The complete survey's results were shared with the League. Staff is currently analyzing the results as they apply to individual jurisdictions.

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.

The survey's results were submitted to the Legislature and will be discussed at an informational hearing of the Senate's Business, Professions and Economic Development Committee on March 12, 2018.

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.

CAMTC initiated the development of the above-mentioned MOU with local government by inviting the League and San Mateo County to collaborate on formalizing protocols. Staff will continue to follow up and gage the actual level of interest of all relevant stakeholders to collaborate on this initiative.

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.

Sexually suggestive advertising plays a critical role in using massage as a subterfuge to prostitution and human trafficking. CAMTC already revoked and denied numerous certificate holders and applicants that were found to be engaged in sexually suggestive ads. In shifting from complaint-driven disciplinary actions to a proactive mode, staff embarked on developing specific protocols, budget and staff needed. From the get go, it was clear that cooperation of law enforcement is imperative for this initiative to be effective. To that end, I established the CAMTC/Law Enforcement Sexually Suggestive Advertising Task Force. The task force consists of the following individuals:

- Ahmos Netanel- CEO- CAMTC (Task Force Leader)

- Alison Siegel, Special Counsel, CAMTC
- Chief William Imboden- St. Helena (represents California Police Chiefs Association)
- John Vaneck- Human Trafficking Program Coordinator, San Mateo County Sheriff
- Captain Luis Torres- Bureau of Operations, San Leandro Police (represents California Police Chiefs Association)
- Mike Barragan- Investigators, Los Angeles Police Commission investigation Division
- Beverly May- Director, Governmental Affairs and Special Projects, CAMTC
- Rick McElroy- Director, Professional Standards Division, CAMTC
- Kellie Rodriguez- Assistant Chief Investigation and Enforcement, Professional Standards Division - CAMTC

The task force held a productive initial telephonic meeting and is expected to convene at least once a month.

The 2018 proposed budget includes the funding necessary for the establishment of a new Sexually Suggestive Advertising Unit under PSD. The new unit will implement a pilot program prior to rolling out a statewide effort. This project will include the following tasks:

1. Investigator to review ads and determine if a certificate holder placed them – New Advertising Investigator
2. Draft ad declarations – New Advertising Investigator
3. Create call list for PSD review – New PSD reviewer
4. PSD review (2 people) to determine whether law is violated - 1 current member and 1 new PSD reviewer
5. Take notes on PSD review meetings – New paralegal or maybe PSD reviewer
6. Draft memos to counsel – New PSD reviewer
7. Schedule hearings and communicate with individuals – New paralegal
8. Draft PDLs/PRLs – New staff attorney
9. Final and mail new PDLs/PRS - New paralegal

10. Upload documents for PSD review/ hearings – AMG staff person
11. Run hearings – New staff attorney
12. Take notes on hearings – New paralegal
13. Hearing officers (can probably use current ones but might want one more?)
14. Draft NODs – New staff attorney
15. Final and mail NODs - New paralegal

Predicted new staff needed:

1. 1 Advertising Investigator – full time – $34 an hour x 40 hours =$1,360 a week x 44 weeks = $59,840.00
2. 1 PSD reviewer – full time – $30 an hour x 40 hours = $1,200 a week x 26 weeks = $31,200.00
3. 1 Staff Attorney – full time – $90,000 a year = for 6 months = $45,000.00
4. 1 New Paralegal (part time?) – $32 an hour x 40 hours = $1,280 a week = $33,280.00
5. Possibly 1 more hearing officer – $24 an hour x 16 hours a week = $384 a week x 26 weeks = $9,984.00
6. AMG staff (maybe part time?) – Cost to be determined

Goal 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.

As I stated to the Board in 2017, this is a massive multi-year undertaking. The high fragmentation in this space and the inconsistency of records on the local level makes the accumulation of accurate data especially challenging. Currently staff is testing this initiative with three zip codes, one in northern California and two in southern California. Once we conclude that data gathering protocols produce satisfactory results we will deploy this protocols to create a statewide list of places of business where massage is

offer to the public. This list is not intended to include sole providers in private practice but rather places of business in which multiple massage providers practice.

Goal 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.

An easy to understand one-page summery of violations of CAMTC's law was uploaded to CAMTC's website (attached) and 60,000 printed copies are in the process of being distributed to certificate holders and schools.

2018 Strategic Goals and Objectives

Update

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 is also the premier sponsor of CPCA's Annual Training Symposium (March 18-22, 2018). This new level of collaboration between CAMTC and CPCA is a true game changer and opens a multitude of opportunities to enhance public protection. I'll provide additional information on this new exciting development at the May 2018 Board meeting.

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 are expected to enter into a new service agreement by February 28, 2018 that will further increase CAMTC's ability to meet the Board's customer service objectives.

In talking with several certificate holders who applied for recertification only few days prior to their expiration date, I was told that they never read the instructions in the reminder letters to apply at least 60 days prior to their expiration date. To address this issue we amended the format of the reminder letters (attached) and designed new envelopes with prominent notice on the front (attached).

Financials and accounting

Year-end actual cash position was $3,173,327, budgeted was $1,972,143.
Actual net income for the year was $324,729, budgeted deficit was -$1,087,570.
The main contributor to CAMTC surpassing financial expectations - 25% more revenue than expected was created by the implementation of the new revenue recognition model. On the expense side, CAMTC spent 91% of what was budgeted.

RFP was sent to five new auditing firms. CAMTC received three proposals and the audit committee is scheduled to interview the three firms on February 28, 2018.

The consequences of enrolling in a massage program that is not approved by the California Massage Therapy Council (CAMTC)

One of the requirements in order to obtain CAMTC Certification as a massage therapist is to submit evidence of successful completion of the curricula in massage and related subjects totaling a minimum of 500 hours, all of which must be from CAMTC Approved Schools.

CAMTC cannot accept or certify education from programs that are not approved by CAMTC.

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

www.camtc.org

Phone (916) 669-5336
Fax (916) 669-5337

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.

v12/2017



Are You Considering Enrolling In A Massage Program That Is Not Approved By CAMTC?

CAMTC Certification

According to California State Law, CAMTC Certification is voluntary. However, many massage professionals choose to apply to become a Certified Massage Therapist for reasons that may include, but are not limited to the following:

- Only CAMTC is authorized by California State Law to provide the freedom to practice massage statewide without the need to obtain individual permits from each city and county in which they may work.
- Some California cities, counties, employers, and consumers require it.
- Only professionals with CAMTC Certification can legally call themselves a 'Certified Massage Therapist' and use 'CMT' after their name in the State of California.

Find a list and map

… of all CAMTC Approved Massage School Programs by clicking on the 'Find a School' icon at:

http://www.camtc.org/schools/





Only education from CAMTC Approved Schools meets the professional standards to be accepted by MBLEx (the national massage exam) and most of the other 45 states that regulate massage.

FAQs

Q: Does attending a CAMTC Approved Program guarantee that I will become certified by CAMTC?

A: No. In addition to CAMTC verifying that the school transcript is accurate and complete, all applicants must submit a completed application, pay the application fee, pass a CAMTC approved exam, and pass a background check.

Q: If my program is longer than 500 hours, do I have to graduate before applying to CAMTC?

A: Check your school's policy. You must complete a minimum 500 hours of massage education, including 100 hours of core requirements, from a CAMTC Approved Program in order to obtain CAMTC Certification. However, it is up to the school to define 'complete' and 'graduate.'

Q: Can CAMTC require a CAMTC Approved School to release my transcripts?

A: No. Schools may withhold transcripts for a variety of reasons including, but not limited to, failure to attend all hours/classes, failure to pass any tests/exams, or failure to pay all fees. Check your school's policy.

FAQs (continued)

Q: Can I attend more than one Approved Program?

A: Yes, as long as you complete a minimum of 500 hours, with a minimum of 100 hours in core subjects, from one or more CAMTC Approved Programs. Sealed transcripts directly mailed to CAMTC from each school must be submitted. CAMTC will evaluate all transcripts to ensure that the total education received reflects the well-rounded curriculum of a singular approved program.

Q: What happens if my school's approval expires or is revoked?

A: CAMTC Approved Programs meet the minimum requirements at the time of approval. However, CAMTC cannot control school actions that might jeopardize its approval. While CAMTC makes every effort to ensure that students from CAMTC Approved Programs receive credit for actual education received, students should report directly to CAMTC any behavior on the part of the school that seems questionable and unreported to CAMTC.

Send any questions or concerns regarding questionable school behaviors to **students@camtc.org**.

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MASSAGE THERAPY
COUNCIL

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

December 2017

Dear Massage Program Administrator,

Enclosed, please find a packet of brochures entitled:

Are You Considering Enrolling In A Massage Program
That Is Not Approved By CAMTC?

This brochure is designed to inform massage students about the consequences of enrolling in a massage program that is not approved by the California Massage Therapy Council (CAMTC).

It is imperative that all massage programs, CAMTC approved or not, provide a copy of this brochure to all inquiring and prospective massage students. Additionally, massage programs that do not currently have CAMTC approval should provide a copy of this brochure to all current massage students.

Please email outreach@camtc.org to request additional brochures, as needed. CAMTC will send the brochures free of charge.

Sincerely,

Joe Bob Smith
Director, Educational Standards Division

Enclosed: CAMTC Brochures

PERFORMANCE METRICS – 1st, 2nd, 3rd, and 4th Quarters, 2017

PM1 – VOLUME

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

FIRST QUARTER 2017: 46 complaints received on average per month.

SECOND QUARTER 2017: 43 complaints received on average per month.

THIRD QUARTER 2017: 43 complaints received on average per month.

FOURTH QUARTER 2017: 44 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

FIRST QUARTER 2017: 28 complaints against certificate holders received on average per month.

SECOND QUARTER 2017: 30 complaints against certificate holders received on average per month.

THIRD QUARTER 2017: 26 complaints against certificate holders received on average per month.

FOURTH QUARTER 2017: 31 complaints against certificate holders received on average per month.

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

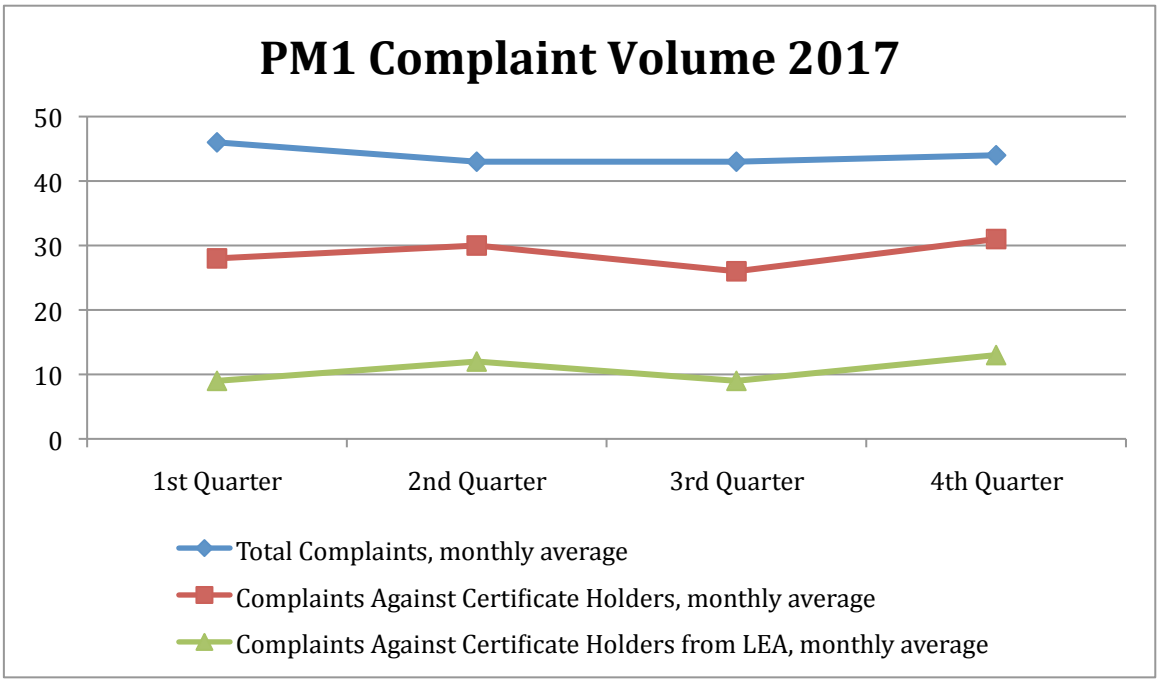
Total number of complaints received against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

FIRST QUARTER 2017: 9 complaints from LEA received against certificate holders on average per month.

SECOND QUARTER 2017: 12 complaints from LEA received against certificate holders on average per month.

THIRD QUARTER 2017: 9 complaints from LEA received against certificate holders on average per month.

FOURTH QUARTER 2017: 13 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

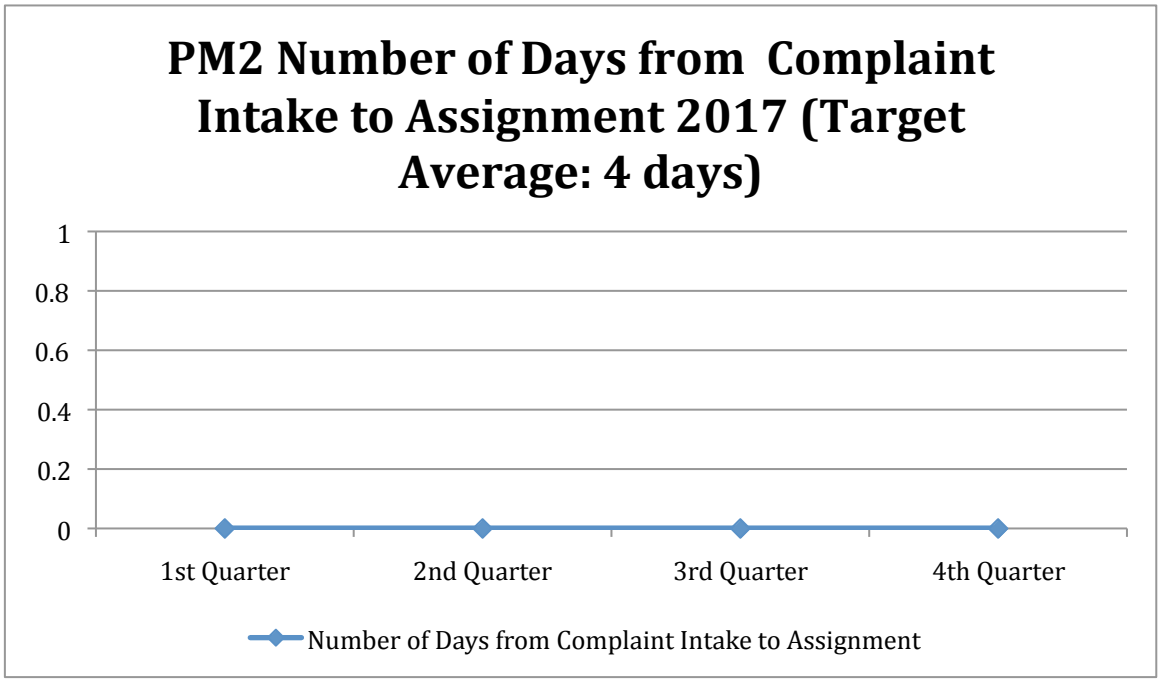
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

FIRST QUARTER 2017: 0 days to assignment

SECOND QUARTER 2017: 0 days to assignment

THIRD QUARTER 2017: 0 days to assignment

FOURTH QUARTER 2017: 0 days to assignment



PM3 – INTAKE AND INVESTIGATION

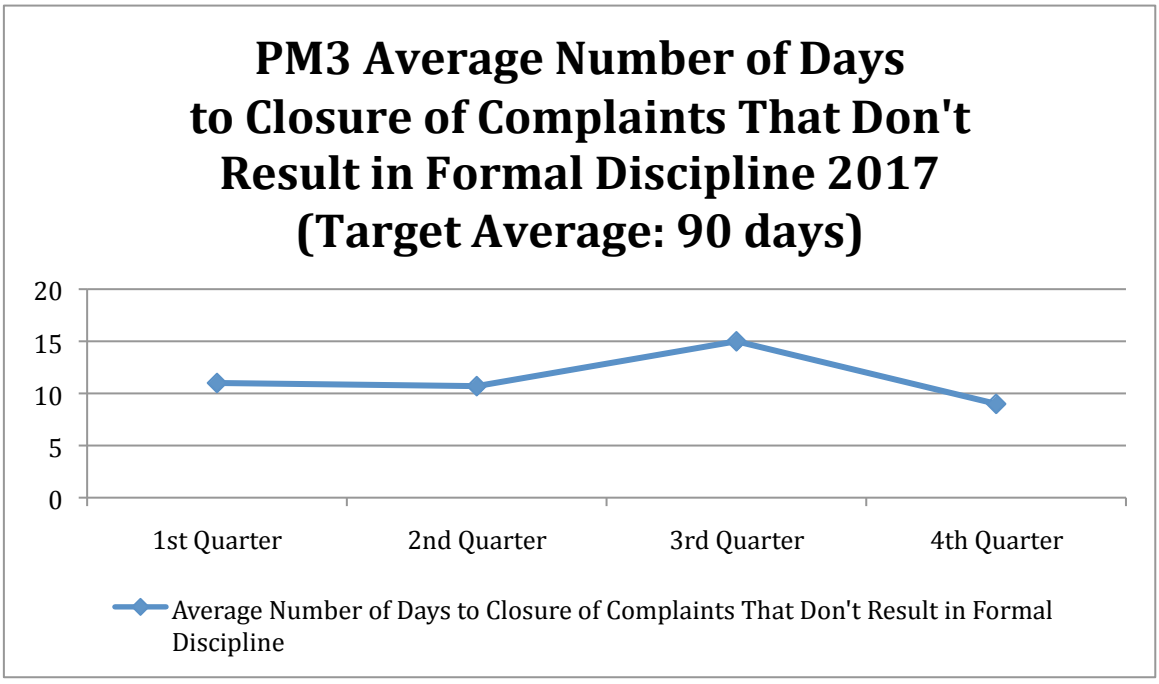
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

FIRST QUARTER 2017: 11 days is the average number of days to closure.

SECOND QUARTER 2017: 10.7 days is the average number of days to closure.

THIRD QUARTER 2017: 15 days is the average number of days to closure.

FOURTH QUARTER 2017: 9 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

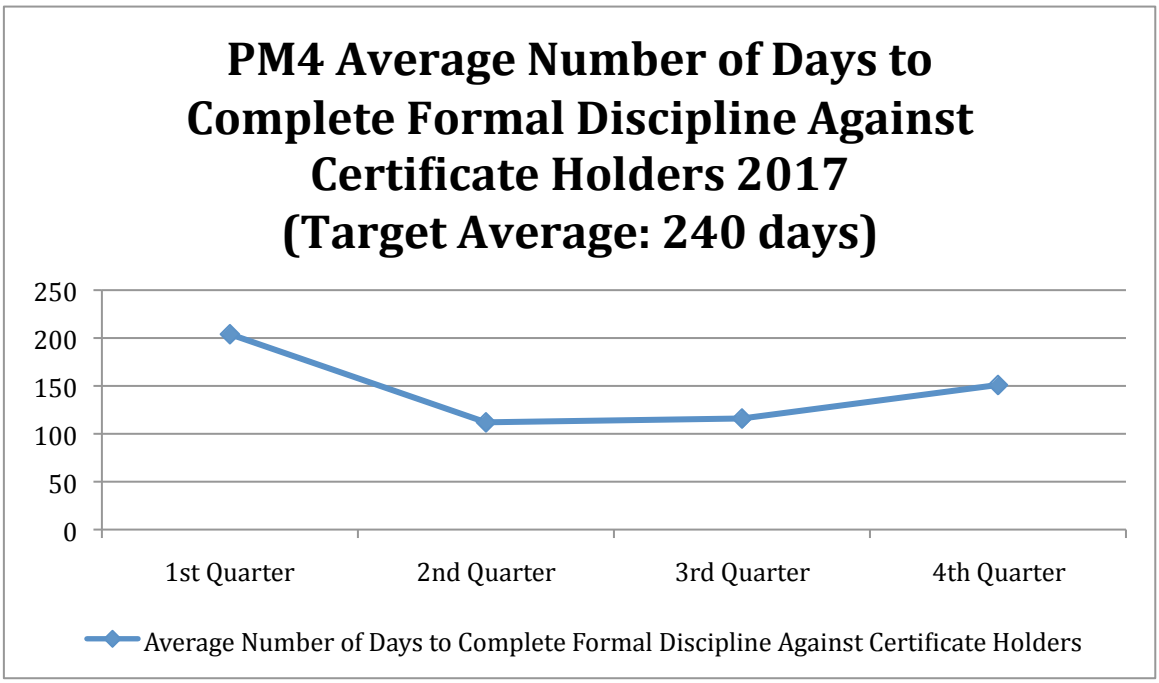
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

FIRST QUARTER 2017: 204 days is the average number of days from intake to final date of formal discipline.

SECOND QUARTER 2017: 112 days is the average number of days from intake to final date of formal discipline.

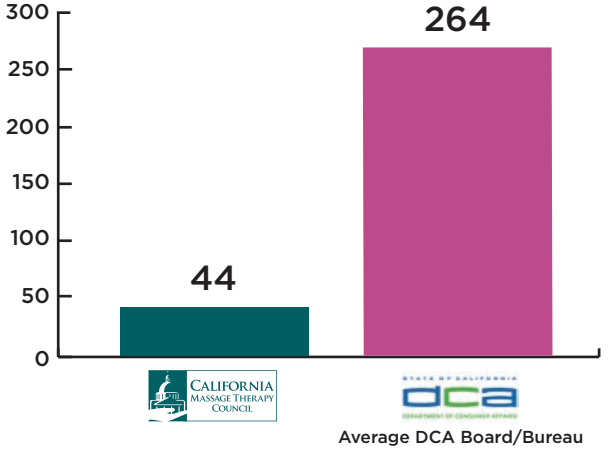
THIRD QUARTER 2017: 116 days is the average number of days from intake to final date of formal discipline.

FOURTH QUARTER of 2017: 151 days is the average number of days from intake to final date of formal discipline.



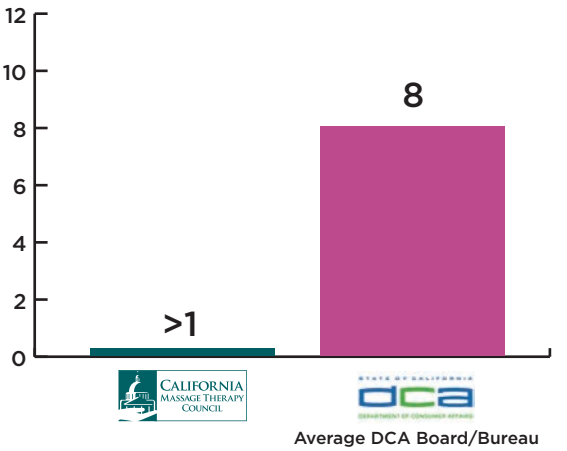
Average Monthly Complaint Volume

LAST 4 QUARTERS REPORTED



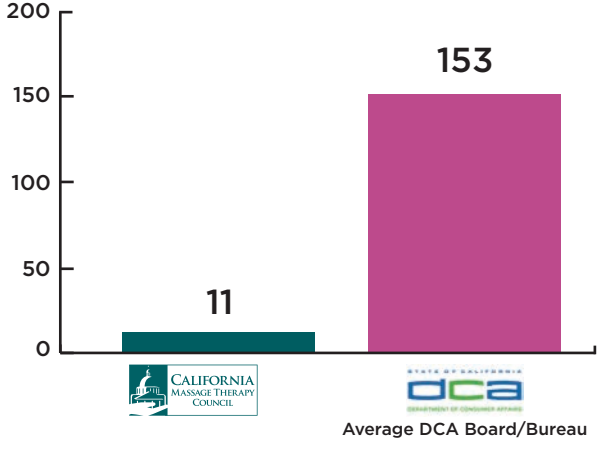
Average Number of Days From Complaint Intake To Assignment

LAST 4 QUARTERS REPORTED



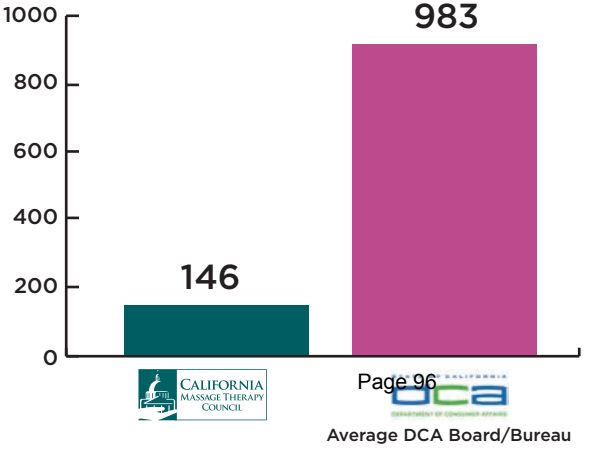
Average Number of Days To Closure of Complaints That Don't Result in Formal Discipline

LAST 4 QUARTERS REPORTED



Average Number of Days To Complete Formal Discipline Against Certificate Holders

LAST 4 QUARTERS REPORTED



From: education@cacities.org
Subject: 2018 Annual Conference City Attorneys' Track Session Proposal
Date: February 1, 2018 at 1:17 PM
To: rrolnick@camtc.org

Thank you for your submission for the **2018 Annual Conference City Attorneys' track**. Below is a summary of your proposal. The program committee will review this and we will follow up with you once a decision has been made. We appreciate your time and e□ort to help make the conference a valuable experience for all who attend!

The decision of the City Attorneys' Department O□cers will be sent to submitters in early May.

Deadline - Saturday, March 31

Submitter Information

* Required Fields

*Submitter:	Roberta Rolnick		
* Organization:	California Massage Therapy Council		
*Phone:	(760) 650-6707	*Email:	rrolnick@camtc.org

Proposal

*** Session Title** *(Maximum of 10 words)*

Massage — Eradicating Illicit Conduct Using Declarations and Revocable Registration

*** Description** *(Describe "what will the audience learn?" in less than 300 words)*

Based on the Massage Therapy Act, cities that grapple with illicit conduct in massage establishments can now take advantage of two highly e□ective legal vehicles. Learn how local government attorneys and the California Massage Therapy Council (CAMTC) work e□ectively together to weed out the bad apples from the profession through the use of declarations, disciplinary actions by cities and counties, and denial or disciplinary action by CAMTC. Discover revocable registrations, what they are, and how they work to quickly and e□ectively eliminate illicit establishments.

Suggested Panelists

SPEAKER 1

Name:	Alison Siegel		
Title:	Special Counsel, California Massage Therapy Council	Organization:	California Massage Therapy Council
Phone:	(916) 442-5024	Email:	alison@asiegellaw.com

Biography: Alison Siegel has been Special Counsel to the California Massage Therapy Council since 2010. Alison provides legal advice and guidance to CAMTC's professional standards and educational standards divisions. Alison's practice focuses on California certification and registration programs for professionals, administrative law, and writs. Alison earned her J.D. from Hastings College of the Law in San Francisco and began her practice primarily in civil litigation and administrative law.

SPEAKER 2

Name: David Silberman

Title: Assistant County Counsel, San Mateo County

Organization: San Mateo County

Phone: (650) 363-4749

Email: dsilberman@smcgov.org

Biography: David Silberman joined the County Counsel's O□ce in 2004 and serves as Chief Deputy County Counsel. He is assigned to: the Sheri□, NTF, OES, NCRIC, O□ce of Sustainability, serves as General Counsel to Peninsula Clean Energy and supervises the CPS, PG/PA and the Litigation Teams. It is in his role as attorney for the Sheri□ that he has coordinated its illicit massage parlor enforcement program.

SPEAKER 3

Name:

Title:

Organization:

Phone:

Email:

Biography:

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

Eric Garcetti
Mayor
200 N. Spring St
Los Angeles CA 90012

Re: Massage ordinance

Dear Mayor Eric Garcetti:

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

To that end, we are reaching out to your city to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at mdixon@camtc.org or (916) 669-5305 if I can be of any help.

Respectfully,

Mark W. Dixon, CMT, BCTMB, Chairman

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

Alan Tandy
City Manager
1600 Truxtun Ave.
Bakersfield CA 93301

Re: Massage ordinance

Dear Alan Tandy,

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

To that end, we are reaching out to your city to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at anetanel@camtc.org (310) 230-0052 if I can be of any help.

Respectfully,

Ahmos Netanel, CEO



CAMTC Certificate Holder Survey Report 2017

A Survey Summary Report

Requested by the

California State Legislature

About Local Governments'

Implementation of The California

Massage Therapy Act

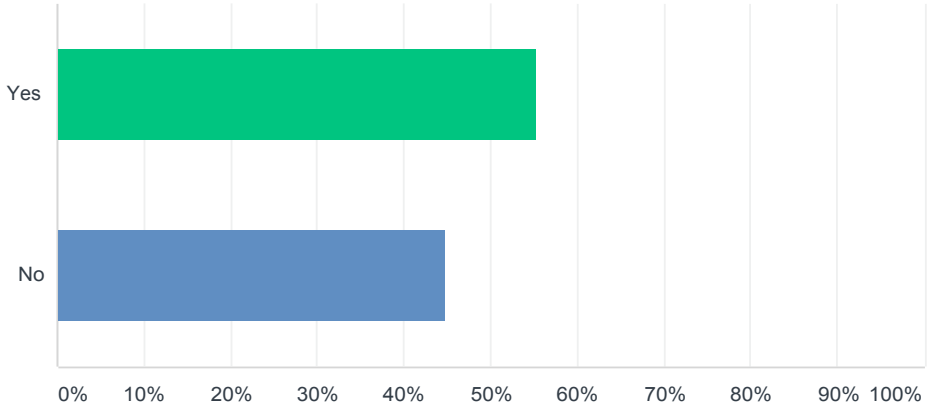
December 2017

Q1 Note: ALL of the following questions below refer to your experiences in 2017, and about the PRIMARY city or county in which you practice massage professionally. What is the name of the primary city or county in which you practice massage professionally?

Answered: 3,788 Skipped: -1

Q2 In the city or county you named in response to question #1, are you a sole provider with your own business?

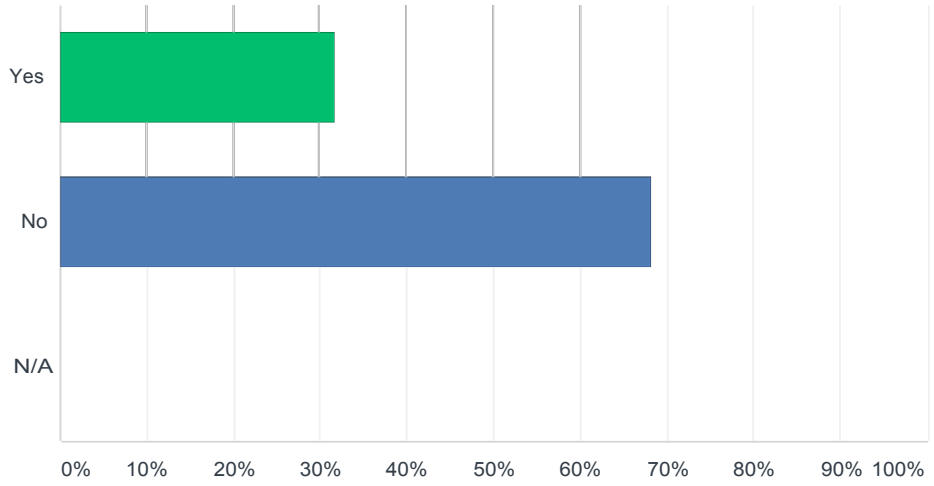
Answered: 3,788 Skipped: -1



ANSWER CHOICES	RESPONSES	
Yes	55.15%	2,089
No	44.85%	1,699
TOTAL		3,788

Q3 Have you had any interaction regarding the practice of massage with the city or county in 2017?

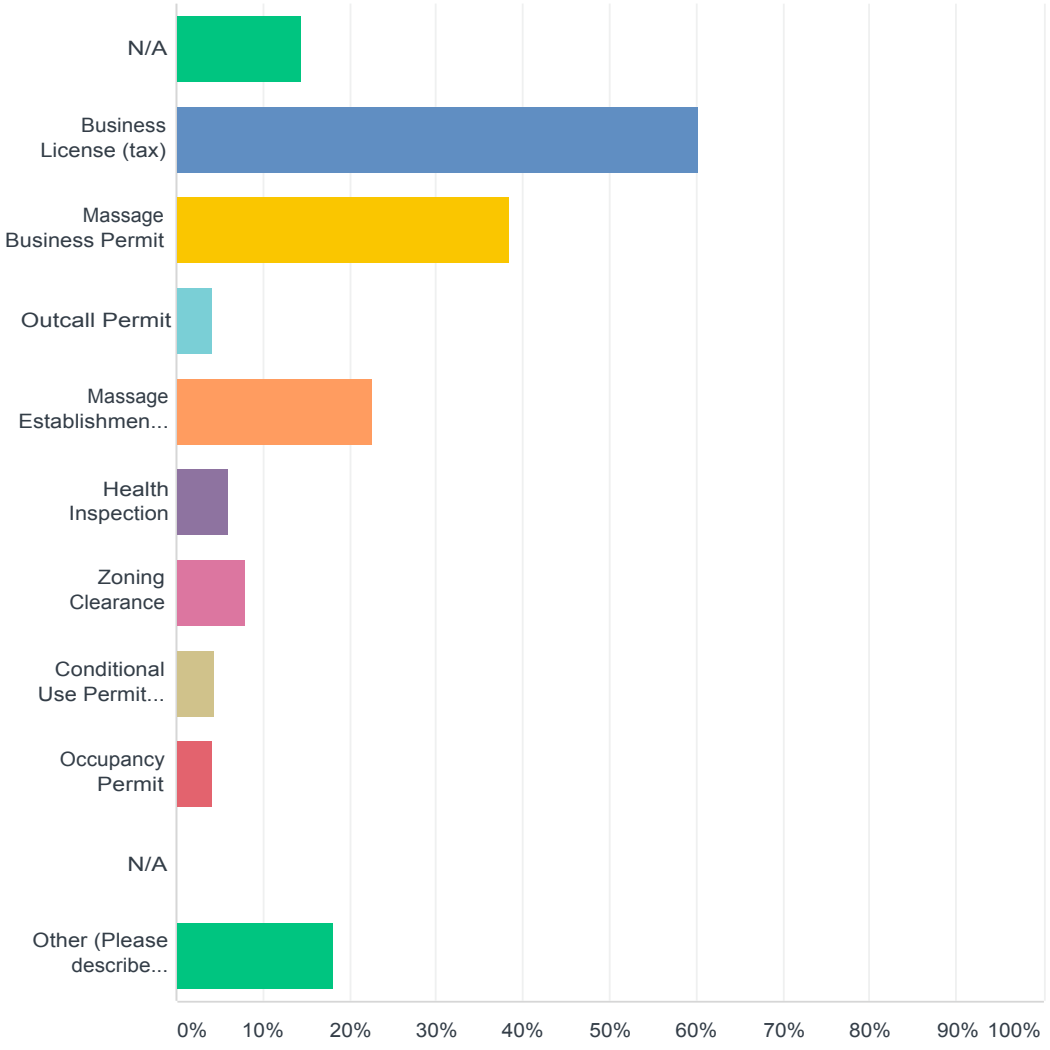
Answered: 3,788 Skipped: -1



ANSWER CHOICES	RESPONSES	
Yes	31.71%	1,201
No	68.29%	2,587
N/A	0.00%	0
TOTAL		3,788

Q4 If you replied YES to #3, what was the nature of your contact? Check all that apply.

Answered: 1,018 Skipped: 2,769

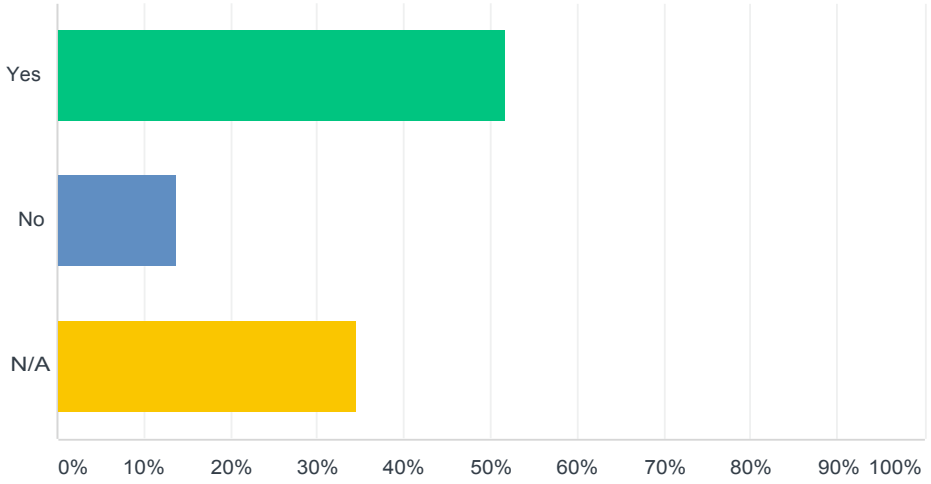


ANSWER CHOICES	RESPONSES	
N/A	14.54%	148
Business License (tax)	60.31%	614
Massage Business Permit	38.41%	391
Outcall Permit	4.22%	43
Massage Establishment Permit	22.50%	229
Health Inspection	5.99%	61
Zoning Clearance	7.86%	80
Conditional Use Permit (CUP)	4.42%	45
Occupancy Permit	4.22%	43

N/A	0.00%	0
Other (Please describe below.)	18.17%	185
Total Respondents: 1,018		

Q5 If you replied YES to #3 and your contact person required a later reply, did the city or county reply to you in a timely and professional way?

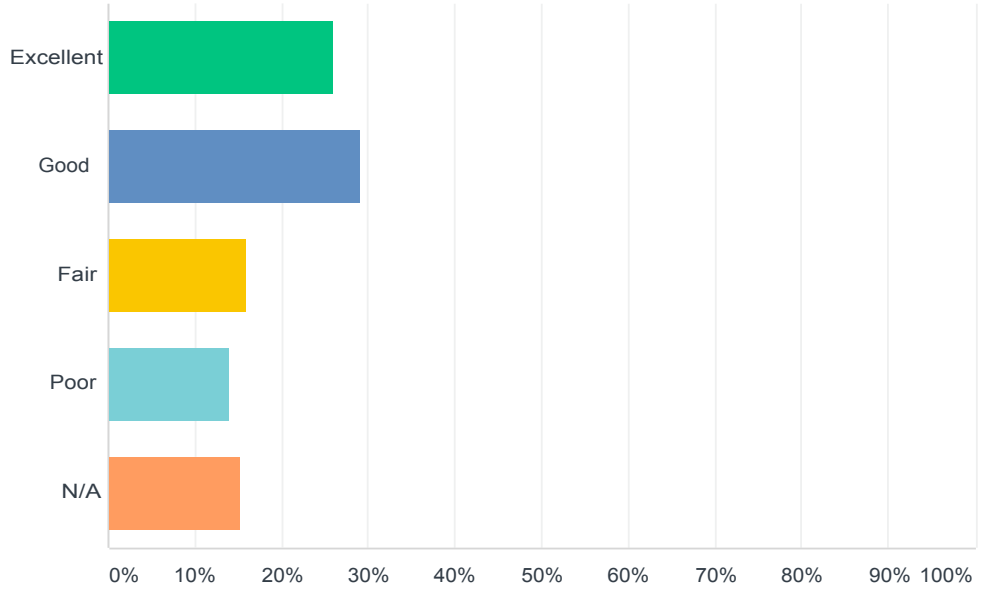
Answered: 1,018 Skipped: 2,769



ANSWER CHOICES	RESPONSES	
Yes	51.67%	526
No	13.75%	140
N/A	34.58%	352
TOTAL		1,018

Q6 If you replied YES to # 3, please rate your overall experience with the city or county.

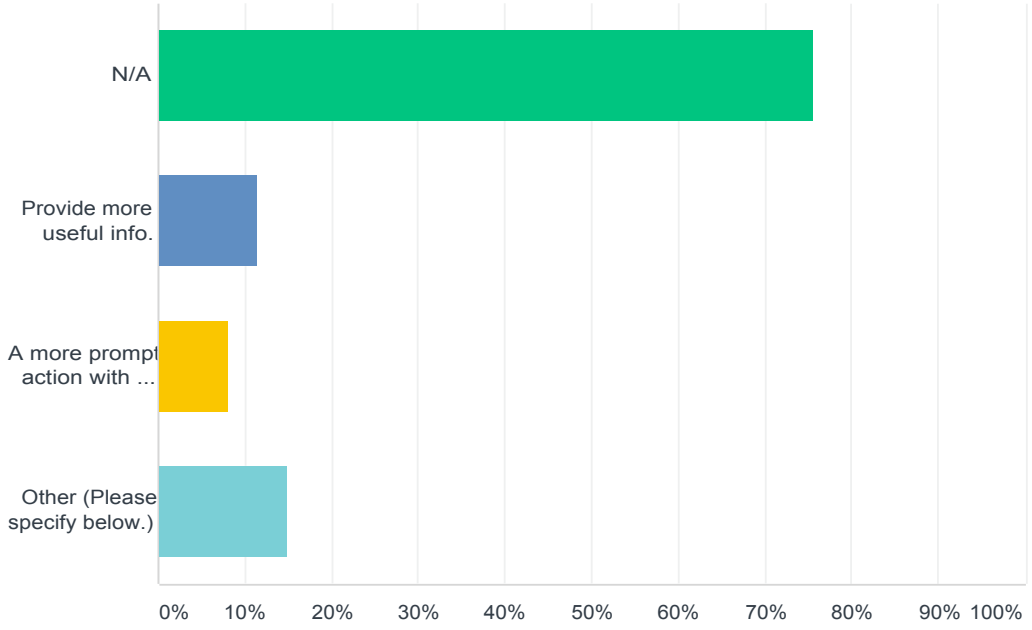
Answered: 1,018 Skipped: 2,769



ANSWER CHOICES	RESPONSES	
Excellent	25.93%	264
Good	28.98%	295
Fair	15.82%	161
Poor	14.05%	143
N/A	15.23%	155
TOTAL		1,018

Q7 If you were disappointed in your contact with the city or county, how could it be improved in the future? Check all that apply.

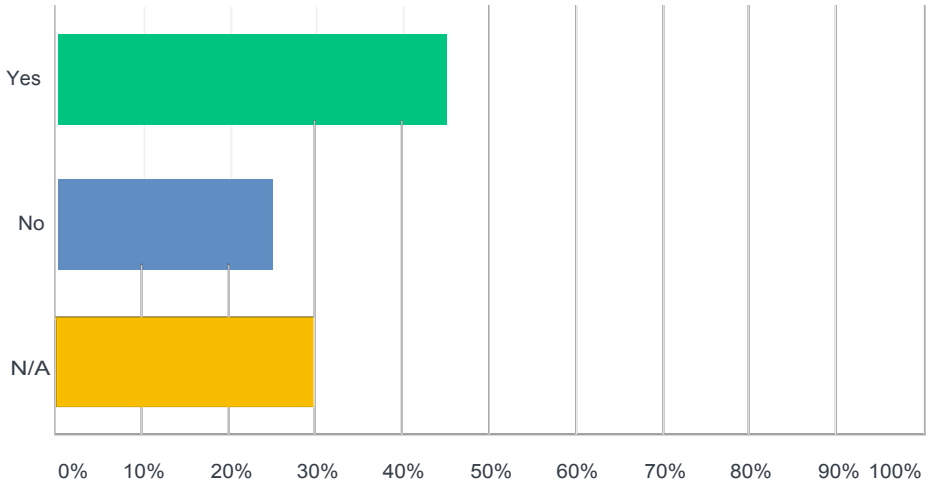
Answered: 3,431 Skipped: 356



ANSWER CHOICES	RESPONSES	
N/A	75.43%	2,588
Provide more useful info.	11.57%	397
A more prompt action with my issues.	8.25%	283
Other (Please specify below.)	14.78%	507
Total Respondents: 3,431		

Q8 In your experience, has the city or county been imposing and enforcing only reasonable and necessary fees and regulations on massage businesses and certified massage professionals?

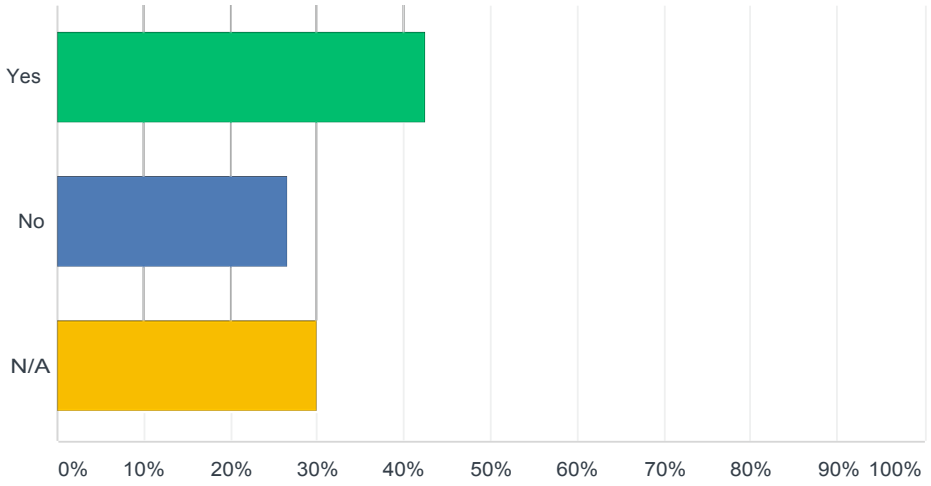
Answered: 3,044 Skipped: 743



ANSWER CHOICES	RESPONSES	
Yes	45.01%	1,370
No	24.93%	759
N/A	30.06%	915
TOTAL		3,044

Q9 In your experience, has the city or county been mindful of the need to protect legitimate massage business owners and professionals?

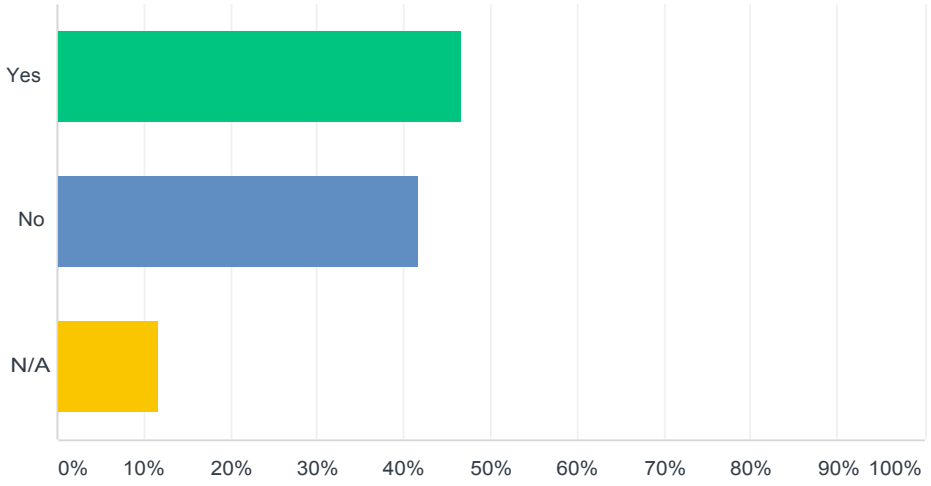
Answered: 3,044 Skipped: 743



ANSWER CHOICES	RESPONSES	
Yes	42.41%	1,291
No	26.58%	809
N/A	31.01%	944
TOTAL		3,044

Q10 Did the city or county require you to be fingerprinted or pass a background check in addition to the finger printing and background check when you applied for CAMTC Certification?

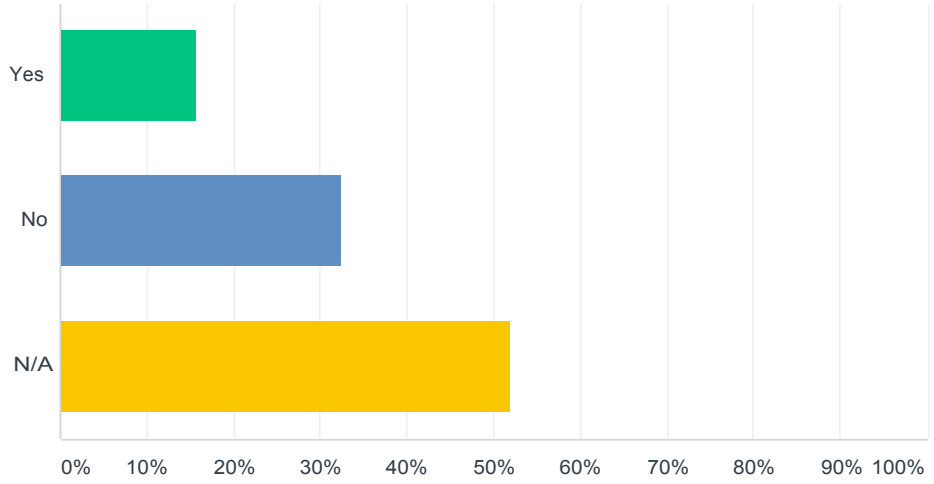
Answered: 3,044 Skipped: 743



ANSWER CHOICES	RESPONSES	
Yes	46.65%	1,420
No	41.56%	1,265
N/A	11.79%	359
TOTAL		3,044

Q11 Did the city or county required you to obtain a permit to provide mobile massage?

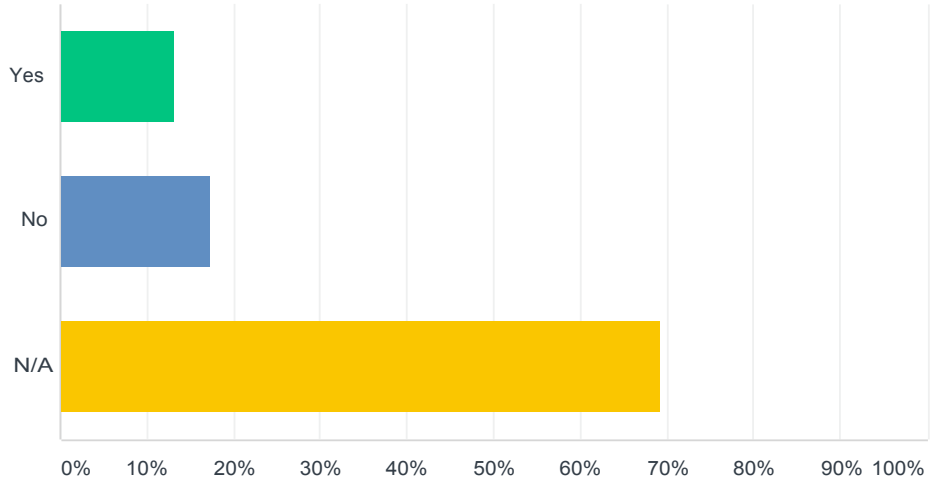
Answered: 3,044 Skipped: 743



ANSWER CHOICES	RESPONSES	
Yes	15.67%	477
No	32.36%	985
N/A	51.97%	1,582
TOTAL		3,044

Q12 If you said YES to #11 above, did you need a massage establishment permit, or to work for a massage establishment in the city or county, in order to provide mobile massage?

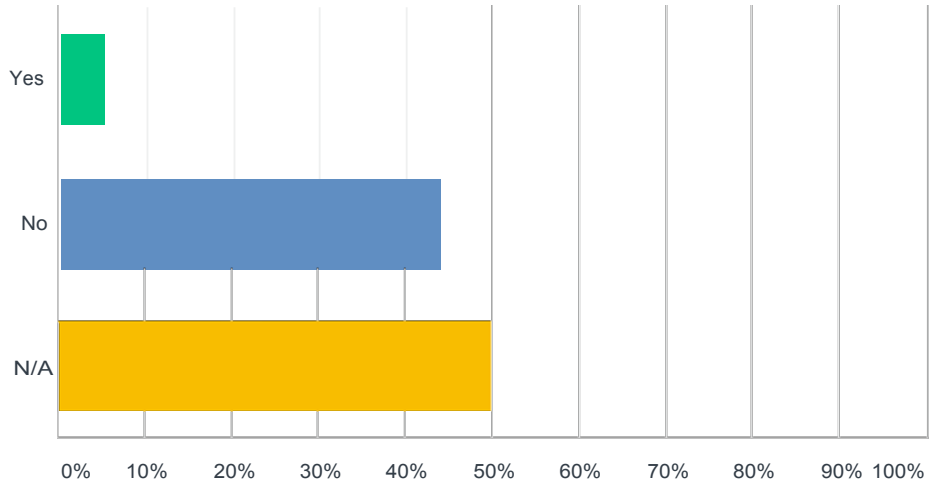
Answered: 3,044 Skipped: 743



ANSWER CHOICES	RESPONSES	
Yes	13.27%	404
No	17.38%	529
N/A	69.35%	2,111
TOTAL		3,044

Q13 Did your city or county tell you that you could not provide mobile massage?

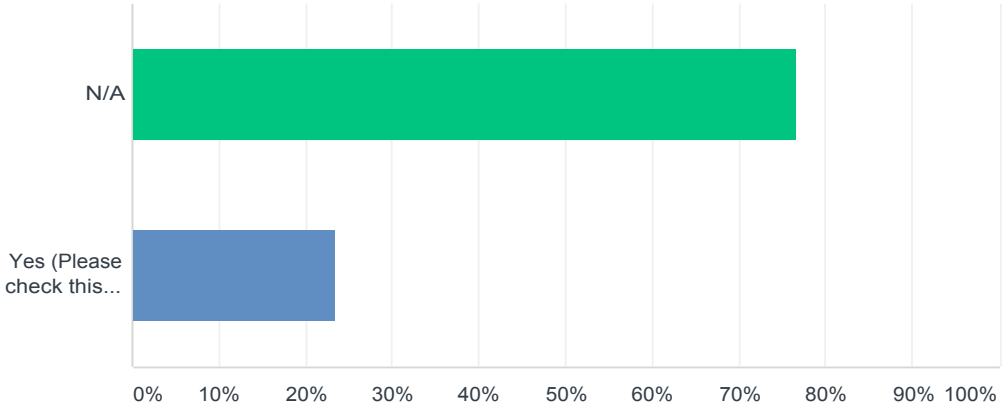
Answered: 3,044 Skipped: 743



ANSWER CHOICES	RESPONSES	
Yes	5.26%	160
No	43.89%	1,336
N/A	50.85%	1,548
TOTAL		3,044

Q14 If you were required to pay for a massage establishment permit, how much was that fee?

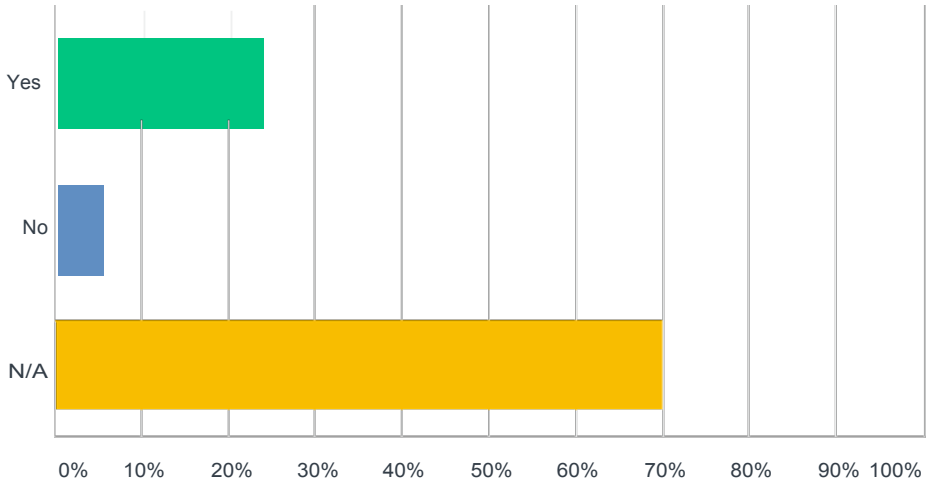
Answered: 2,833 Skipped: 954



ANSWER CHOICES	RESPONSES	
N/A	76.60%	2,170
Yes (Please check this circle and type the fee amount below.)	23.40%	663
TOTAL		2,833

Q15 Were you able to pay the above fee?

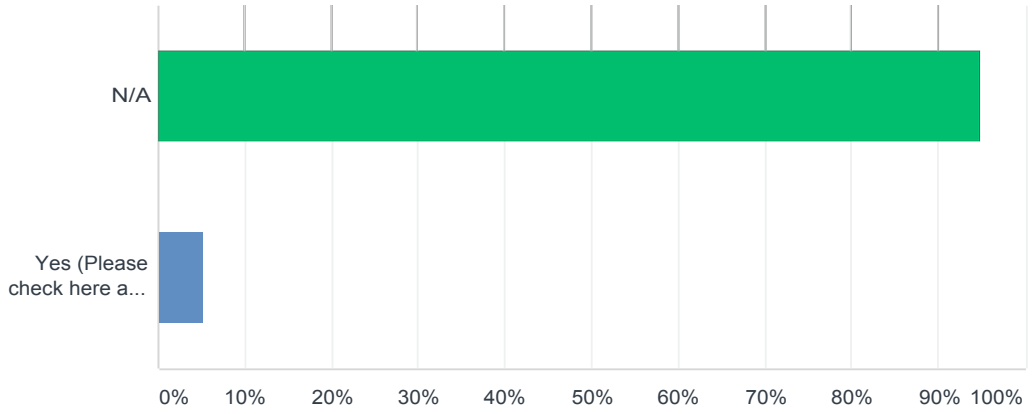
Answered: 2,833 Skipped: 954



ANSWER CHOICES	RESPONSES	
Yes	23.76%	673
No	5.40%	153
N/A	70.84%	2,007
TOTAL		2,833

Q16 If you were required to pay for a Conditional Use Permit (CUP), how much did the application process and fee cost?

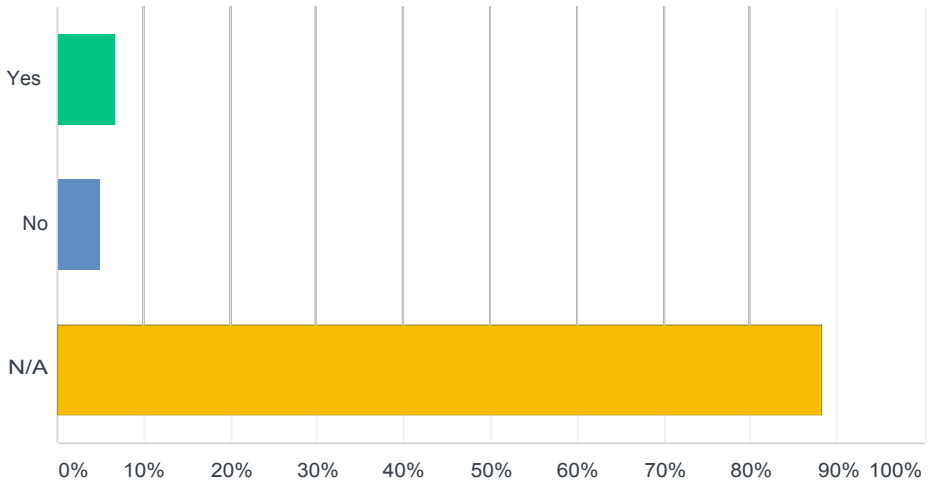
Answered: 2,833 Skipped: 954



ANSWER CHOICES	RESPONSES	
N/A	94.81%	2,686
Yes (Please check here and give the approximate cost below.)	5.19%	147
TOTAL		2,833

Q17 Were you able to pay the above fee?

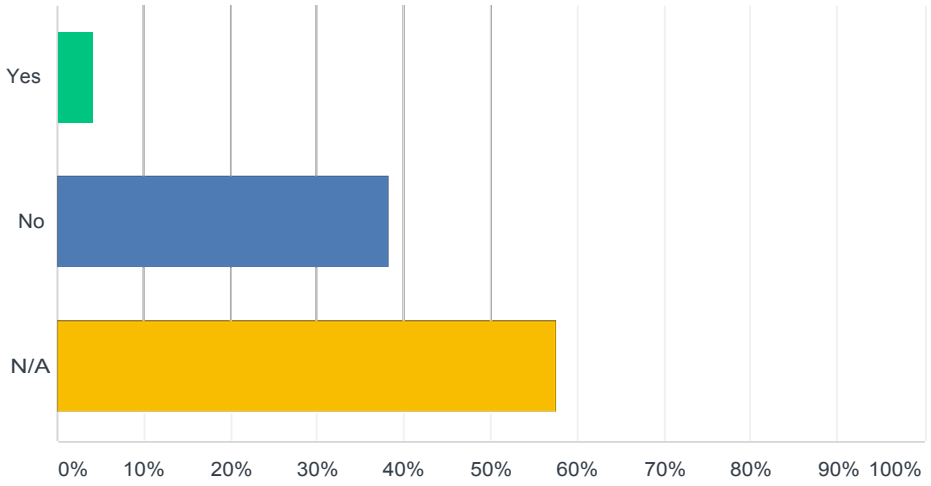
Answered: 2,833 Skipped: 954



ANSWER CHOICES	RESPONSES	
Yes	6.67%	189
No	4.98%	141
N/A	88.35%	2,503
TOTAL		2,833

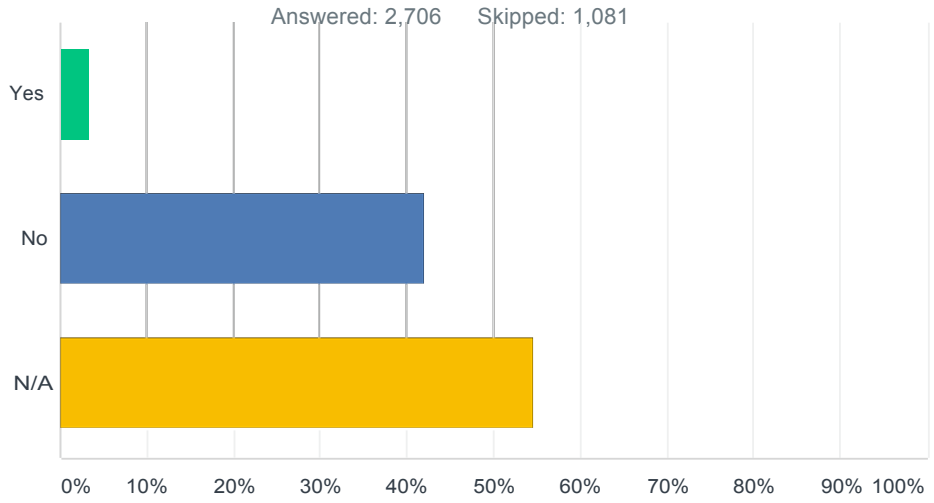
Q18 Did the city or county require you to move or close your business due to distance restrictions, such as: Cannot be located within 500 or 1,000 feet of another massage business, school, church, child care, or residence?

Answered: 2,833 Skipped: 954



ANSWER CHOICES	RESPONSES	
Yes	4.27%	121
No	38.19%	1,082
N/A	57.54%	1,630
TOTAL		2,833

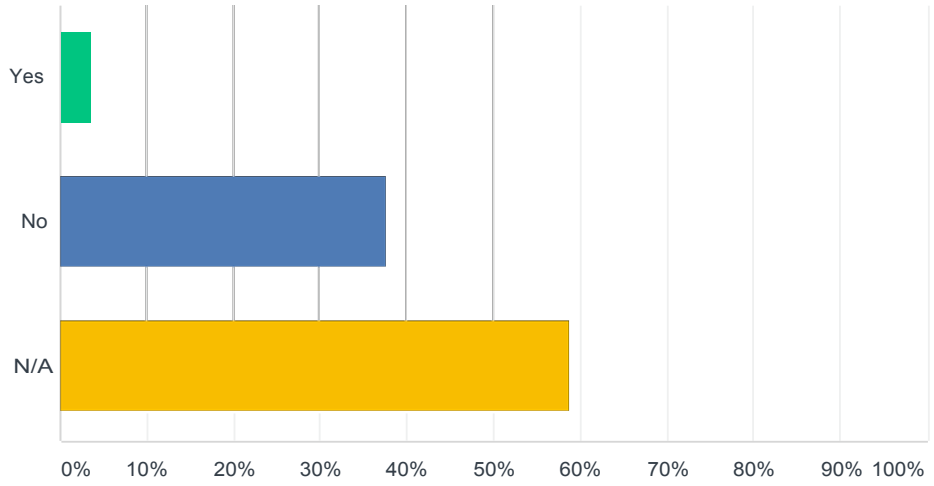
Q19 Did the city or county require you to move or close your business due to the location no longer being zoned for massage therapy?



ANSWER CHOICES	RESPONSES	
Yes	3.44%	93
No	42.05%	1,138
N/A	54.51%	1,475
TOTAL		2,706

Q20 Did the city or county prevent you from moving your business due to other zoning restrictions?

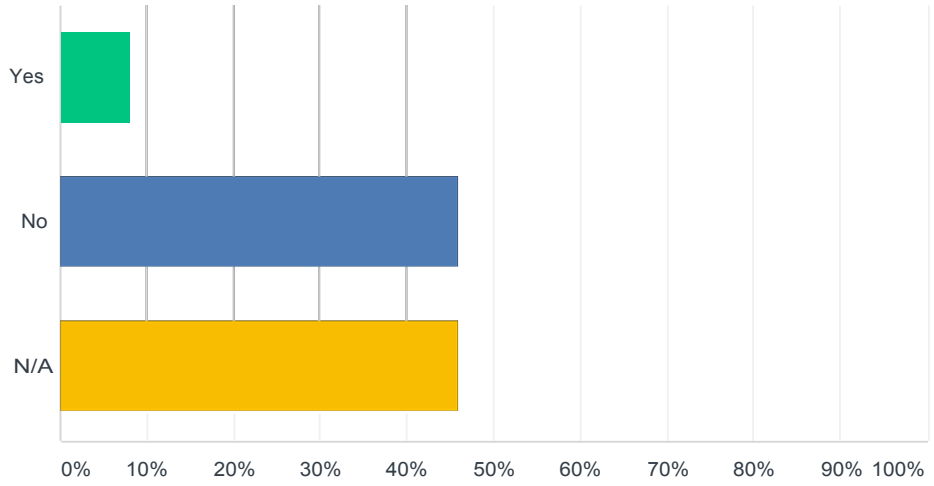
Answered: 2,706 Skipped: 1,081



ANSWER CHOICES	RESPONSES	
Yes	3.51%	95
No	37.69%	1,020
N/A	58.80%	1,591
TOTAL		2,706

Q21 Did the city or county inform you that you are not allowed to provide massage at your or your clients' home or office?

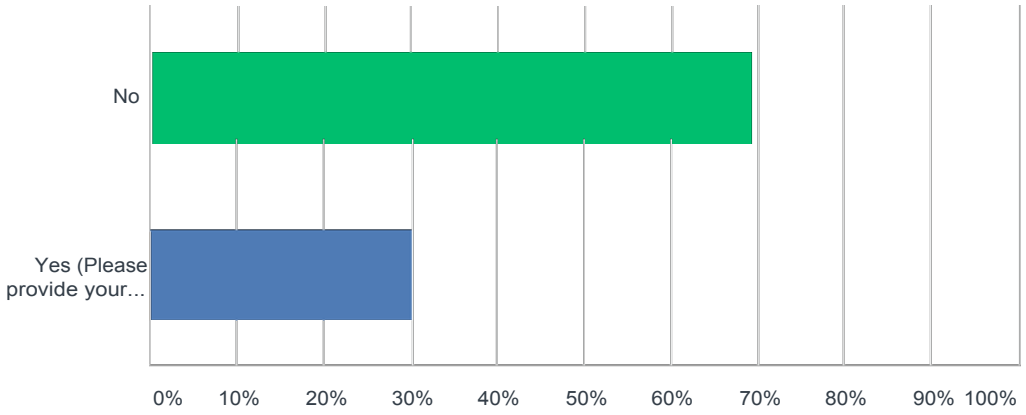
Answered: 2,706 Skipped: 1,081



ANSWER CHOICES	RESPONSES	
Yes	8.09%	219
No	46.30%	1,253
N/A	45.60%	1,234
TOTAL		2,706

Q22 Is there anything else you'd like the Legislature and CAMTC to know about your experience with the city or county? If so, please provide a brief summary here:

Answered: 2,706 Skipped: 1,081



ANSWER CHOICES	RESPONSES	
No	69.14%	1,871
Yes (Please provide your feedback below.)	30.86%	835
TOTAL		2,706

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 MASSAGE 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.

CALIFORNIA POLICE CHIEFS ASSOCIATION

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

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Training Sessions

Tuesday, March 20, 2018

8:00 am - 9:15 am

General Session: Jeff Wolf, Executive Coach, Speaker & International Bestselling Author

Today, there's an unprecedented demand for highly effective leaders in Police Departments and the ability to develop effective leaders has become increasingly difficult. Police Departments are facing – or must face – the reality that effective leaders, at every level, can make or break them.

The presentation is geared to deliver the following benefits to attendees:

- Build and sharpen key leadership skills
- Improve interpersonal relations and teamwork
- Assist attendees in becoming a highly effective and dynamic leader, leading to increased employee engagement which translates to better policing and community relations

9:30 am - 10:30 am

Law Enforcement Emerging Technologies

Presenter(s): *CPCA Technology Committee*

Quick Links

Annual Training Symposium
WLLE Training Symposium
Executive Leadership Institute
CPCA Technology Summit
Career Opportunities
Legislative Day
IACP Conference
Strategic Partner Program
Corporate Circle Program

Strategic Partners

MOTOROLA SOLUTIONS

Great Scott! Doc Brown predicted a lot of things that were supposed to happen in the future. Though some are a little outlandish, there things from the fictional movie (Back to the Future) that actually did come true. Who would have thought that 20 years in the future we would be using things like finger print technology, video chats and personal drones? So hop in your DeLorean and throw your Nike Mags on cause we're going to the future of law enforcement technology!

Massage Establishments: Powerful Tools to Eradicate Illicit Conduct

Presenter(s): *Ahmos Netanel, California Massage Therapy Council and Rick McElroy, California Massage Therapy Council*

Police Chiefs who do not fully understand how revocable registration, officer's declaration and active collaboration with the California Massage Therapy Council can help them eradicate illicit conduct in massage establishments are missing out. When city managers, elected officials and local communities raise concerns about the proliferation of illicit massage establishments, responding with outdated protocols typically produces little results. Cities that implement a fresh and innovative approach to the fight against illicit activity in massage businesses have already seen noticeable changes. If your city has been grappling with the challenge of massage operations, attending this presentation can be the game changer you have been looking for.

Below 100-Reducing Line-of-Duty-Police Deaths and Serious Injuries

Presenter(s): *Dale Stockton, Below 100 and Pete Dunbar, Chief (ret) Pleasant Hill PD*

A different conversation is taking place around the country regarding officer safety and it's being driven by Below 100, a commonsense training program that focuses on areas under an officer's control. Tragically, many officers have died as a result of falling into patterns of behavior facilitated by department culture. Below 100 has proven successful at changing attitudes and many agencies have realized significant reduction in injuries and costs related to preventable incidents. This session will provide an overview of recent trends in line-of-duty losses and actionable information on what can be done to prevent those losses. It will also provide attendees with information on training trainers to provide this training to any department.

10:45 am - 11:45 am

Asset Forfeiture Reform Updates

Presenter(s): *Jennifer Bickford and Alice Dery, U.S. Department of Justice, Money Laundering and Asset Recovery Section*

Asset Forfeiture is a powerful tool that combats criminal organizations by taking the proceeds of crime to strengthen law enforcement partnerships. Learn about legislative updates and policy reforms to reinforce public trust in both the Asset Forfeiture and Equitable Sharing Programs.

Legislative Update: Public Safety Intiative 2018

Presenter(s): *Jonathan Feldman, CPCA*

Crafting your message in a crisis: How to effectively communicate in a natural disaster and be the voice of calm to your community.

Presenter(s): *Laura Cole, Cole Pro Media and Sheriff Robert Giordano, Sonoma County Sheriff's Office*

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CalChiefs Retweeted

Mayor Eric Garcetti
@MayorOfLA

In memory of the victims of the shooting in Parkland, Florida, we've ordered the flags in Los Angeles lowered to half-staff. We stand with survivors and their loved ones in the wake of this tragedy. Our schools should

Embed View on Twitter

You never know when a natural disaster might strike, so are you prepared with a communication strategy when it does? Learn the best ways to get your information out to the public in a time of crisis and build trust with your community.

Back to main session page

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P.O. Box 255745
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United States

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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

January 26, 2018

[redacted]

[redacted],

This is a courtesy notice from the California Massage Therapy Council (CAMTC).

WARNING: Your certificate expiration date is approaching. If you have no background issues, we must receive your complete application at least 60 days prior to your expiration date so that your recertification may be processed prior to your expiration date. If you do have background issues we recommend that you submit your application immediately.

Your expiration date is 5/5/2018.

It is your responsibility to submit a complete application for recertification and ensure that it is received by CAMTC. Failure to submit a fully completed application for recertification that is received by CAMTC before the expiration date listed on your certificate will result in a late fee of up to $90.

If you apply more than 6 months past expiration, you will be required to start the process all over again as a new applicant and you must meet all requirements in place at that time.

You may apply for recertification online at: https://www.camtc.org/massage-professionals

Online recertification can be a quick process that includes updating your contact information, answering a few brief questions, and paying the application fee of $150.00.

If your application is approved after being received at least 60 days before expiration, and you have no background issues, a new certificate and ID card should be mailed to you at least 5 days before your expiration date.

Sincerely,

CAMTC Recertification Team

CALIFORNIA
MASSAGE THERAPY
COUNCIL

One Capitol Mall, Suite 800
Sacramento, CA 95814



CAMTC Bank Account Summary
As of 12/31/2017

	Bank	Type	Term	Maturity Date	Rate	Interest Deposits to:	Value	% of Portfolio	Valuation Date
1	Umpqua Bank	Checking	NA	NA	0.000%	NA	636,977.49	20.1%	12/31/2017
2	Preferred Bank	MM	NA	NA	0.400%	Self	252,871.96	8.0%	12/31/2017
3	California Bank & Trust	MM	NA	NA	0.100%	Self	250,330.15	7.9%	12/31/2017
4	Synchrony	CD	12 Mos	11/10/2018	1.487%	Self	259,425.58	8.2%	12/31/2017
5	CalFirst	CD	12 Mos	10/2/2018	0.250%	Umpqua-Chk	250,000.00	7.9%	12/31/2017
6	State Farm Bank	CD	36 Mos	11/26/2020	1.440%	Self	261,748.56	8.3%	12/31/2017
7	Centennial Bank/Giant Bank	CD	36 Mos	11/26/2020	1.550%	Umpqua-Chk	250,000.00	7.9%	12/31/2017
8	EH National Bank	CD	24 Mos	12/5/2018	1.120%	323-602-2000	255,320.12	8.1%	12/31/2017
9	First Internet Bank of Indiana	CD	24 Mos	12/8/2018	1.900%	Umpqua-Chk	250,059.60	7.9%	12/31/2017
10	Tab Bank	CD	12 Mos	11/12/2018	1.350%	Umpqua-ACH	250,000.00	7.9%	12/31/2017
11	Golden State Bank	CD	36 Mos	6/21/2019	1.000%	Self	253,726.08	8.0%	12/31/2017
							3,170,459.54		

CALIFORNIA
MASSAGE THERAPY
COUNCIL

7. Accessibility of CAMTC Approved Massage Education (page 8 of 3/1/17 CEO report and related map)

Other 2017 Updates

Schools

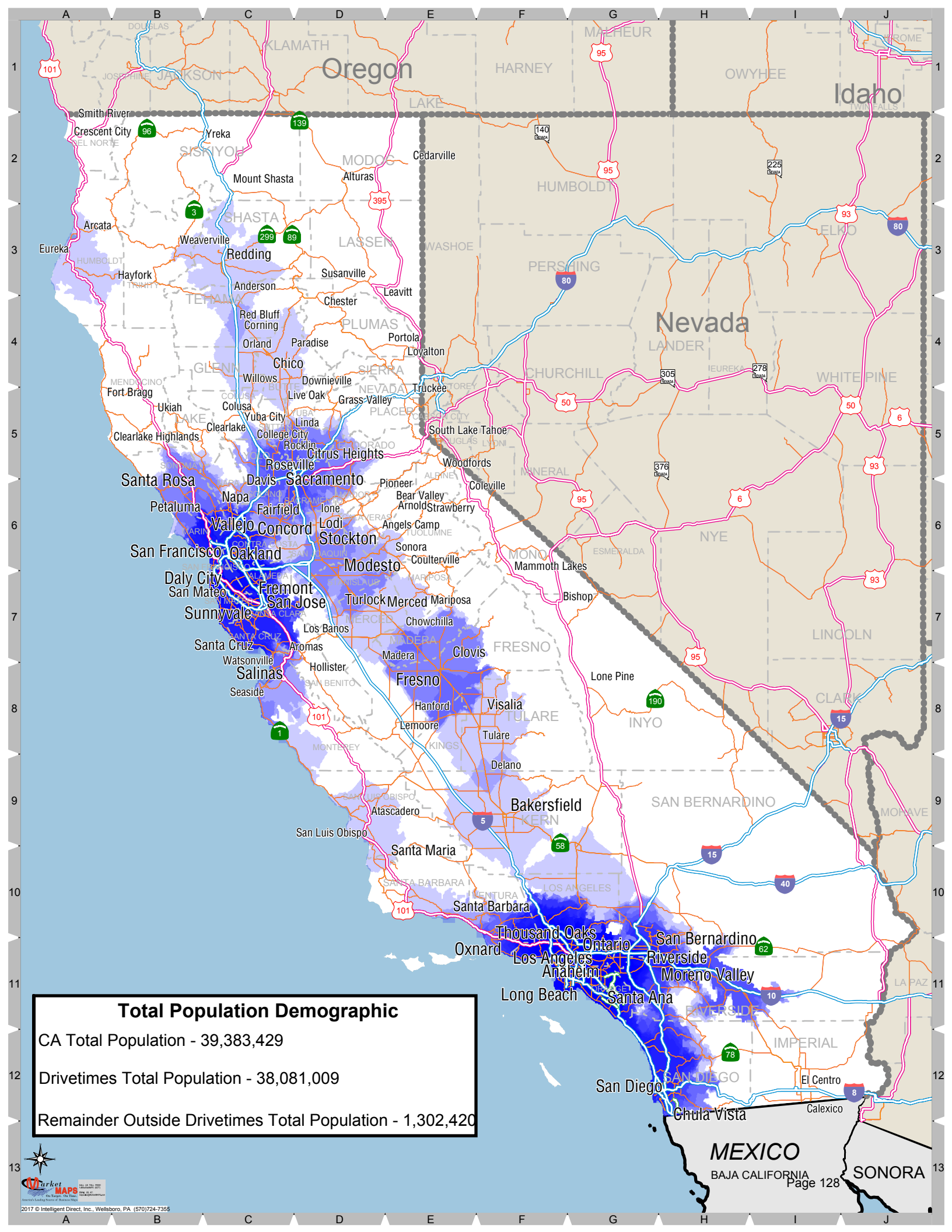
CAMTC's number one goal for 2017 is to evaluate the accessibility of massage education in California and review schools-related policies.

The Board agreed to conduct a study to measure how accessible massage education really is and to examine CAMTC's potential role in mitigating the shortage of professional massage education, if such shortage actually exists. For the purpose of this study, we defined "accessible" as geographic areas with approved programs located within a one hour drive of the residence of a potential student. Specifically, we wanted to determine what is the percentage of California residents who live within a one-hour drive from an approved school. We retained the services of GbBIS, a division of Intelligent Direct Inc., a leading provider of geographic-based information solutions with many Fortune 500 clients and provided them with all the addresses of schools with CAMTC-approved programs. The analysis revealed that approximately 97% of California residents live at an accessible address to professional massage education. Attached is a map with visual depiction of the study. It is my opinion that based on this data, California has no shortage of professional massage educational opportunities and therefore no action needed to be contemplated by CAMTC to address this issue at this time.

The school advisory committee has been established and is scheduled to hold its first meeting on March 8, 2017 (Agenda attached)

Local Government

CAMTC has continued to promote collaboration with cites and counties. As part of the Board's strategic priorities, staff developed an educational program specially designed for city attorneys about CAMTC's certification, school approval program, and the use of revocable registration. On January 9, 2017 ,


Oregon
Idaho
Nevada
MEXICO
BAJA CALIFORNIA
SONORA
Smith River
Crescent City
Yreka
Mount Shasta
Cedarville
Alturas
Arcata
Eureka
Weaverville
Redding
Hayfork
Anderson
Susanville
Leavitt
Chester
Red Bluff
Corning
Orland
Paradise
Chico
Portola
Loyalton
Willows
Downieville
Truckee
Fort Bragg
Ukiah
Colusa
Live Oak
Grass Valley
Yuba City
Linda
Clearlake
Clearlake Highlands
College City
Rocklin
Citrus Heights
Roseville
Woodfords
South Lake Tahoe
Santa Rosa
Davis
Sacramento
Pioneer
Coleville
Napa
Bear Valley
Arnold
Strawberry
Petaluma
Fairfield
Ione
Vallejo
Concord
Lodi
Stockton
Angels Camp
San Francisco
Oakland
Sonora
Coulterville
Modesto
Mammoth Lakes
Daly City
San Mateo
Fremont
San Jose
Turlock
Merced
Mariposa
Bishop
Sunnyvale
Chowchilla
Los Banos
Santa Cruz
Aromas
Madera
Clovis
Fresno
Watsonville
Hollister
Salinas
Seaside
Lone Pine
Hanford
Visalia
Lemoore
Tulare
Delano
Bakersfield
Atascadero
San Luis Obispo
Santa Maria
Santa Barbara
Thousand Oaks
Oxnard
Ontario
San Bernardino
Los Angeles
Riverside
Anaheim
Moreno Valley
Long Beach
Santa Ana
San Diego
Chula Vista
El Centro
Calexico
INYO
MONO
NYE
ESMERALDA
LINCOLN
CLARK
SAN BERNARDINO
MOHAVE
IMPERIAL
LA PAZ
WHITE PINE
ELKO
HUMBOLDT
PERSHING
CHURCHILL
LANDER
WASHOE
LASSEN
MODOC
SHASTA
TEHAMA
PLUMAS
SIERRA
NEVADA
PLACER
GLENN
LAKE
MENDOCINO
SONOMA
SOLANO
YOLO
SACRAMENTO
AMADOR
CALAVERAS
TUOLUMNE
MARIPOSA
MADERA
FRESNO
KINGS
TULARE
KERN
SAN LUIS OBISPO
SANTA BARBARA
VENTURA
LOS ANGELES
ORANGE
RIVERSIDE
SAN DIEGO
Total Population Demographic
CA Total Population - 39,383,429
Drivetimes Total Population - 38,081,009
Remainder Outside Drivetimes Total Population - 1,302,420
2017 © Intelligent Direct, Inc., Wellsboro, PA (570)724-7355
Page 128

CALIFORNIA MASSAGE THERAPY COUNCIL

8. Sample of 2017 Correspondence Sent to Local Government Officials

8.a. December 5, 2017 letter to Liz Gibbons, Mayor

8.b. December 5, 2017 letter to Joe Simitian, Supervisor

8.c. December 5, 2017 letter to John Maltbie, County Manager

8.d. December 5, 2017 letter to David Brandt, City Manager

8.e. December 5, 2017 letter to Edgardo Garcia, Chief of Police

8.f. December 5, 2017 letter to David O. Livingston, Sheriff

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

Liz Gibbons
Mayor
70 N. First St.
Campbell CA 95008

Re: Massage ordinance

Dear Mayor Liz Gibbons:

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

To that end, we are reaching out to your city to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at mdixon@camtc.org or (916) 669-5305 if I can be of any help.

Respectfully,

Mark W. Dixon, CMT, BCTMB, Chairman

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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tel 916.669.5336 **fax** 916.669.5337 www.camtc.org

December 5, 2017

Joe Simitian
Supervisor
70 W. Hedding St.
San Jose CA 95110

Re: Massage ordinance

Dear Supervisor Joe Simitian:

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

To that end, we are reaching out to your county to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at mdixon@camtc.org or (916) 669-5305 if I can be of any help.

Respectfully,

Mark W. Dixon, CMT, BCTMB, Chairman

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tel 916.669.5336 **fax** 916.669.5337 www.camtc.org

December 5, 2017

John Maltbie
County Manager
400 County Center
Redwood City CA 94063

Re: Massage ordinance

Dear John Maltbie,

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

To that end, we are reaching out to your county to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at anetanel@camtc.org (310) 230-0052 if I can be of any help.

Respectfully,

Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

David Brandt
City Manager
10300 Torre Ave.
Cupertino CA 95014

Re: Massage ordinance

Dear David Brandt,

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

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tel 916.669.5336 **fax** 916.669.5337 www.camtc.org

December 5, 2017

Edgardo Garcia
Chief of Police
200 E. Santa Clara St.
San Jose CA 95113

Re: Massage ordinance

Dear Chief Edgardo Garcia,

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tel 916.669.5336 **fax** 916.669.5337 www.camtc.org

December 5, 2017

David O. Livingston
Sheriff
651 Pine St., 10th Fl.
Martinez CA 94553

Re: Massage ordinance

Dear Sheriff David O. Livingston,

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

To that end, we are reaching out to your county to offer support and encouragement for proactive improvements to your massage ordinance.

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Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

9. One Page Summary of Violations of The Massage Therapy Act

CALIFORNIA MASSAGE THERAPY COUNCIL

CAMTC CERTIFICATE HOLDERS AND APPLICANTS

- UNDERSTAND VIOLATIONS OF CAMTC'S LAW -

SUMMARY OF COMMON ACTIONS THAT VIOLATE CAMTC'S LAW

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- 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.
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- 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.
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- 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.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

10. April 4, 2019
CEO Report

CEO Report

April 4, 2019

2018 in Review

2018 was another extremely busy year for CAMTC. The following update focuses on the five major areas the Board identified as strategic priorities:

1. **Public Safety**

We have been working closely with law enforcement officials, including but not limited to leadership and staff at the California Police Chiefs Association (CPCA) to deliver important information about CAMTC's protocols (such as the use of declarations) to officers. CAMTC's training sessions are well received. While many local law enforcement agencies have common challenges, there are vast differences in the way different cities and counties approach public safety. That requires individual discussions and adaptation to the local way of doing things.

CAMTC's senior staff has spent many long hours meeting and devising individual programs to meet the specific needs of different jurisdictions and agencies.

In early 2018, CAMTC entered into a strategic partnership with CPCA. As part of this partnership, CAMTC had a major presence in CPCA's annual symposium: training before the state attorney general, conducting an educational program,

running a large booth at the conference trade show and delivering a speech at the installation dinner just before the Governor's speech. We established that collaboration between CPCA and CAMTC is ongoing on multiple strategic fronts.

Recognizing the important role code enforcement officers play in elevating the massage profession in California and keeping communities safe, CAMTC embarked on a major effort to train as many code enforcement officers as possible throughout the state. CAMTC was a major sponsor and educational presenter at the California Association of Code Enforcement Officers' (CACEO) annual conference. CAMTC's Chairman and senior staff met with CACEO's Board of Directors to establish an ongoing strategic collaboration. The cornerstone of the cooperation between the two organizations is a statewide rollout of CAMTC specialized training for code enforcement officers in 2019.

Educating local government officials on the use of revocable registration as an effective tool to eradicate illicit massage establishments in local communities is an important ongoing endeavor. Having a conceptual understanding of revocable registration does not automatically translate to results on the ground. To help cities with the actual mechanics of revocable registration, CAMTC sponsored a presentation to city attorneys at the League of California Cities' annual meeting in Long Beach. "Eradicating Illicit Conduct Using Revocable Registration" was presented by David Silberman, Assistant County Counsel, San Mateo County. The presentation was well received by the city attorneys in attendance and has resulted in amendments to many local ordinances.

2. Customer Service

The quality and efficiency of CAMTC's customer service has shown a remarkable improvement in 2018. The attached chart clearly shows how staff performance far exceeded the Board's objectives. Going beyond the numbers, certificate holders and applicants consistently praise team members for the professional and caring manner in which they handle callers' issues and concerns.

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. As a result of feedback we received from a survey we sent to schools, 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.

We formed a working group of Board members and staff that are familiar with local government challenges in order to provide the expertise needed to protect local communities more effectively. As a result of input from the group, we are planning to send a letter from CAMTC's Director of Governmental Affairs to all city attorneys and county counsels and another letter from CAMTC's Chairman to local government elected officials.

2019 updates

January 22, 2019, marked CAMTC's 10-year milestone. When CAMTC was first formed, many really smart people publicly asserted that CAMTC would not last long and would fold in a couple years or less. Ten years later we are happy to celebrate our success.

At the beginning of the year, Senator Jerry Hill (San Mateo) was succeeded by Senator Steven Glazer (Contra Costa) as Chairman of the Senate Committee on Business, Professions and Economic Development. We immediately initiated a meeting between CAMTC's Chairman and Senator Glazer. The Committee's Chief Consultant, CAMTC's Director of Governmental Affairs and I were also in attendance. It was a productive initial meeting that reinforced the continuation of the long professional working relationship CAMTC has had with the Committee's leadership.

Since New England Patriots owner Robert Kraft was charged in February as part of a months long human trafficking investigation relating to a Jupiter, Florida massage establishment, the news cycle has been dominated by relentless coverage of how massage is used as a subterfuge for human trafficking. A year ago, when we started preparing for our participation in the 2019 CPCA annual training symposium, we decided to focus on this issue. When California Attorney General Xavier Becerra gave his keynote speech at the opening ceremony of the CPCA conference following my opening remarks, he made specific references to the issue I highlighted. He also expressed a genuine commitment to working with CAMTC on tackling this issue. Our message, "Human Trafficking in Massage Stops Here," clearly resonated with attendees throughout the conference and was reinforced by our educational program, focus group, and by Chairman Dixon's powerful speech at the installation dinner.

At the time of this update, CAMTC has yet to receive the questionnaire from the Legislature for the sunset review report. All organizational functions are aligned for the continuation of CAMTC as a nonprofit organization, implementing a statewide voluntary certification program, post sunset review. The goal of completing and presenting a draft of the sunset review report to the Board within 120 days of the receipt of the sunset questionnaire may be impacted by the actual timing of when we receive the sunset questionnaire.

Organizational Restructuring

Just because we have always done things a certain way shouldn't rob from us the opportunity to improve. CAMTC's Professional Standards Division (PSD) has played a central role in CAMTC's effectiveness and success. In assessing workflow issues and input from staff, I decided to discontinue PSD and reassign PSD staff to a new organizational structure which will become effective April 5, 2019. I believe that the new structure will increase efficiency and deliver even better service to CAMTC's stakeholders. The new organizational chart is attached.

Disciplinary Performance Measures

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

In order to provide some context to CAMTC's DPMs, a chart comparing CAMTC with average measures of DCA's Boards and Bureaus was prepared last year

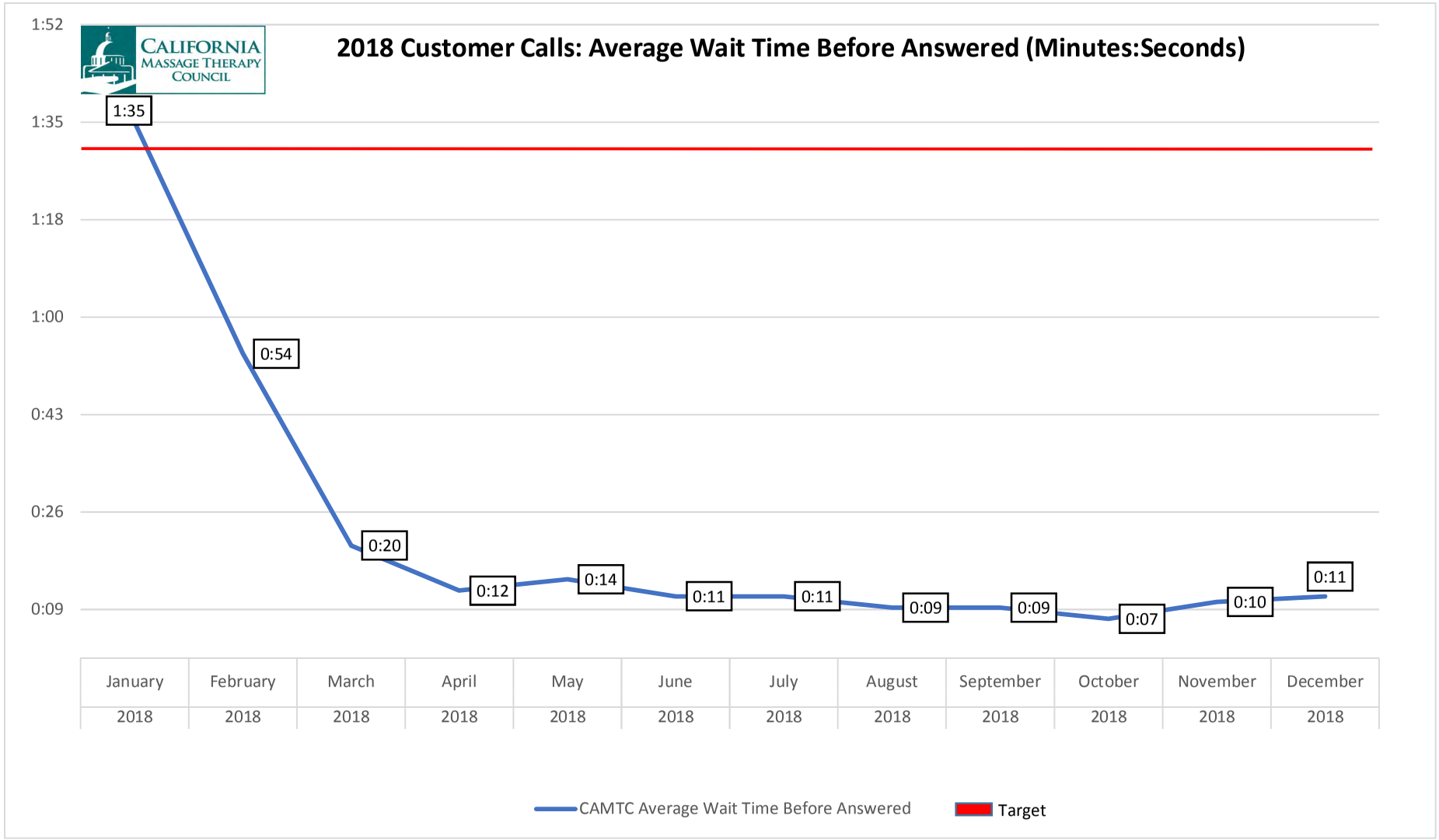
(copy attached). Since none of DCA's Boards and Bureaus have made their performance measures available to the public since 2017, such a comparison for 2018 is not possible at this time.

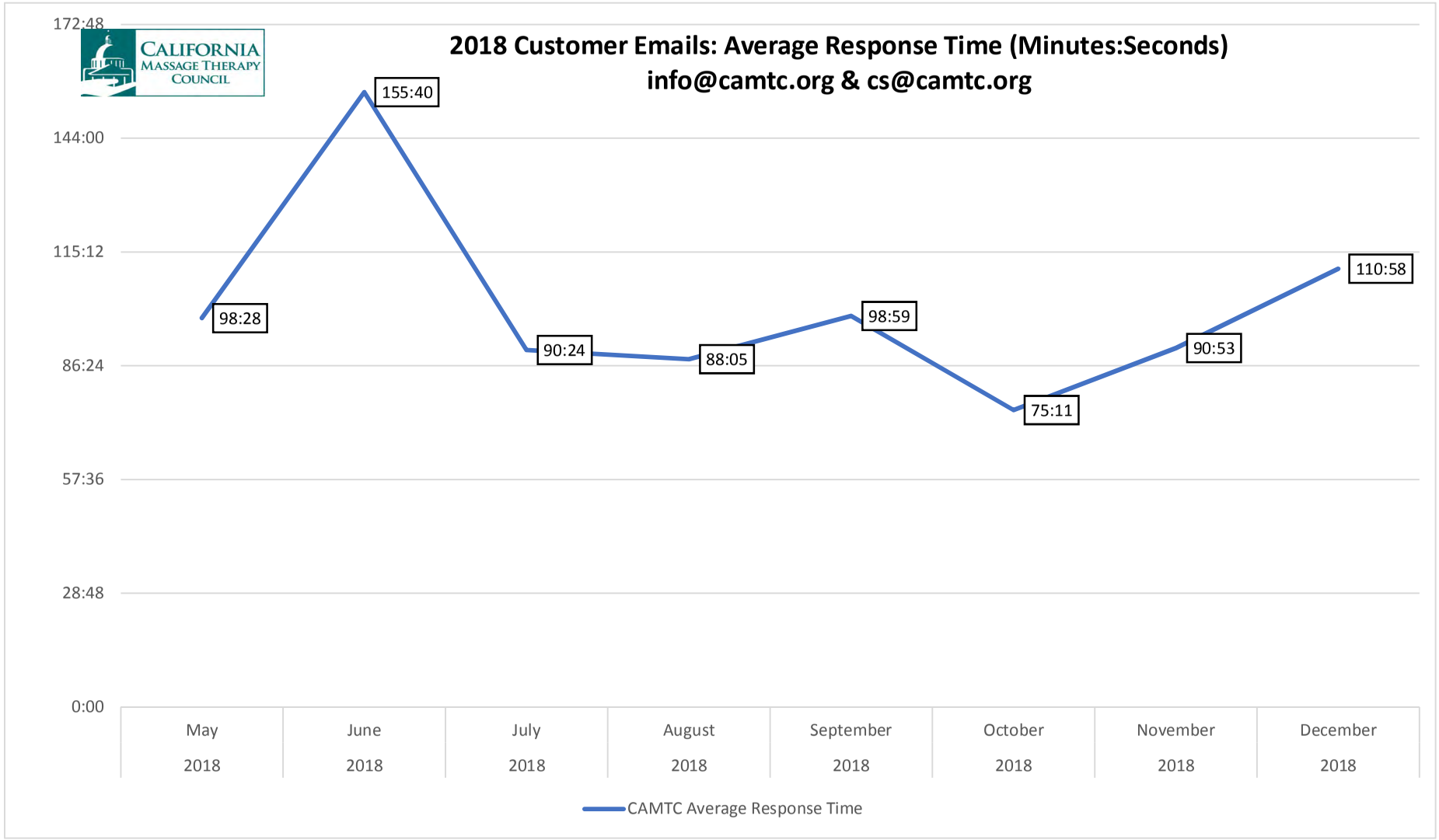
Finance

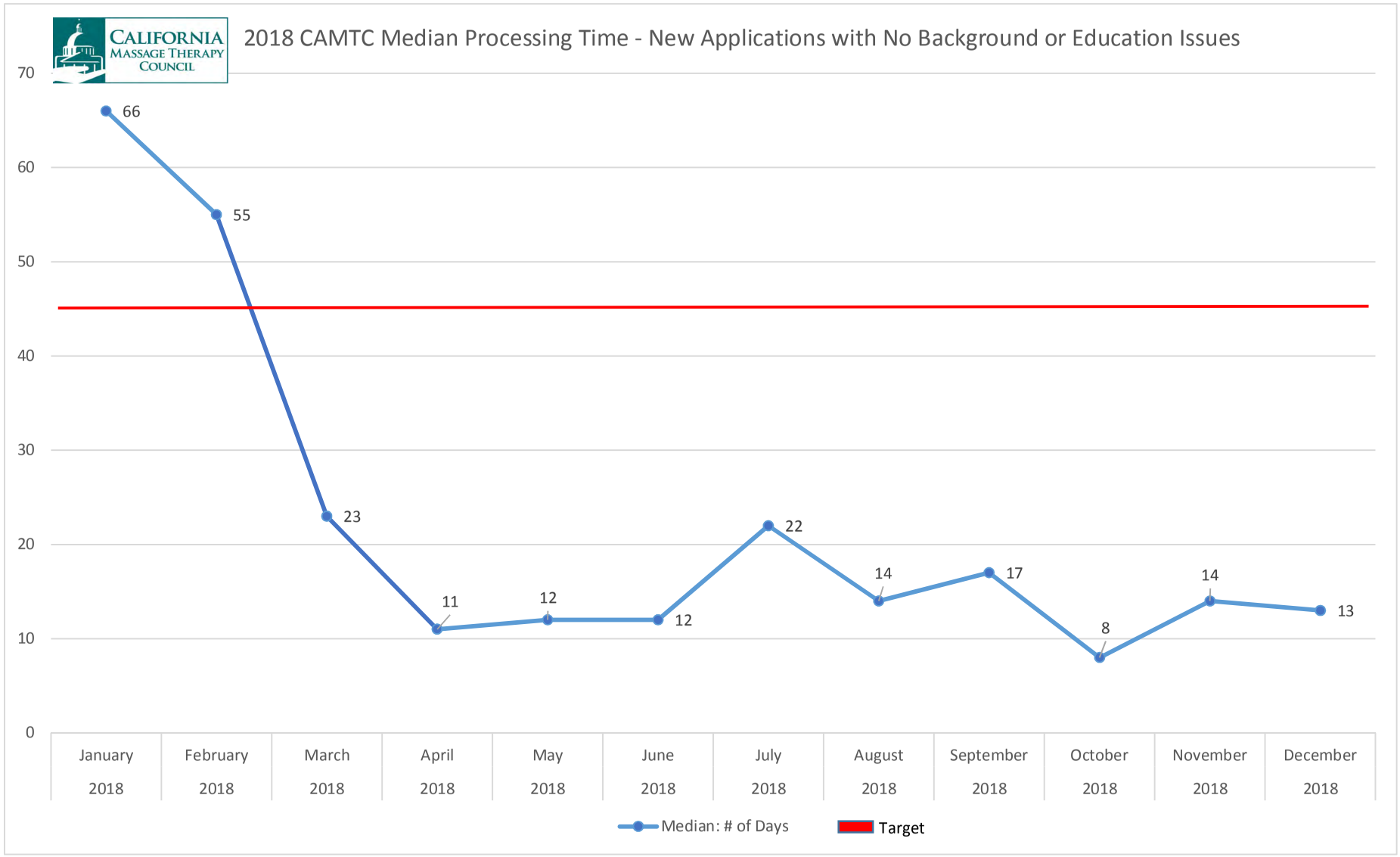
As of January 31, 2019, actual cash position was $2,266,705 (budgeted was $1,852,070).

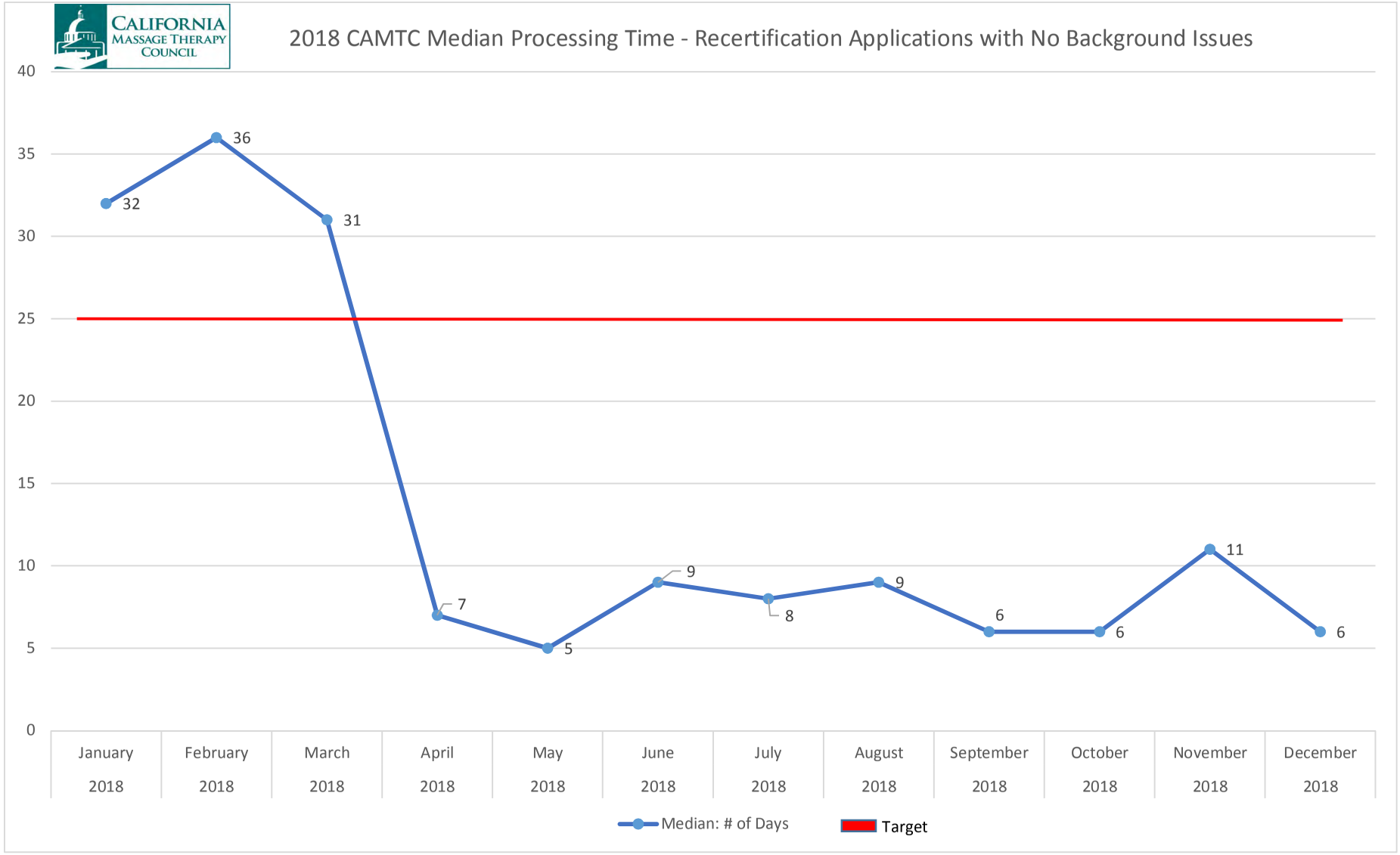
Actual net income was $113,076 (budgeted was a deficit of -$64,842).

A bank accounts summary as of February 28, 2019 is attached.


2018 Customer Calls: Average Wait Time Before Answered (Minutes:Seconds)
CALIFORNIA MASSAGE THERAPY COUNCIL
1:52
1:35
1:18
1:00
0:43
0:26
0:09
1:35
0:54
0:20
0:12
0:14
0:11
0:11
0:09
0:09
0:07
0:10
0:11
January 2018
February 2018
March 2018
April 2018
May 2018
June 2018
July 2018
August 2018
September 2018
October 2018
November 2018
December 2018
CAMTC Average Wait Time Before Answered
Target


2018 Customer Emails: Average Response Time (Minutes:Seconds)
info@camtc.org & cs@camtc.org
CALIFORNIA MASSAGE THERAPY COUNCIL
172:48
144:00
115:12
86:24
57:36
28:48
0:00
98:28
155:40
90:24
88:05
98:59
75:11
90:53
110:58
May 2018
June 2018
July 2018
August 2018
September 2018
October 2018
November 2018
December 2018
CAMTC Average Response Time


CALIFORNIA MASSAGE THERAPY COUNCIL
2018 CAMTC Median Processing Time - New Applications with No Background or Education Issues
70
60
50
40
30
20
10
0
66
55
23
11
12
12
22
14
17
8
14
13
January 2018
February 2018
March 2018
April 2018
May 2018
June 2018
July 2018
August 2018
September 2018
October 2018
November 2018
December 2018
Median: # of Days
Target


CALIFORNIA
MASSAGE THERAPY
COUNCIL
2018 CAMTC Median Processing Time - Recertification Applications with No Background Issues
40
35
30
25
20
15
10
5
0
32
36
31
7
5
9
8
9
6
6
11
6
January 2018
February 2018
March 2018
April 2018
May 2018
June 2018
July 2018
August 2018
September 2018
October 2018
November 2018
December 2018
Median: # of Days
Target

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 26, 2018

Bill Gage, Chief Consultant
Senate Business, Professions, and Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

VIA ELECTRONIC MAIL

Dear Mr. Gage:

Pursuant to Business and Professions Code section 4602(l), the California Massage Therapy Council ("CAMTC") has been assessing its contact with non-English speakers. Attached please find the results of a recent telephonic survey conducted by CAMTC.

Based on this assessment, in 2019 CAMTC's Board will determine which language(s) other than English are spoken by a substantial number of individuals who make contact with CAMTC. After this determination is made, CAMTC will begin the process of implementing its statutory obligation to offer and make available all publicly available written and electronic materials provided to certificate holders and applicants in languages other than English. These materials will not include examinations, denial and disciplinary legal documents, or email communications.

Respectfully,

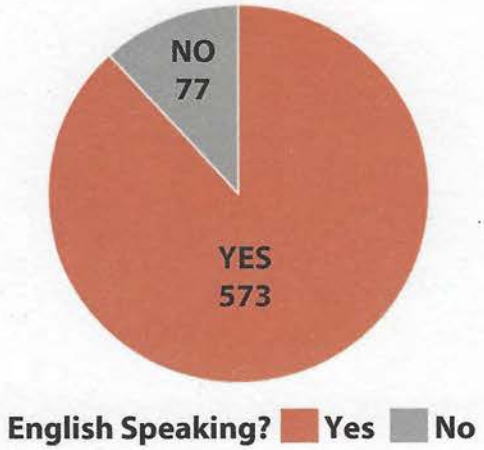
Ahmos Netanel

Ahmos Netanel, CEO

cc: Elissa Silva

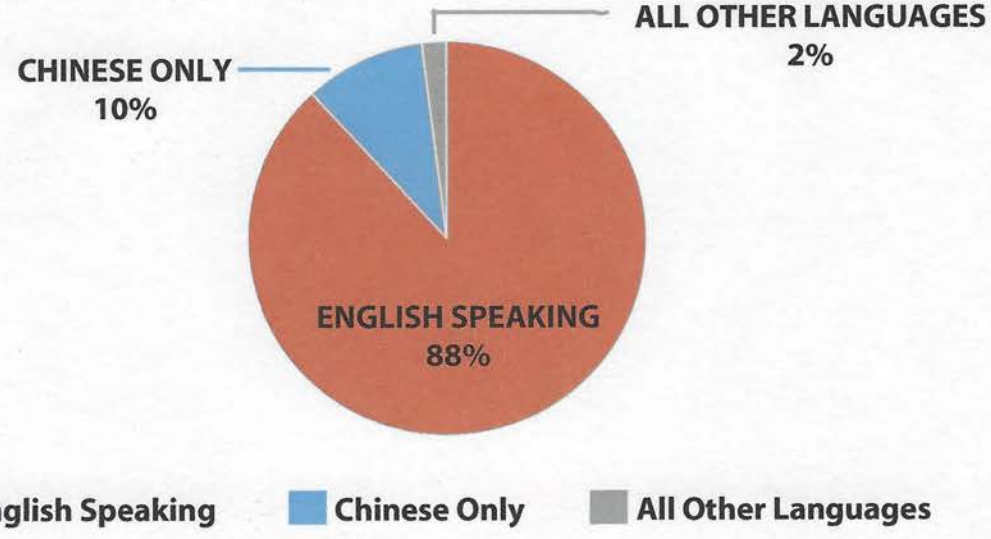
In October 2018 the California Massage Therapy Council (CAMTC) surveyed 650 individuals who contacted the Customer Service department by phone.

77 of the 650 individuals indicated that they do not speak English (11.8%).



When asked for their primary language, these 77 individuals responded as follows:

- 64 indicated that their primary language is Chinese (9.8% of 650)
- 3 Korean (0.4%)
- 1 Lao (0.2%)
- 1 Russian (0.2%)
- 2 Spanish (0.3%)
- 5 Thai (0.7%)
- 1 Vietnamese (0.2%)



1-8-19

CALIFORNIA MASSAGE THERAPY COUNCIL

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



January 2, 2019

N. Enrique Martinez
City Manager
P.O. Box 3005
Redlands, CA 92373-1505

Dear City Manager N. Enrique Martinez:

CAMTC encourages all cities and counties to enact ordinances which are consistent with the Massage Therapy Act (California Business & Professions Code Section 4600 et seq.). We are available to help with any updates you may need. Updating your ordinances can be a good first step to combating human trafficking and helping you to partner with us in implementing it using a victim centered approach.

Revocable registration is used by a growing number of cities and counties as another way to deal quickly and effectively with the issue of prostitution and human trafficking. The revocable registration concept was presented to city attorneys at the League of California Cities' annual conference and we are working closely with the California Police Chiefs Association and code enforcement officers who are increasingly involved in enforcing your ordinances.

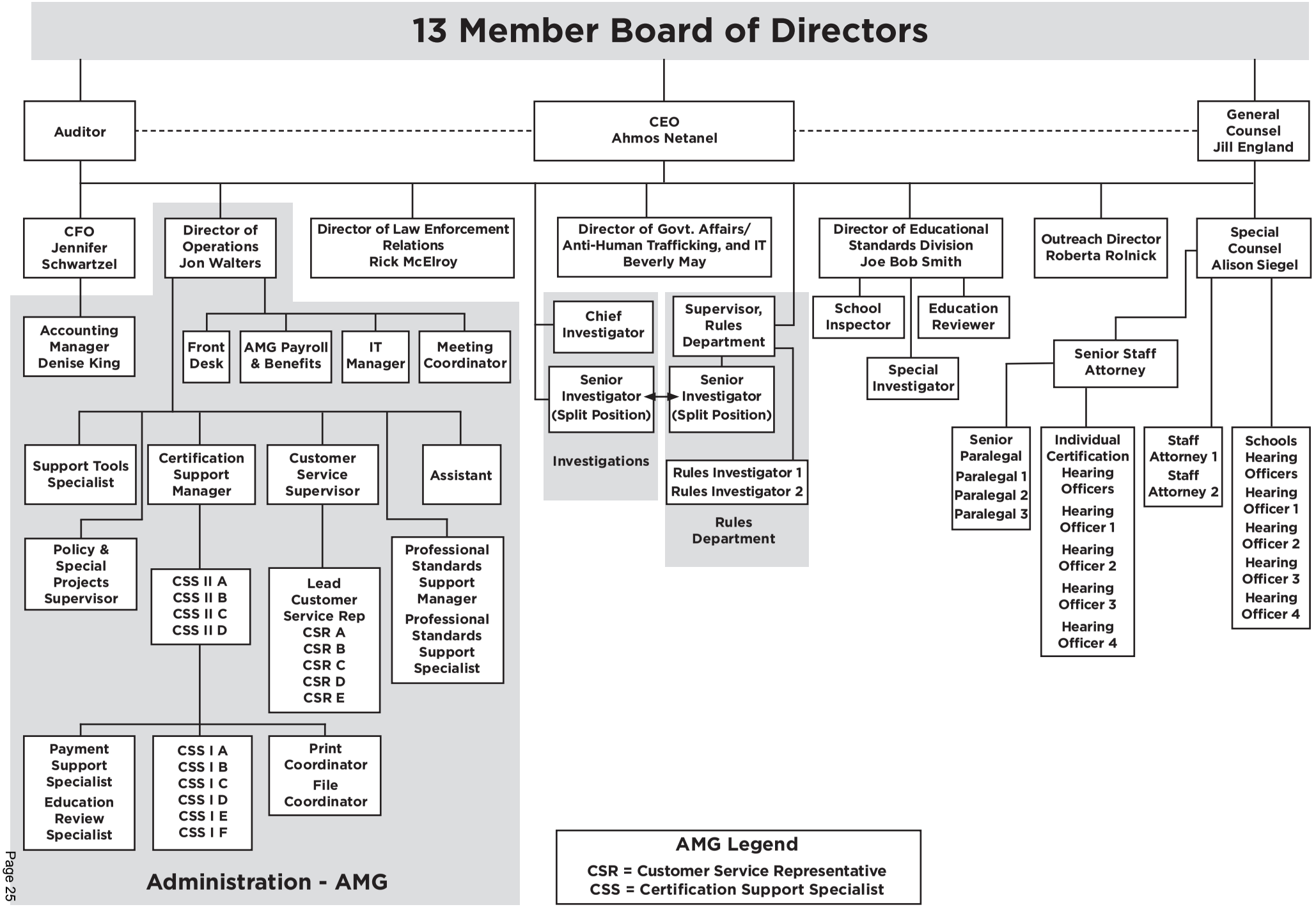
Please feel free to contact me directly at anetanel@camtc.org or at 310-415-0400 for any assistance on this matter.

Respectfully,

Ahmos Netanel

Ahmos Netanel
CEO, California Massage Therapy Council

CAMTC Organizational Chart as of April 5, 2019



PERFORMANCE METRICS – 1st, 2nd, 3rd, and 4th Quarters, 2018

PM1 – VOLUME

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

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

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

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

FOURTH QUARTER 2018: 41 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

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

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

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

FOURTH QUARTER 2018: 25 complaints against certificate holders received on average per month.

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

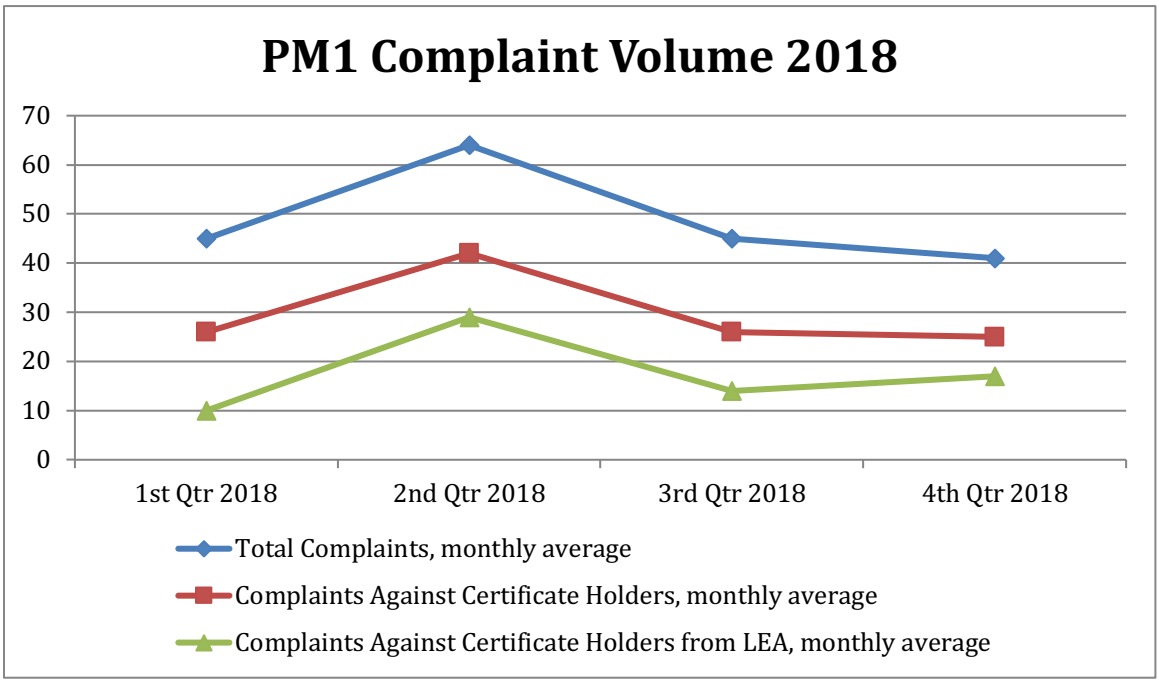
Total number of complaints received against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

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

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

THIRD QUARTER 2018: 14 complaints from LEA received against certificate holders on average per month.

FOURTH QUARTER 2018: 17 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

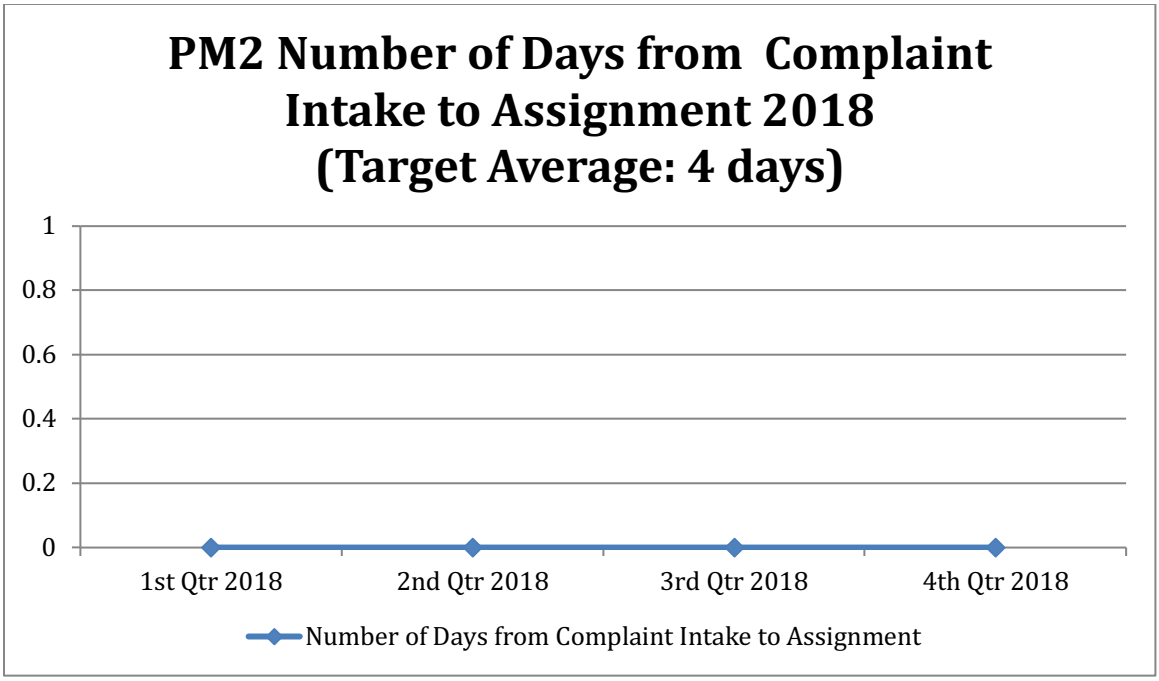
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

FIRST QUARTER 2018: 0 days to assignment.

SECOND QUARTER 2018: 0 days to assignment.

THIRD QUARTER 2018: 0 days to assignment.

FOURTH QUARTER 2018: 0 days to assignment.



PM3 – INTAKE AND INVESTIGATION

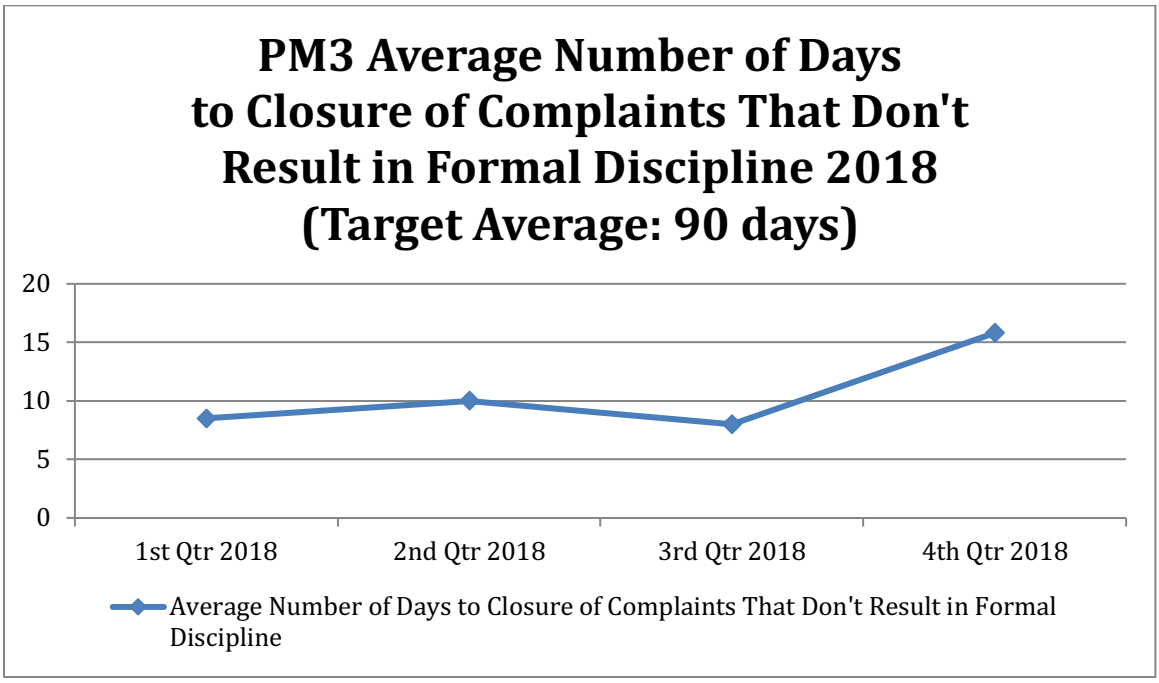
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

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

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

THIRD QUARTER 2018: 8 days is the average number of days to closure.

FOURTH QUARTER 2018: 15.8 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

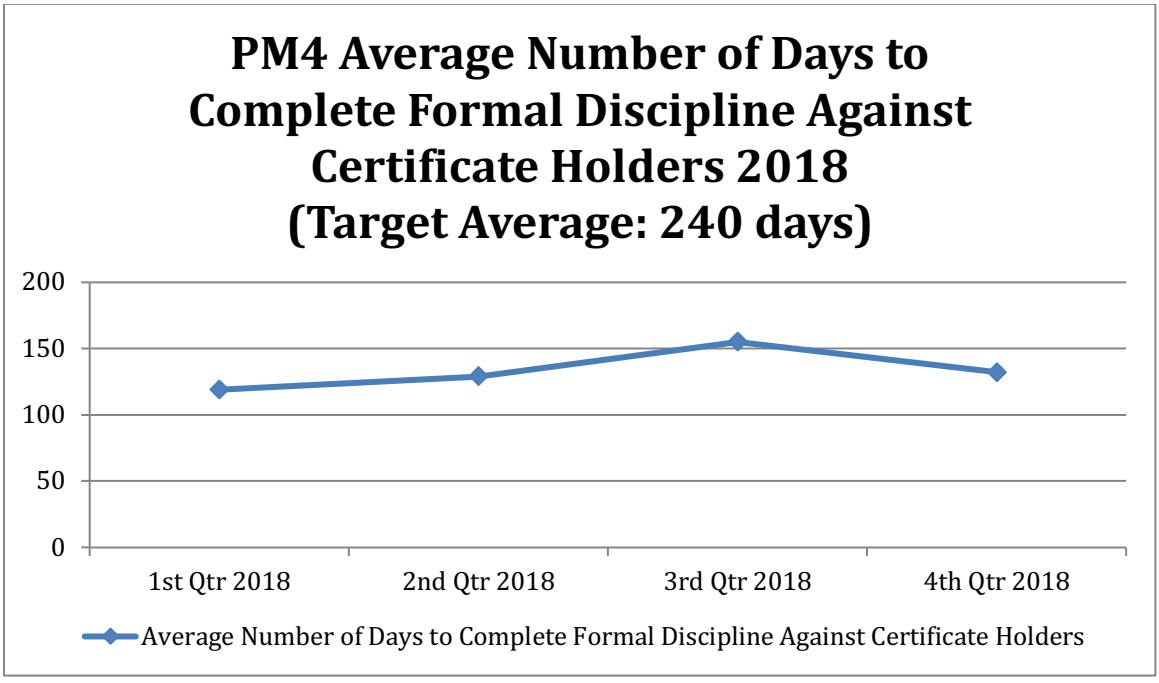
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

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

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

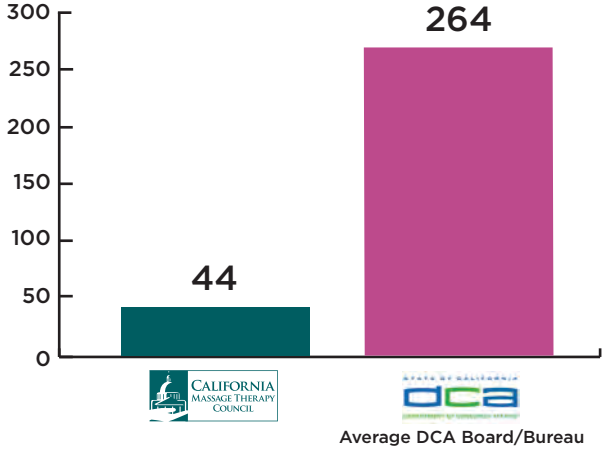
THIRD QUARTER 2018: 155 days is the average number of days from intake to final date of formal discipline.

FOURTH QUARTER 2018: 132 days is the average number of days from intake to final date of formal discipline.



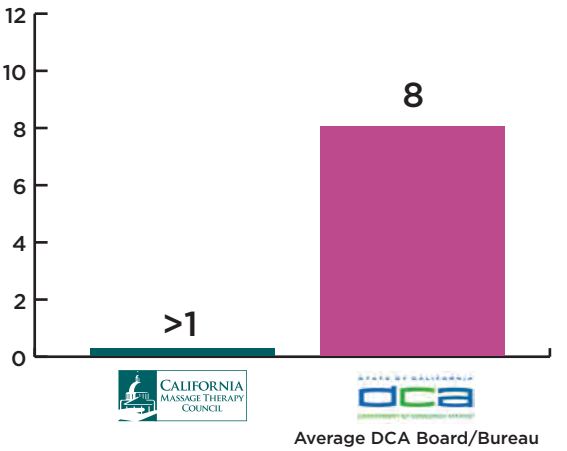
Average Monthly Complaint Volume

LAST 4 QUARTERS REPORTED



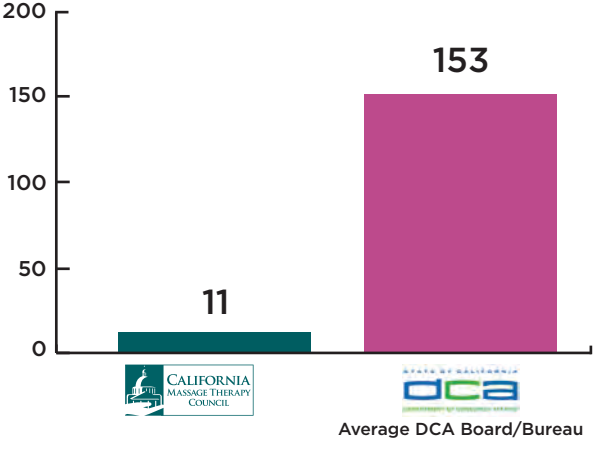
Average Number of Days From Complaint Intake To Assignment

LAST 4 QUARTERS REPORTED



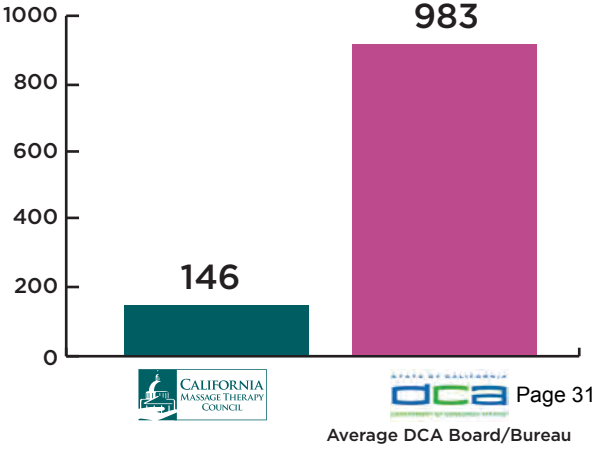
Average Number of Days To Closure of Complaints That Don't Result in Formal Discipline

LAST 4 QUARTERS REPORTED



Average Number of Days To Complete Formal Discipline Against Certificate Holders

LAST 4 QUARTERS REPORTED



CAMTC Bank Account Summary
As of 2/28/2019

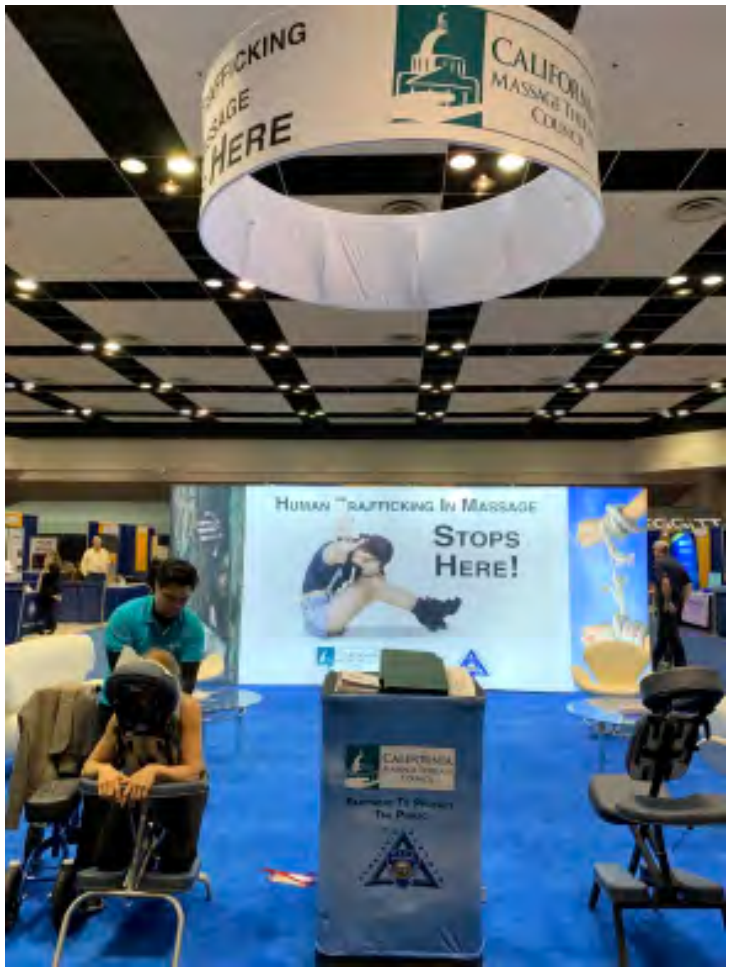
	Bank	Type	Term	Maturity Date	Rate	Value	% of Portfolio	Valuation Date
1	Umpqua Bank	Checking	NA	NA	0.000%	676,134.56	30.4%	2/28/2019
2	Preferred Bank	MM	NA	NA	0.500%	11.34	0.0%	2/28/2019
3	Synchrony	CD	12 Mos	11/10/2019	1.487%	264,636.96	11.9%	2/28/2019
4	State Farm Bank	CD	36 Mos	11/26/2020	1.440%	266,195.25	12.0%	2/28/2019
5	Centennial Bank/Giant Bank	CD	36 Mos	11/26/2020	1.550%	250,000.00	11.2%	12/31/2018
6	EH National Bank	CD	24 Mos	12/5/2020	1.120%	261,103.73	11.7%	12/31/2018
7	First Internet Bank of Indiana	CD	24 Mos	12/8/2020	1.900%	250,556.16	11.3%	2/28/2019
8	Golden State Bank	CD	36 Mos	6/21/2019	1.000%	256,662.49	11.5%	2/28/2019
						2,225,300.49		




CALIFORNIA POLICE CHIEFS
TEAMING UP FOR A BRIGHTER FUTURE
CPCA 2019
MARCH 8-10, 2019 SANTA CLARA, CA
Premier Sponsor and Strategic Partner
CALIFORNIA MASSAGE THERAPY COUNCIL


STRATEGIC PARTNER
Enhancing Public Safety Together
Premier Sponsor
CALIFORNIA MASSAGE THERAPY COUNCIL
CPCA thanks its Strategic Partners for supporting our goal of enhancing public safety.
www.californiapolicechiefs.org


STOP HUMAN TRAFFICKING
CALIFORNIA MASSAGE THERAPY COUNCIL
PARTNERS TO PROTECT THE PUBLIC
STRATEGIC PARTNER
CALIFORNIA POLICE CHIEFS


HERE
CALIFORNIA
MASSAGE THERAPY
COUNCIL
HUMAN TRAFFICKING IN MASSAGE
STOPS
HERE!


HUMAN TRAFFICKING IN MASSAGE
STOPS
HERE
Help
CALIFORNIA
MASSAGE THERAPY
COUNCIL
PARTNERS TO PROTECT
THE PUBLIC
STRATEGIC PARTNER

Be Sure To Attend CAMTC's Training Session

Human Trafficking In Massage Stops Here!



These 4 days CAMTC will be focusing on a full range of action steps needed to ensure that human trafficking in massage is eliminated.

- Meet with CAMTC Leadership and senior staff in our booth on Thursday 4:00pm - 6:00pm and Friday 10:30am - 2:00pm or anytime this week to address your concerns
- While at our booth 226/228/325/327 pick up your special gift!
- Chat with us at the Hospitality Suite in the evenings
- Attend our Anti-Human Trafficking Presentation this Saturday at 9:45am by CAMTC Directors Beverly May & Rick McElroy
- CAMTC Board Chairman Mark Dixon to Speak at the Installation Banquet on Saturday, March 9th at 7:00pm
- Email **rmcelroy@camtc.org** for a CAMTC Free Training in your City

California Massage Therapy Council

Partners To Protect The Public

Strategic Partner — California Police Chiefs

www.camtc.org/cpca-strategic-partners

Grappling With Human Trafficking In Massage Establishments In Your City?



CAMTC Can Help!

Human Trafficking In Massage Stops Here!

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

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

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

Contact Rick McElroy

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

Email rmcelroy@camtc.org

Learn more about CAMTC
https://www.camtc.org/cpca-strategic-partners

California Massage Therapy Council

Partners To Protect The Public

Strategic Partner — California Police Chiefs



We're All Ears... For You!

CAMTC's Leadership Team wants to hear your questions, your concerns, and whatever else we might be able to assist you with. Please visit our booth at the:

2019 AMTA-CA Annual Meeting & Conference
Hilton Sacramento Arden West
2200 Harvard St., Sacramento, CA 95815

Friday March 15th - 6:00PM to
Saturday March 16th - 6:30PM

Take advantage of this great opportunity to have your voice heard loud and clear by CAMTC's dedicated team of professionals.

We look forward to ~~seeing~~ hearing you there.

American Massage Therapy Association CA - Annual Conference







CALIFORNIA
MASSAGE THERAPY
COUNCIL

11. April 4, 2019 PSD Board Report related to CACEO Trainings

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

To: CAMTC Board of Directors
From: Rick McElroy, Director of Professional Standards Division
Re: Board Meeting – April 4, 2019

PSD Training for Law Enforcement

PSD moves into the new year and continues to expand its base of those it provides training to as well as return to some police departments previously trained. So far for 2019, 161 attendees, representing 58 agencies, have attended the training. A trend that is frequently occurring is representatives from building and safety, fire department and finance folks are all attending the training. The cumulative total since 2014 is 1,900 attendees representing 639 agencies.

December 11, 2018 PSD Training Day

Alison Siegel put on another great training day bringing PSD staff/Legal staff up to speed on new laws and new policies within PSD and the Legal department. Much was learned and exchanges of ideas occurred as well as the comradery of the group seeing each other once a year. Alison is always prepared and delivers her presentations in a very professional manner. Its been an honor to work with her over the last nine years.

CACEO (California Association of Code Enforcement Officers)

CACEO (a strategic partner with CAMTC) has arranged for me to train every code enforcement officer in California for 2019. Starting in January, 2019, I conducted the first training. Here is a list of all of the currently scheduled dates for training:

Jan. 29, City of Orange
Jan 31, Salinas
Feb 7, Vista
Mar 12, Alhambra
Mar 14, Ventura
Mar 19, Palm Desert
Mar 20, Riverside
Mar 26, Temecula
Mar 27, El Centro
Apr 2, San Mateo
Apr 3, Santa Clara
Apr 5, Hayward

Apr 10, Fresno
Apr 11, Rancho Cordova
Apr 17, Palm Desert

This does not include police department trainings scattered between these dates. On some of the dates, I'm doing training in the morning as well as the afternoon.

Cal Chiefs Conference in San Jose

March 6-10, I attended the annual Cal Chiefs conference with CAMTC executive staff. Beverly and I presented a 90-minute training module to the Chiefs regarding Human Trafficking and what Chiefs may want to look into for their individual departments. We also showed them how CAMTC is "Victim Centered" regarding any woman that is trafficked and comes before CAMTC's hearing process. I had the opportunity to meet over 50 chiefs and discuss our program and set up 3 trainings while I was there. Kellie Rodriguez, Assistant Chief of PSD, attended the day and evening awards dinner availing herself to meeting several Chiefs and giving one Chief an update on a case she is working. Attending this conference will yield many more training requests in the coming days. Our booth was the largest, most professional booth and was strategically centered in the middle of the convention center for maximum coverage.

Palm Desert CACEO Training
Temecula PD Training
El Centro CACEO Training

We had great training sessions in all three of these locations. I had a myriad of folks attending. Both Temecula and El Centro PD Chiefs attended the entire training session and stayed around asking questions afterward. I had previously met these Chiefs at the Cal Chiefs conference this year and they expressed interest in the training. Beverly provided key suggestions for the re-writing of the Temecula ordinance that I shared with the city officials. They incorporated all of the suggestions into their ordinance in the meeting we had afterward. I believe having the officials attend the training opens their eyes as to the significance of the ordinance updates. They are sending Beverly the updated ordinance for her review.

The El Centro training had a real mix of folks. Three FBI agents travelled from the San Diego office (125 miles) to attend the El Centro training. They were assigned to human trafficking and I think they were impressed with the information received as they asked many questions. Other attendees included the County Executive Officer, their Community Development Director, city attorney and the planning department to name a few.

Many folks were not able to attend the Palm Desert training due to prior commitments, so the host and I scheduled another training there for April 17th.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

12. Materials for Revocable Registration Presentation at September 13, 2018, League of California Cities Annual City Attorneys Conference

ILLICIT MASSAGE BUSINESSES

AN ORDINANCE APPROACH TO ENFORCEMENT (A CASE STUDY)

THE ISSUE

- Red light abatement legislation (Penal Code Sections 11225–11235) is perceived by some to be too cumbersome.

SIGNIFICANT ORDINANCE COMPONENTS (LICENSE)

- Business License for all massage businesses (2 year license)
- CMTC Certification for all employees
- Background checks of non-CMTC Certified Owners
- Broad definition of massage
- Employee lists that need to be regularly updated
- Prohibition on massage establishments at locations where action has been taken or is pending

- https://library.municode.com/ca/san_mateo_county/codes/code_of_ordinances?nodeId=TIT5BURE_CH5.44MABU

SIGNIFICANT ORDINANCE COMPONENTS (REGULATION)

- 26 provisions, including:
  - Wearing certification and certificates on the wall
  - Hours of operation and being in the facility after hours/living in facility
  - Recording services provided
  - Health and safety requirements (towels, instruments, lighting, ventilation)
  - Appropriate attire
  - Covering or touching genitals
  - Unlocked and unobscured lobby
  - Nicknames

SIGNIFICANT ORDINANCE COMPONENTS (ENFORCEMENT)

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

SIGNIFICANT ORDINANCE COMPONENTS (FINE APPEALS)

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

SIGNIFICANT ORDINANCE COMPONENTS (SUSPENSION & REVOCATION APPEALS)

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

RESULTS: A CASE STUDY

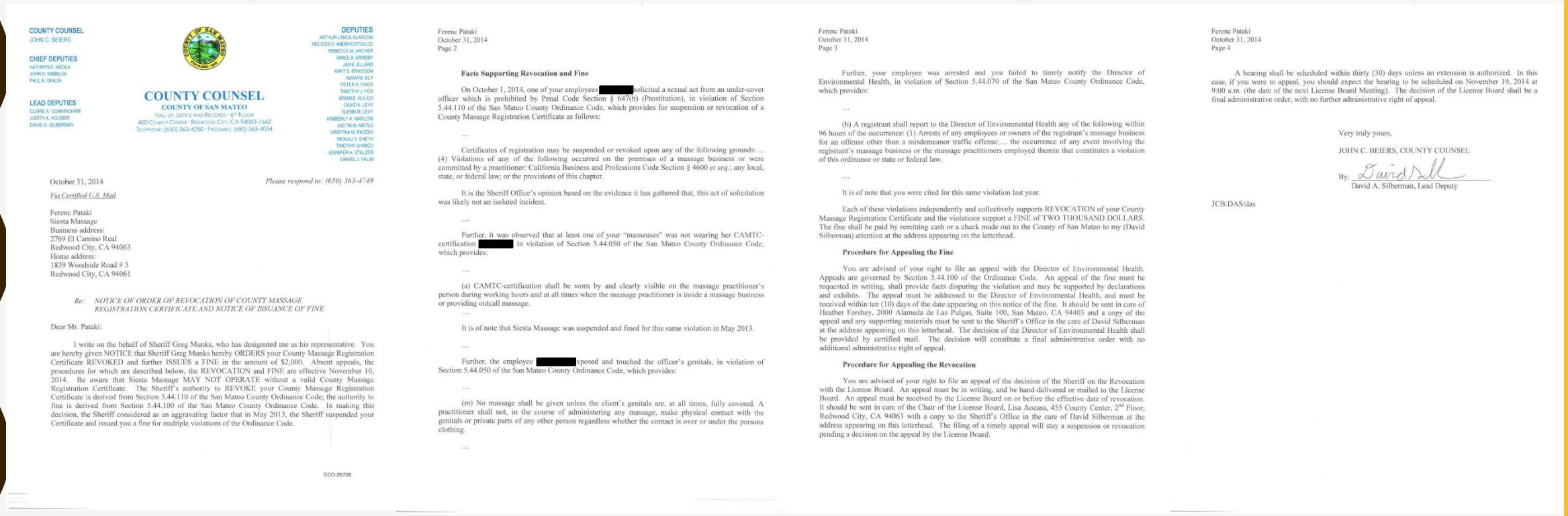
- In a 3 year period between 2012–2015 San Mateo County shut down 11 of 11 illicit massage businesses located in the unincorporated area
- Except for one that opened up without a license in 2016 (and was also subsequently closed), to our knowledge no additional illicit massage businesses have opened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

NUTS & BOLTS OF A REVOCATION PROCEEDING

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

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

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



COUNTY COUNSEL
JOHN C. BEIERS

CHIEF DEPUTIES
KATHRYN E. MEOLA
JOHN D. NIBBELIN
PAULA. OKADA

LEAD DEPUTIES
CLAIRE A. CUNNINGHAM
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COUNTY COUNSEL
COUNTY OF SAN MATEO
HALL OF JUSTICE AND RECORDS - 6TH FLOOR
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JUSTIN W. MATES
KRISTINA M. PASZEK
MONALI S. SHETH
TIMOTHY SHIMIZU
JENNIFER A. STALZER
DANIEL J. YAUM

October 31, 2014

Please respond to: (650) 363-4749

Via Certified U.S. Mail

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

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

Dear Mr. Pataki:

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

CCO-25708

Facts Supporting Revocation and Fine

On October 1, 2014, one of your employees [redacted] solicited a sexual act from an under-cover officer which is prohibited by Penal Code Section § 647(b) (Prostitution), in violation of Section 5.44.110 of the San Mateo County Ordinance Code, which provides for suspension or revocation of a County Massage Registration Certificate as follows:

…

Certificates of registration may be suspended or revoked upon any of the following grounds:… (4) Violations of any of the following occurred on the premises of a massage business or were committed by a practitioner: California Business and Professions Code Section § 4600 *et seq.*; any local, state, or federal law; or the provisions of this chapter.

It is the Sheriff Office's opinion based on the evidence it has gathered that, this act of solicitation was likely not an isolated incident.

…

Further, it was observed that at least one of your "masseuses" was not wearing her CAMTC-certification [redacted] in violation of Section 5.44.050 of the San Mateo County Ordinance Code, which provides:

…

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

…

It is of note that Siesta Massage was suspended and fined for this same violation in May 2013.

…

Further, the employee [redacted] exposed and touched the officer's genitals, in violation of Section 5.44.050 of the San Mateo County Ordinance Code, which provides:

…

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

…

Further, your employee was arrested and you failed to timely notify the Director of Environmental Health, in violation of Section 5.44.070 of the San Mateo County Ordinance Code, which provides:

…

(b) A registrant shall report to the Director of Environmental Health any of the following within 96 hours of the occurrence: (1) Arrests of any employees or owners of the registrant's massage business for an offense other than a misdemeanor traffic offense;… the occurrence of any event involving the registrant's massage business or the massage practitioners employed therein that constitutes a violation of this ordinance or state or federal law.

…

It is of note that you were cited for this same violation last year.

Each of these violations independently and collectively supports REVOCATION of your County Massage Registration Certificate and the violations support a FINE of TWO THOUSAND DOLLARS. The fine shall be paid by remitting cash or a check made out to the County of San Mateo to my (David Silberman) attention at the address appearing on the letterhead.

Procedure for Appealing the Fine

You are advised of your right to file an appeal with the Director of Environmental Health. Appeals are governed by Section 5.44.100 of the Ordinance Code. An appeal of the fine must be requested in writing, shall provide facts disputing the violation and may be supported by declarations and exhibits. The appeal must be addressed to the Director of Environmental Health, and must be received within ten (10) days of the date appearing on this notice of the fine. It should be sent in care of Heather Forshey, 2000 Alameda de Las Pulgas, Suite 100, San Mateo, CA 94403 and a copy of the appeal and any supporting materials must be sent to the Sheriff's Office in the care of David Silberman at the address appearing on this letterhead. The decision of the Director of Environmental Health shall be provided by certified mail. The decision will constitute a final administrative order with no additional administrative right of appeal.

Procedure for Appealing the Revocation

You are advised of your right to file an appeal of the decision of the Sheriff on the Revocation with the License Board. An appeal must be in writing, and be hand-delivered or mailed to the License Board. An appeal must be received by the License Board on or before the effective date of revocation. It should be sent in care of the Chair of the License Board, Lisa Aozasa, 455 County Center, 2nd Floor, Redwood City, CA 94063 with a copy to the Sheriff's Office in the care of David Silberman at the address appearing on this letterhead. The filing of a timely appeal will stay a suspension or revocation pending a decision on the appeal by the License Board.

A hearing shall be scheduled within thirty (30) days unless an extension is authorized. In this case, if you were to appeal, you should expect the hearing to be scheduled on November 19, 2014 at 9:00 a.m. (the date of the next License Board Meeting). The decision of the License Board shall be a final administrative order, with no further administrative right of appeal.

Very truly yours,

JOHN C. BEIERS, COUNTY COUNSEL

By: David Silberman
David A. Silberman, Lead Deputy

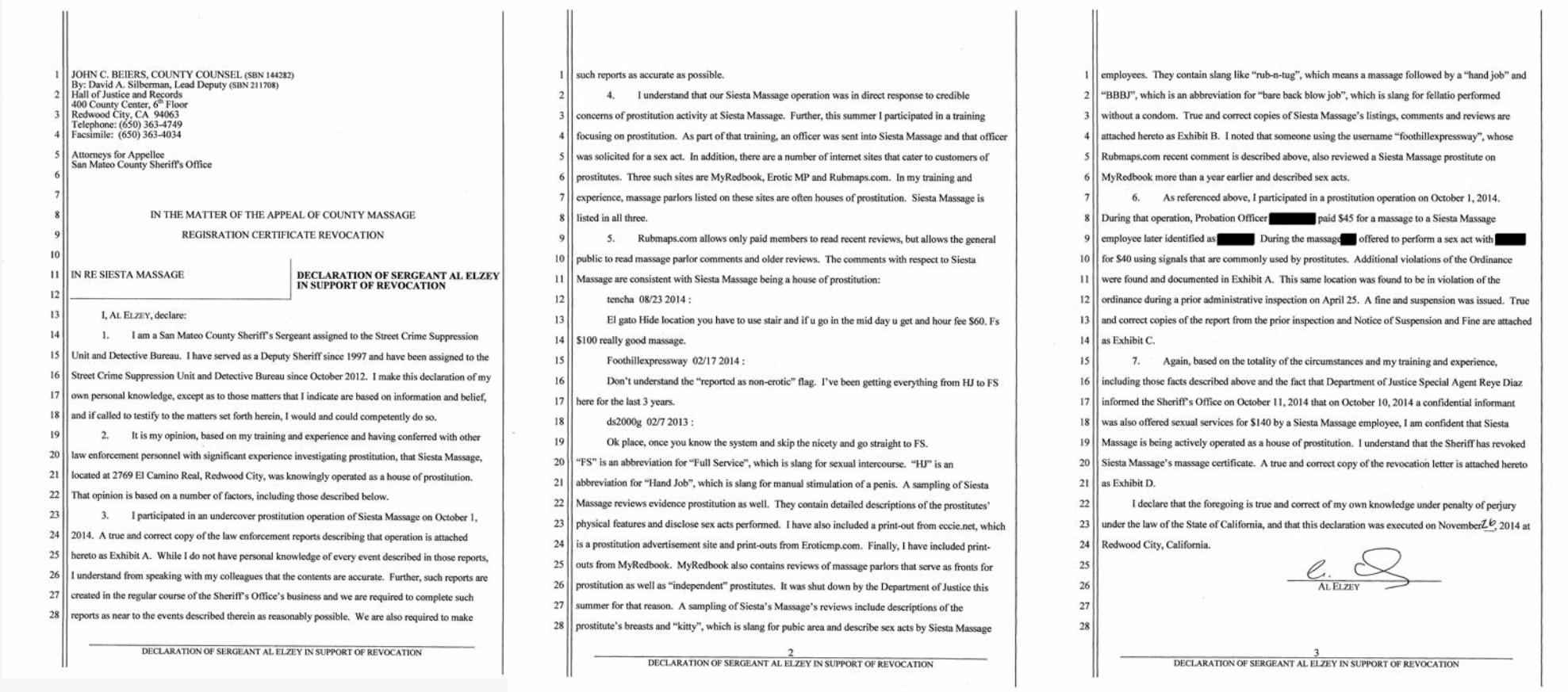
JCB:DAS/das

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

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

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

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



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

Attorneys for Appellee
San Mateo County Sheriff's Office

IN THE MATTER OF THE APPEAL OF COUNTY MASSAGE REGISRATION CERTIFICATE REVOCATION

IN RE SIESTA MASSAGE

DECLARATION OF SERGEANT AL ELZEY IN SUPPORT OF REVOCATION

I, AL ELZEY, declare:

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

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

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

DECLARATION OF SERGEANT AL ELZEY IN SUPPORT OF REVOCATION

such reports as accurate as possible.

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

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

tencha 08/23 2014 :

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

Foothillexpressway 02/17 2014 :

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

ds2000g 02/7 2013 :

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

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

2
DECLARATION OF SERGEANT AL ELZEY IN SUPPORT OF REVOCATION

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

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

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

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

AL ELZEY

3
DECLARATION OF SERGEANT AL ELZEY IN SUPPORT OF REVOCATION

NUTS & BOLTS OF A REVOCATION PROCEEDING (CONT.)

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

OTHER CONSIDERATIONS

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

CALIFORNIA
MASSAGE THERAPY
COUNCIL

13. Assessment of Contact with Non-English Speakers (page 14 of April 4, 2019 CEO Report, December 26, 2018 letter to B. Gage, and Assessment)

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. As a result of feedback we received from a survey we sent to schools, 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.

We formed a working group of Board members and staff that are familiar with local government challenges in order to provide the expertise needed to protect local communities more effectively. As a result of input from the group, we are planning to send a letter from CAMTC's Director of Governmental Affairs to all city attorneys and county counsels and another letter from CAMTC's Chairman to local government elected officials.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 26, 2018

Bill Gage, Chief Consultant
Senate Business, Professions, and Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

VIA ELECTRONIC MAIL

Dear Mr. Gage:

Pursuant to Business and Professions Code section 4602(l), the California Massage Therapy Council ("CAMTC") has been assessing its contact with non-English speakers. Attached please find the results of a recent telephonic survey conducted by CAMTC.

Based on this assessment, in 2019 CAMTC's Board will determine which language(s) other than English are spoken by a substantial number of individuals who make contact with CAMTC. After this determination is made, CAMTC will begin the process of implementing its statutory obligation to offer and make available all publicly available written and electronic materials provided to certificate holders and applicants in languages other than English. These materials will not include examinations, denial and disciplinary legal documents, or email communications.

Respectfully,

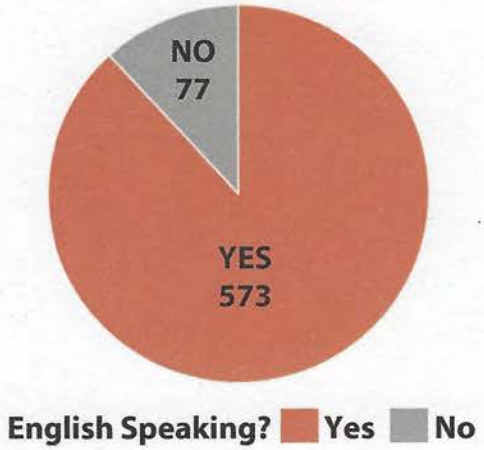
Ahmos Netanel

Ahmos Netanel, CEO

cc: Elissa Silva

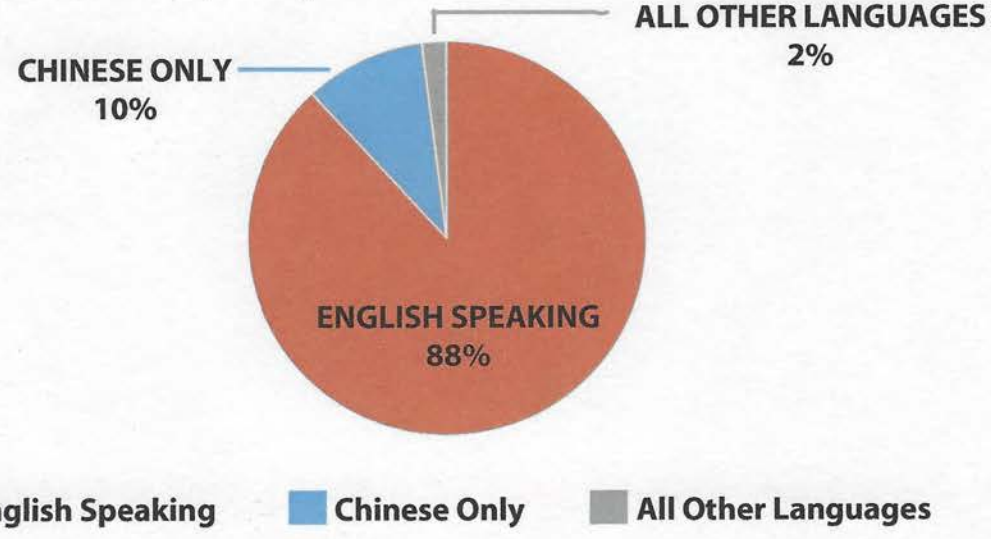
In October 2018 the California Massage Therapy Council (CAMTC) surveyed 650 individuals who contacted the Customer Service department by phone.

77 of the 650 individuals indicated that they do not speak English (11.8%).



When asked for their primary language, these 77 individuals responded as follows:

- 64 indicated that their primary language is Chinese (9.8% of 650)
- 3 Korean (0.4%)
- 1 Lao (0.2%)
- 1 Russian (0.2%)
- 2 Spanish (0.3%)
- 5 Thai (0.7%)
- 1 Vietnamese (0.2%)



CALIFORNIA
MASSAGE THERAPY
COUNCIL

14. Sample of 2018 Correspondence Sent to City and County Managers – Letter to N. Enrique Martinez, City Manager

1-8-19

CALIFORNIA MASSAGE THERAPY COUNCIL

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



January 2, 2019

N. Enrique Martinez
City Manager
P.O. Box 3005
Redlands, CA 92373-1505

Dear City Manager N. Enrique Martinez:

CAMTC encourages all cities and counties to enact ordinances which are consistent with the Massage Therapy Act (California Business & Professions Code Section 4600 et seq.). We are available to help with any updates you may need. Updating your ordinances can be a good first step to combating human trafficking and helping you to partner with us in implementing it using a victim centered approach.

Revocable registration is used by a growing number of cities and counties as another way to deal quickly and effectively with the issue of prostitution and human trafficking. The revocable registration concept was presented to city attorneys at the League of California Cities' annual conference and we are working closely with the California Police Chiefs Association and code enforcement officers who are increasingly involved in enforcing your ordinances.

Please feel free to contact me directly at anetanel@camtc.org or at 310-415-0400 for any assistance on this matter.

Respectfully,

Ahmos Netanel

Ahmos Netanel
CEO, California Massage Therapy Council

CALIFORNIA
MASSAGE THERAPY
COUNCIL

15. Feasibility Study for Licensure of the Profession

Blue Sky CONSULTING GROUP

Licensure or Certification?

A Feasibility Study of Licensure for Massage Therapists in California

Prepared for

California Massage Therapy Council

In Response to Requirements in Business and Professions Code Section 4620(a)(1)

December 21, 2016

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Acknowledgements

The report was prepared by Matthew Newman, Katrina Connolly and Len Finocchio of the Blue Sky Consulting Group for the California Massage Therapy Council in response to requirements in Business and Professions Code Section 4620(a)(1). The conclusions of this report are those of the authors.

1 Executive Summary

Currently, massage therapists in California can choose to be certified by an independent non-profit organization, the California Massage Therapy Council (CAMTC). This report – prepared in response to a legislative requirement for a licensure feasibility study – examines what would be required to implement a licensure model in place of the current certification model, and whether such a move would be desirable.[1]

Nationally, licensure represents the most common form of regulation for most occupations and professions, including massage therapists. Under a licensure model, all practitioners are required to receive a license (generally from a governmental entity). In contrast, a certification model provides voluntary certification to those who meet the requirements and choose to become certified. According to one definition, "licensing restricts the practice of an occupation to those who hold a license, while certification restricts the use of the title, but not the practice, to those who are certified."[2]

Adopting a licensure model is technically feasible, requiring an act of the legislature and approval by the governor.[3] However, the issue which confronts the legislature, consumers, massage therapists, local government officials, and other stakeholders is, which system – licensure or certification – provides the greatest benefits at the lowest cost. In spite of the many benefits of regulation, and the increasing number of occupations and professions governed by such regulations, there has recently been an increasing awareness that these regulations come with a cost, both for consumers and for practitioners. For consumers, research has found that prices are higher in occupations that are licensed. For practitioners, a license can act as a barrier to work, preventing some would-be workers from obtaining a job in their chosen field. The state's sunrise review process for establishing new occupational licenses explicitly acknowledged this tradeoff, and is guided by the belief that "the public is best served by minimal government intervention."[4]

1.1 Why Regulate Massage Therapists?

In deciding whether or how to regulate massage therapists, legislators confront many of the same issues that surround regulation of other allied health fields (i.e. protecting the public from physical harm). In addition, however, regulation of massage therapists is often supported as a tool for local governments and law enforcement officials to use in combating prostitution and human trafficking. An examination of available

[1] See Business and Professions Code Section 4620(a)(1).

[2] Thornton, Robert J. and Edward J. Timmons, Licensing one of the World's Oldest Professions: Massage." Journal of Law and Economics, vol. 56 (May 2013), p. 371.

[3] The primary obstacle to licensure – if the legislature were to determine such a move desirable – is political; when licensure has been proposed in the past, opposition from related professions such a physical therapists and chiropractors, has been an obstacle.

[4] Assembly Committee on Business and Professions, "Review of Occupational Regulation and the 'Sunrise' Process." http://abp.assembly.ca.gov/sites/abp.assembly.ca.gov/files/publications/Description%20of%20Sunrise%20Process-%20Asm.pdf. Accessed December 5, 2016.

evidence, however, suggests that (a) physical injuries caused by massage therapists are very rare and (b) regulation of massage therapists is only of limited use in combating prostitution.

1.2 What is the Optimal Regulatory Model for Massage Therapists?

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.

The primary benefit of California's certification model as administered by CAMTC is that, because certification is voluntary, it can be revoked much more quickly and easily than can a state-granted license. Under the current approach, certificates can be suspended for reasons that would not be possible under most licensure models. Specifically, CAMTC has the ability to suspend a certificate based on credible allegations of wrongdoing (in the form of an arrest with charges filed for 647(b) or an act punishable as a sexually related crime or a declaration from victims or law enforcement officers). Under a licensure model, an allegation of wrongdoing would typically not be enough to take action.[5] This ability to react quickly to allegations of wrongdoing is particularly important for purposes of distinguishing legitimate massage therapists from sex workers. Absent this ability, many illicit practitioners could continue to operate for months or years before official action could be taken to revoke or suspend their license. While this delay might not directly increase the extent of prostitution, it might well contribute to the ongoing perception that many massage therapists are really sex workers.

1.3 Conclusions and Recommendations

Regulation of massage therapists has many important goals, including protecting the public from physical harm and combating prostitution and human trafficking. However, our analysis found only limited evidence of harm to consumers caused by massage therapists. With respect to the second goal (combating prostitution), our analysis found that (a) regulation is of only limited value in combating prostitution and (b) to the extent that regulation can be effective, certification, with its ability to respond more efficiently to allegations of wrongdoing, is a better alternative than licensure. It must be noted, however, that this ability to respond more efficiently comes at a cost in terms of reduced due process rights for those accused of wrongdoing and a perceived lack of accountability from which a state licensure model might not suffer. Thus, certification represents the best alternative for regulation of massage therapists in California, but continued attention to accountability and due process is needed to maintain the faith in and therefor the effectiveness of this system.

[5] In certain cases that pose extreme danger to the public, a government entity can suspend a practitioner's license immediately.

2 Introduction

Currently, massage therapists in California can be voluntarily certified by an independent non-profit organization, the California Massage Therapy Council (CAMTC). This report examines what would be required to implement a licensure model in place of the current voluntary certification model, and whether such a move would be desirable.

This report was prepared in response to a legislative requirement. Specifically, Business and Professions Code Section 4620(a)(1) requires "a feasibility study of licensure for the massage profession, including a proposed scope of practice, legitimate techniques of massage, and related statutory recommendations."

2.1 Methodology

In order to aid the legislature in determining the optimal approach for regulating massage therapists, we engaged in a broad stakeholder input process. This process involved structured interviews with important stakeholder groups, including the League of California Cities and California Police Chiefs Association, legislative staff from relevant committees, and representatives of California chiropractors and physical therapists. We also met with local law enforcement officials, individual massage therapists, and representatives from several associations of massage therapists, including the American Massage Therapy Association, Associated Bodywork and Massage Professionals, and the American Massage Council. Finally, we developed an online stakeholder input tool, which reached both certified and uncertified massage therapists, massage therapy school owners, local government and law enforcement officials, members of the massage therapy associations, and others. In total, we received more than 4,000 responses to this request for stakeholder input, which informed our identification of important issues for consideration and our analysis of those issues.

We also evaluated the regulatory approaches used by other states, including states that have recently moved from a certification to a licensure model. And, we conducted a thorough literature review, analyzing the available research on regulation of occupations in general, and massage therapists in particular.

2.2 Mechanisms for Regulating Occupations and Professions: Certification and Licensure

Nationally, licensure represents the most common form of regulation for occupations and professions, including massage therapists. Under a licensure model, legislation creates a practice act thereby allowing a governmental entity to grant a license to qualified individuals to conduct activities specified in a "scope of practice" (i.e. a statutory definition of what the state authorizes individuals to do under the terms of their license). The practice act also specifies a governance board, its duties and powers, and specific types of individuals who may be appointed to that board.

Under a licensure model, all practitioners are required to obtain a license, and anyone without a license (whether due to revocation or other reasons) would not be able to engage in the scope of practice of that regulated profession. In contrast to a licensure model, a certification model provides voluntary certification to

those who meet the requirements and choose to become certified. According to one definition, "licensing restricts the practice of an occupation to those who hold a license, while certification restricts the use of the title, but not the practice, to those who are certified."[6]

The requirements for certification and licensure can be quite similar, requiring such activities as attending an approved school, receiving a minimum number of hours of didactic and practical training, passing a background check, and passing an exam. However, certification remains voluntary, and individuals wishing to practice massage therapy need not be certified (unless such certification is required by the local jurisdiction in which they operate).

The issue which confronts the legislature, consumers, massage therapists, local government officials, and other stakeholders in California is, which system – licensure or certification – provides the greatest benefits at the lowest cost. The remaining sections of this report explore the potential reasons for regulation of massage therapists, analyze the available data and information (including input from multiple stakeholders) with respect to the costs and benefits of the two systems, assess the systems used by other comparable states and occupations, and present conclusions and recommendations for consideration by the legislature, the California Massage Therapy Council, and stakeholders.

2.3 What's Involved in Establishing a Licensure Program?

Establishing a statewide licensing program for massage therapists requires an act of the legislature and approval from the Governor. The first step in this process is a "sunrise" review in the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development. These committees consider whether new occupational licensing is warranted. This sunrise review process is guided by two important criteria. First is the idea that "the public is best served by minimal governmental intervention" and, second, that "the decision to regulate an occupation involves weighing the right of individuals to do work of their choosing against the government's responsibility to protect the public when protection is needed." [7]

Once the sunrise review process is complete, legislation must be crafted which specifies a scope of practice, identifies the overseeing entity (e.g. a stand-alone board, a committee under an existing board, or a bureau), and details the membership in the entity which will oversee the licensing activities, among other elements. If approved by the legislature and the governor, the bill becomes law and the state agency responsible for overseeing the new regulatory entity (generally the Department of Consumer Affairs) is tasked with assisting in the administrative activities necessary to develop a new entity. This new entity will need to draft regulations

[6] Thornton, Robert J. and Edward J. Timmons, Licensing one of the World's Oldest Professions: Massage." Journal of Law and Economics, vol. 56 (May 2013), p. 371.

[7] Assembly Committee on Business and Professions, "Review of Occupational Regulation and the 'Sunrise' Process." http://abp.assembly.ca.gov/sites/abp.assembly.ca.gov/files/publications/Description%20of%20Sunrise%20Process-%20Asm.pdf. Accessed December 5, 2016.

and hire staff, among other activities. The time necessary for launching a new board or bureau is approximately two years from the time of bill passage to licensing applicants. Once launched, the licensing entity maintains autonomy for policy decisions and relies on the DCA for administrative services, such as budgeting, human resources, information technology, and an investigative division, among other services. Once the board and staff are convened, regulations are drafted and adopted. With these steps complete licenses can be issued. Financing for a new board is typically provided by a loan from the state General Fund. This loan is repaid through application fees paid by licensees as well as through the license fee revenue itself as needed.

The primary obstacle to licensure, then, is not logistical, but rather political. Specifically, opposition from related professions as well as some elected officials can act to slow or stop efforts to create a new category of professional license. During past efforts to develop a licensure program for massage therapists, representative of the physical therapists and the chiropractors (among others) opposed licensure for massage therapists. Whether this opposition could be overcome should licensure again rise as an issue before the legislature is not known. However, the experience of other states (the overwhelming majority of which license massage therapists) suggest that a compromise is achievable.

2.4 History of Regulatory Efforts for Massage Therapists

In 2005, the California legislature debated how best to approach state-level licensure for massage therapists by undertaking a "sunrise review" process. The Joint Committee on Boards, Commissions and Consumer Protection at that time found that massage therapy regulation was a confusing patchwork of local ordinances primarily "aimed at controlling illicit 'massage parlors'" and concluded that this system failed to serve the public and the massage therapy profession. The Committee determined that a state-level approach to regulation would be better.[8]

The recommended regulatory approach was modeled after the approach used for tax preparers and interior designers. Under this model, regulatory oversight is provided by a statutorily authorized nonprofit corporation with the authority to certify qualified individuals. While some massage therapists at that time advocated for a traditional licensure model, an apparent lack of support from the Schwarzenegger Administration and opposition from other professions prevented adoption of this more traditional approach.

Although supported by the Joint Committee, the first two recent efforts to establish a regulatory framework for massage therapists did not succeed. In 1978 and again in 1984, licensing laws were introduced and failed.

[8] See "Background Paper for the California Massage Therapy Council." Joint Oversight Hearing, March 14, 2016. Senate Committee on Business, Professions and Economic Development and Assembly Committee on Business and Professions. http://sbp.senate.ca.gov/sites/sbp.senate.ca.gov/files/CAMTC%202016%20Background%20Paper.pdf

Again in 2004, Assembly Bill 1388 (Kehoe) would have created a licensing act. This measure also failed. In 2006, Senate Bill 412 (Figueroa) would have established a nonprofit Massage Therapy Organization, but did not pass out of the Assembly. Two years later, in September 2008, Senate Bill 731 (Oropeza) was signed into law, establishing title protection and voluntary certification, and authorizing the creation of the nonprofit governing entity, the Massage Therapy Organization (later renamed the California Massage Therapy Council).

Since the enactment of the Massage Therapy Act, other legislation, most notably, Assembly Bill 1147 (Bonilla, Gomez, and Holden) made changes to the certification process, CAMTC board composition, and the process for certificate denials and discipline. Most recently, Assembly Bill 2194 (Salas) signed into law in September 2016 extends the sunset date for CAMTC by four years. In addition, the new law clarifies the procedures related to certificate denials and discipline and requires local jurisdictions to impose only reasonable fees and regulations.

By most accounts, this system appears to be working well. When contacted as part of our stakeholder process, the League of California Cities, one of the most important stakeholders, did not suggest any specific changes to the current system. And, among the more than 4,000 stakeholders who responded to our stakeholder input tool, most of whom were certified massage therapists, only 14 percent disagreed with the statement, "the current system of certifying massage therapists in California is working well."

2.5 Why Regulate?

Regulating occupations and professions (typically through licensure) has become increasingly common over the past several decades. These policies are often crafted out of a desire to protect the public from harm. This harm is generally thought to be physical in nature, such as a back injury caused by a chiropractor or a chemical burn caused by a cosmetologist, but it can also be financial, such as a loss caused by an accountant. As the Little Hoover Commission noted in a recent report on occupational licensing in California, "Californians rely on occupational regulation to protect them. Doctors must prove proficiency in medical knowledge before they treat patients. Electricians must demonstrate they know their trade before they wire a house."[9] Across the country, legislatures have been very receptive to arguments about protecting the public from harm, and have acted both to increase the number of occupations and professions governed by some form of regulation and also to increase the requirements for obtaining a license.

In addition to protecting the public, regulation of occupations and professions has been adopted as a means of standardizing services, ensuring minimum quality standards, improving consumer access to information, increasing the accountability of regulated practitioners, and even to professionalize an occupation or profession.

[9] Little Hoover Commission, "Jobs for Californians: Strategies to Ease Occupational Licensing Barriers." October 2016, p. 5.

2.6 Most Occupations and Professions are Regulated Under a Licensure Model

A review of similar allied health occupations and professions indicates that most are regulated under a licensure model, as shown in Figure 1. All but massage therapists and athletic trainers have a practice act, scope of practice, and governing board (or committee) within the California Department of Consumer Affairs. Massage therapists have a title act, protecting the use of the occupational title and requiring minimum educational requirements. Athletic trainers have not been successful at establishing either a title or practice act. All of these similar occupations and professions require biennial renewal with required continuing education units.

Figure 1: Regulation of Similar Occupations and Professions

Profession	Level of Regulation	Entity	Licensees/ Certificate Holders	Renewal & CE Requirements	National Examination Recognition	Reciprocity with Other States
Acupuncture	Licensure. Practice act. Acupuncture Licensure Act	Yes. Acupuncture Board	11,477 (July 2015)	Biennial. 35-45 hours.	No. California Acupuncture Licensure Exam	No.
Athletic Trainers	None.	Title protection bills have been unsuccessful. Governor Brown vetoed two bills in two consecutive years – AB161 (Chau) 2015 and AB1890 (Chau) 2014. Veto message: I vetoed a nearly identical measure last year and continue to believe that the conditions set forth in this bill impose unnecessary burdens on athletic trainers without sufficient evidence that changes are needed.				
Chiropractors	Licensure. Practice act. Chiropractic Initiative Act of California	Yes. Board of Chiropractic Examiners	14,000 (2016)	Annual. 24 hours.	No. California Law and Professional Practice Exam	Yes.
Massage Therapy	Voluntary certification. Title act. Massage Therapy Act	No. California Massage Therapy Council	49,174 (Nov 2015)	Biennial recertification None.	Yes. MBLEx, BCETMB, or New York State Massage Therapy Examination. NCETM or NCETMB if taken prior to Feb 1, 2015.	Yes.
Naturopaths	Licensure. Practice act. Naturopathic Doctors Act	Yes. Naturopathic Medicine Committee	450 (2016)	Biennial. 60 hours.	Yes. Naturopathic Physicians Licensing Examination	No.
Occupational Therapy	Licensure. Practice act. Occupational Therapy Act	Yes. Board of Occupational Therapy	12,164 (Nov 2016)	Biennial. 24 units.	Yes. National Board for Certification in Occupational Therapy Examination	Yes.
Physical Therapy	Licensure. Practice act. Physical Therapy Practice Act	Yes. Physical Therapy Board	21,863 (2016)	Biennial. 15-30 hours.	Yes. National Physical Therapy Examination	Yes.

2.7 Efforts to Limit Regulation of Occupations and Professions

In spite of the many benefits of regulation, and the increasing number of occupations and professions governed by such regulations, there has recently been an increasing awareness that these regulations come with a cost, both for consumers and for practitioners. For consumers, research has found that prices are higher for occupations and professions that are licensed. For practitioners, a license can act as a barrier to work, preventing some would be workers from obtaining a job in their chosen field.

2.7.1 Potential for Higher Costs for Consumers

Research suggests that costs for consumers are higher in licensed occupations. By restricting the supply of available workers, regulation can act to push up prices in the marketplace. Regulation can also increase the level of training and education among workers in a profession or occupation, which also works to increase wages and, ultimately, prices. According to research presented to the Little Hoover Commission, "instituting licenses raised prices by 5 percent to 33 percent."[10]

To the extent that these higher prices are paid in exchange for increased consumer safety, this might well be a price worth paying. Evidence suggests, however, that harm to consumers may be no less common in states with licenses relative to states without licenses. Again, according to the Little Hoover Commission report, "Researchers reported to the Commission that for many occupations, bad outcomes did not increase when licensing restrictions were relaxed to make it easier to enter those occupations."

2.7.2 Restricted Entry to Employment

To the extent that regulation (particularly licensure) restricts entry to an occupation, the effects may be felt not just by consumers who pay higher prices for services, but also by would-be practitioners who may be denied entry to their chosen line of work. Importantly, these would-be practitioners are frequently among the more vulnerable members of our society. As the Little Hoover Commission report notes: "the impacts of licensing fall hardest on some of the most difficult groups to employ: former offenders, military spouses, veterans, and people who were educated and trained outside of the state."[11] Licensing can also inhibit interstate mobility to the extent that professional licensing standards differ across states or states do not offer reciprocity to those licensed in other states.

[10] Ibid.
[11] Little Hoover Commission, op. cit., p. 14.

2.7.3 To Regulate or Not to Regulate?

Given the importance of protecting the public from harm, it is easy to understand why legislators have been willing to approve regulation (generally licensure) for so many occupations and professions; protecting the public from harm is among the most important elements of a lawmaker's job. This desire, however, must be balanced against the potential costs of regulation. While there are no universal standards for determining when regulation is appropriate, the state's sunrise review process for establishing a new occupational license category is guided by several principles. One of these principles is the notion that, "the public is best served by minimal government intervention."[12] Another important principle guiding the establishment of new occupational licenses is that "the decision to regulate an occupation involves weighing the right of individuals to do work of their choosing against the government's responsibility to protect the public when protection is clearly needed.[13]" Given these relatively high standards for establishing a new licensing category, it seems clear that, (a) regulation must be shown to be effective at protecting the public, and (b) that the harm to the public must be severe or widespread.

3 Occupational Regulation: Special Case of Massage Therapists

In deciding whether or how to regulate massage therapists, legislators confront many of the same issues that surround regulation of other allied health fields: weighing the benefits of protecting the public from harm against the potential costs of regulation in terms of higher prices for consumers and restricted access for would be practitioners. In addition, however, regulation of massage therapists is often supported as a tool for distinguishing legitimate massage therapists from sex workers and for local governments and law enforcement officials to use in combating prostitution and human trafficking. This rationale for regulation is unique among the allied health fields, yet it comprises the most often cited justification for regulation among both massage therapists and law enforcement officials alike.[14]

In addition, regulation of massage therapists can also help to provide consistency across the state in terms of the rules with which massage therapists must comply, and can help massage therapists and massage therapy businesses increase their perceived level of "legitimacy" and thereby aid in obtaining needed approvals from local governments. Regulation can also help to identify and prevent from practicing massage therapists who commit crimes such as sexual assault against their clients. Finally, regulation of massage therapists can serve to increase the level of consumer information about individual massage therapists, such as minimum level of education and training, history of complaints, lawsuits filed or evidence of sexual misconduct, and it can provide an indication to consumers of the quality of the massage therapist, among other potential reasons for

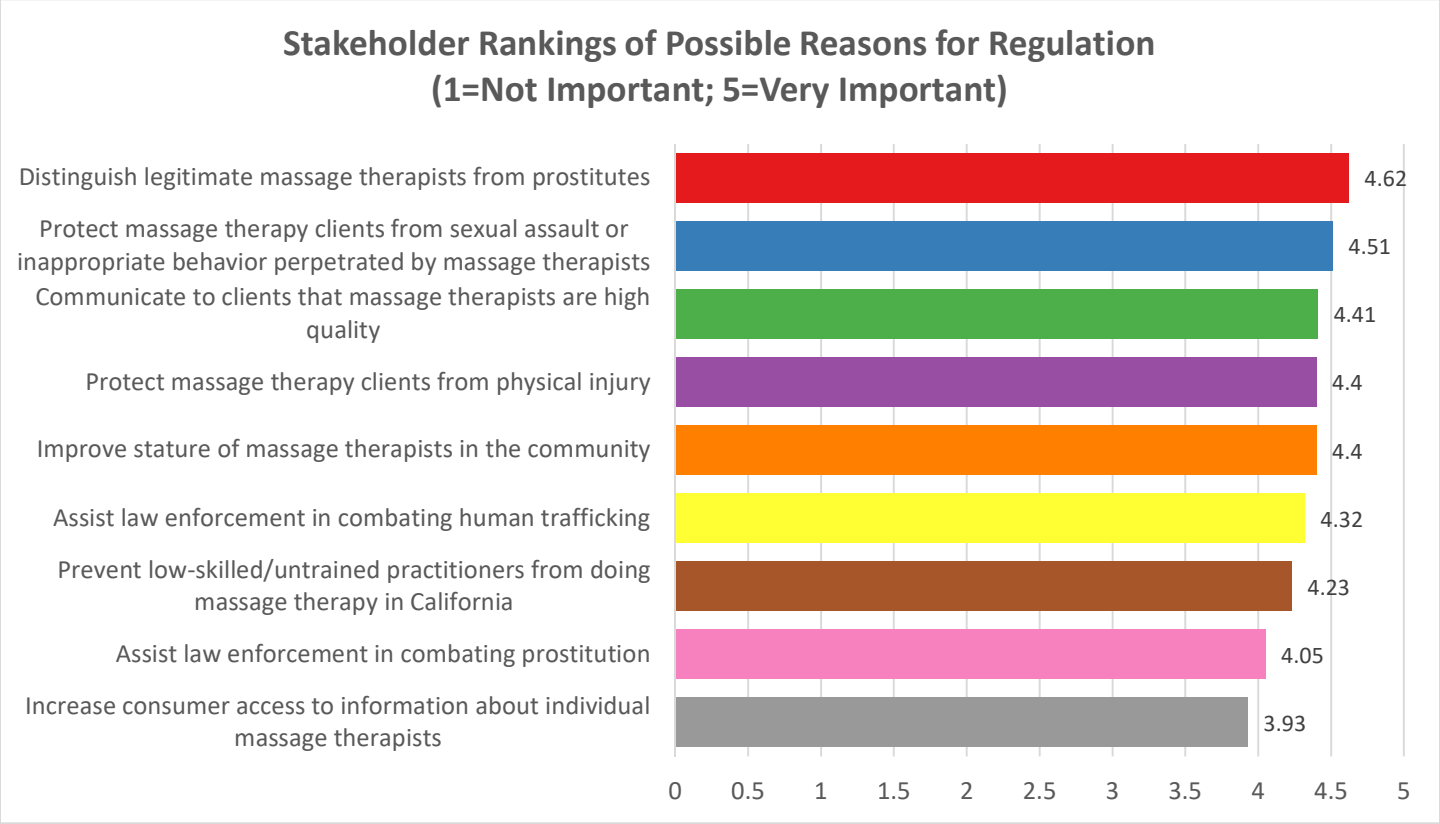
[12] Assembly Committee on Business and Professions, "Review of Occupational Regulation and the 'Sunrise' Process." http://abp.assembly.ca.gov/sites/abp.assembly.ca.gov/files/publications/Description%20of%20Sunrise%20Process-%20Asm.pdf. Accessed December 5, 2016.

[13] Ibid.

[14] Based on input received from more than 4,000 stakeholders contacted as part of this feasibility study.

regulation. Figure 2 presents stakeholders' rankings of several of the possible reasons for regulation of massage therapists.

Figure 2: Ranking of Possible Reasons for Regulation According to Stakeholders



Most of the stakeholders providing input for this measure were massage therapists (more than 90 percent), so the views represented in Figure 2 generally reflect the perceived benefits of regulation among this group. The most important reason for regulation cited was to distinguish legitimate massage therapists from sex workers. This view reflects the ongoing frustration that many massage therapists have with being mistaken for, or assumed to be, a sex worker. Other reasons for regulation that were believed to be important included protecting massage therapy clients from sexual assault or inappropriate behavior perpetrated by massage therapists, communicating to clients that a massage therapist is of high quality, and protecting massage therapy clients from physical harm.

3.1 How Effective is Regulation of Massage Therapists?

The question for legislators and stakeholders alike is, can regulation effectively accomplish the many goals put forth. And, if so, which system – licensure or certification – better serves the public interest?

3.1.1 Protect the Public from Physical Harm

Protecting the public from physical harm is among the most common justifications for regulation of allied health professionals, including massage therapists. Among stakeholders who provided input into our process, most indicated that protecting massage therapy clients from physical injury was an important priority. Specifically, when asked to indicate if protecting massage therapy clients from physical injury was an important goal for regulation, the average response was 4.4, with 4 being "Important" and 5 being "Very Important."

In spite of the perceived importance of this goal, however, limited evidence exists to support the contention that massage therapy clients are in fact at risk of physical harm. Interviews with legislative staff indicated that no reports of injury caused by massage therapists had been heard as part of the sunrise or legislative review processes establishing or updating California's current regulatory system. Among local government and law enforcement officials who were contacted through our stakeholder outreach process, less than 3% were aware of any incidents in which a massage therapist had caused physical injury to a client. A search for data or reports nationally on injuries caused by massage therapists similarly failed to turn up evidence of widespread or severe harm caused by massage therapists. And, among the massage therapists who responded to our stakeholder input tool, the overwhelming majority (more than 85 percent) were not aware of any incidents in which a massage therapist had caused physical injury to a client. Many reported comments indicating that injuries caused by massage therapists were rare. One stakeholder, for example, wrote that, "I have never heard of a client being seriously injured." Another stated that, "in 20 years of practice, I've never heard of someone being injured… by a massage therapist."

Among the less than 15 percent of massage therapists who were aware of examples of physical injury caused by a massage therapist, many reported anecdotal or secondhand information relating to minor injuries. For example, one respondent indicated "just hearsay from clients" when asked about injuries caused by massage therapists. Another wrote, "just a few clients told me they were harmed by a therapist." Frequently, where stakeholders were aware of injuries caused by massage therapists, these injuries were minor. For example, one stakeholder reported that a, "therapist informed me of an email they received from their client complaining that the therapist had bruised them during their massage." Another stakeholder reported that a massage therapist "applied too deep of pressure and caused bruising and pain."

Several stakeholders reported that injuries of which they were aware were caused by massage therapists acting in a manner outside of the normal scope of practice or as a result of willful disregard for a client's wishes. For example, one stakeholder reported that, "the therapist did stretching techniques (not in the scope of his practice) and ended up pulling a muscle in the client's neck." Another reported that, "a client asked the therapist to not use so much pressure in a certain area. The therapist told her she had knots and proceeded to use too much pressure, thus bruising her kidneys."

While most massage therapists either had not heard of massage related injuries or were aware of only minor injuries, some massage therapists did report hearing of more serious injuries. The most commonly reported types of more serious injuries included minor nerve damage, cracked ribs or other bones, and damage to blood vessels, among other types of injuries reported.

Limited reports of serious injuries from stakeholders are confirmed by data from insurance claims. According to data from the American Massage Council, injury claims for massage therapists are far lower than comparable claims for acupuncturists and chiropractors. Claims rates for massage therapists are just 0.2 percent, as compared with 0.8 percent for acupuncturists and 1.5 percent for chiropractors. These low claims rates are reflected in lower insurance premiums as well, with massage therapists paying, on average, just 3 percent of the cost of the average premium for a chiropractor.[15]

Stakeholders were also asked whether additional training would have prevented the injuries about which they were aware. Many stakeholders provided comments such as, "yes, many of the less trained massage therapists did not get adequate training in pathology, anatomy and ethics." Another responded, "yes, the practitioner had not yet completed more than 200 hours training, but was being allowed to work at a chiropractor's office while she went to school." Still another wrote, "Yes. Not clear if the therapist had any formal training, otherwise would know better than to walk on clients back with full 150 lb weight."

Many other stakeholders, however, indicated that additional training would not have prevented injury. One such respondent wrote that, "I have seen proof of fully certified therapists providing poor bruising injurious service, and also massage providers that have been trained 'in house' who provide exemplary relaxation service." Another responded that, "No, this was an error in judgment. The massage therapist was highly trained & experienced, but one wrong move created a lot of pain in the client." Another stakeholder who agreed that more training was not necessarily needed wrote, "No. They had 1200 hours. If you don't listen… more training will not help…. More hours doesn't equal Good Therapist!"

These comments suggest that many stakeholders (largely CAMTC certified massage therapists) believe that at least some training is needed, and that untrained massage therapists can in fact cause harm. The severity and extent of this harm, however, is apparently quite low as evidenced by the low overall injury claim rates, low insurance premium rates, and large majority of therapists who were not aware of any injuries caused by massage therapists.

3.1.2 Addressing Sex Workers Posing as Massage Therapists

While the overwhelming majority of massage therapists are legitimate, sex workers posing as massage therapists or working in "massage parlors" have confounded legitimate massage professionals and law enforcement officials alike. Indeed, combating prostitution was cited by interviewees and local government and law enforcement officials responding to our online stakeholder input tool as the most important purpose of regulation. This first priority was followed closely by distinguishing legitimate massage therapists from sex workers. Massage therapists also believed that prostitution is an important reason for regulation, although their perspective was somewhat different from that of local government and law enforcement officials. Among

[15] Email correspondence with Michael Schroeder, American Massage Council.

massage therapists, aiding law enforcement in combating prostitution was among the least important reasons for regulation (ranking 9th out of 10 possible reasons for regulation listed in the online tool – see Figure 3). However, the most important reason for regulation cited by this group did relate to prostitution: distinguishing massage therapists from sex workers. Thus, while the specific manifestations and characterization of the issues differ among these groups, there is consensus that addressing prostitution is an important reason for regulation.

Figure 3: Ranked Importance of Reason for Regulating Massage Therapists by Group[16]

	Local Government Official	Local Law Enforcement	Massage Therapist CAMTC Certified or Licensed in Other State	Massage Schools, Business Owners, or Other Massage Professionals	Uncertified Massage Therapists	Other
Assist law enforcement in combating prostitution	1	2	9	9	10	10
Distinguish legitimate massage therapists from sex workers	3	4	1	1	3	1

An examination of available evidence, however, suggests that regulation of massage therapists is only of limited use in combating prostitution. Interviews with law enforcement officials indicated that this group is generally supportive of regulation. However, when asked how regulation is in fact used to combat prostitution, interviewees acknowledged that regulation on its own does not adequately address the issue of sex workers posing as legitimate massage therapists. One official explained that, even if some of the employees in an establishment are certified, other uncertified personnel such as a receptionist or "towel girl" could still engage in illicit acts while maintaining an apparently legitimate purpose for being on the premises. Furthermore, these officials acknowledged that individuals engaged in prostitution are already breaking the law, so the added threat of legal action for practicing massage therapy without a proper license would be only a minimal deterrent.

An examination of the effect of regulation in other states points to a similar conclusion: regulation is of limited use in combating prostitution and human trafficking. Each of the licensure-model states that we examined continue to endure "massage parlors" that offer illicit services. For example, New York has required statewide licensing of massage therapists since 1967 and requires the largest number of massage therapy training hours in the country (1,000), yet an analysis of the websites that customers use to locate erotic massage parlors

[16] Responses to the question, "Please indicate the extent to which you think the following are important priorities for regulation (either certification or licensure) of massage therapists" organized by self-reported occupational group.

(eroticMP.com) suggests that New York City alone hosts at least 1,200 of these establishments.[17] Similarly, Florida, Texas, Ohio, Washington, and Colorado require statewide licensing, and all continue to contend with illicit massage parlors.[18] In sum, there is no conclusive evidence to suggest that statewide licensing of massage therapists curbs prostitution and human trafficking. In fact, interviews with law enforcement officials in the state of Washington conducted by the Urban Institute suggested that those involved in commercial sex under the guise of massage are moving from a state with voluntary certification (California) to a state with statewide licensing (Washington) because they can make more money in Washington.[19]

An examination of (very limited) available research on the impact of regulation of massage therapists on prostitution and human trafficking points to a similar conclusion. A research study by the Urban Institute conducted approximately 250 interviews with law enforcement officials, convicted business owners, pimps, sex workers, and human trafficking victims in eight major U.S. cities. The study found that many of the illicit massage parlors are involved in an organized crime network that traffics women from other countries and forces them to work off debts through the massage parlors. These establishments also employ voluntary sex workers. The women providing these illicit services, both voluntarily and involuntarily, obtain legitimate massage licenses or fake licenses through the black market, or they work without a license.

Another indication that statewide licensing may not significantly reduce the use of massage as a front for prostitution comes from stakeholder feedback from certified massage therapists in California. Some of these therapists live in cities that require all individuals practicing massage to have CAMTC certification, yet many report that massage parlors offering prostitution services continue to operate despite the local requirement for certification.[20] Other stakeholders responding to the input tool also wrote about the prevalence of illicit massage businesses, even in cities that require a CAMTC certification. For example, one stakeholder wrote that, "since my time in LA - the ridiculously high amount of trafficked girls & prostitutes operating as massage therapists has actually made my work dangerous." While it is still possible that certification has reduced the

[17] The analysis does not provide the total number of illicit massage parlors for New York or the country. Other similar websites list additional massage parlors. Dank, Meredith, Bilal Khan, P. Mitchell Downey, et al. "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities," The Urban Institute, March 2014. http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413047-Estimating-the-Size-and-Structure-of-the-Underground-Commercial-Sex-Economy-in-Eight-Major-US-Cities.PDF (accessed November 2016); Kemsley, Tamarra and Brad Hamilton, "Inside the $1 billion business of erotic massage parlors," *New York Post,* April 5, 2015. http://nypost.com/2015/04/05/inside-the-1-billion-business-of-erotic-massage-parlors/ (accessed November 2016).

[18] Dank, Meredith, Bilal Khan, P. Mitchell Downey, et al. "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities," The Urban Institute, March 2014. http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413047-Estimating-the-Size-and-Structure-of-the-Underground-Commercial-Sex-Economy-in-Eight-Major-US-Cities.PDF (accessed November 2016); Davis, Kathleen YS, "Human Trafficking and Modern Day Slavery in Ohio," Polaris Project, http://www.ccv.org/wp-content/uploads/2010/04/Ohio-Report-on-Trafficking.pdf (accessed November 2016).

[19] Ibid.

[20] Comments in response to questions posed and disseminated to CAMTC's member list through a Massage Therapy Stakeholder Tool in November 2016 created by Blue Sky Consulting Group.

prevalence of illicit massage businesses, there is, at a minimum, limited evidence to support the contention that regulation has made a significant impact on this trade.[21]

Law enforcement can apply resources toward enforcing laws against prostitution by arresting sex workers posing as massage therapists regardless of certification or licensing laws. However, this type of enforcement does not effectively reduce the commercial sex industry. Both trafficked women and voluntary sex workers frequently move from one massage parlor to the next, city to city and state to state, either by being passed involuntarily or moving voluntarily through independent networking. The business strategy of illicit massage parlors involves rotating sex workers to maintain an interested consumer base and maximize profits. Attempting to eradicate prostitution by arresting the sex workers posing as massage therapists does not appear likely to affect the massage parlor business, which appears to have access to a seemingly endless supply of mobile workers.[22]

3.1.2.1 DISTINGUISHING MASSAGE THERAPY FROM PROSTITUTION

Although available evidence does not conclusively show that regulating massage therapists is an effective way to reduce prostitution and human trafficking, the related issue of whether regulation can help distinguish sex workers from legitimate massage therapists remains. On this point available evidence is also limited. Numerous stakeholders expressed concern about the safety and protection of massage therapists from clients making sexual advances, harassment, or assault. The problem, they contend, is that the association between massage and prostitution in particular consumers' minds leads men seeking sexual services to indiscriminately solicit legitimate massage therapists. Some massage therapists have felt fear and intimidation from these clients' reaction when their sexual solicitations were rebuffed. Many CAMTC certified massage therapists reported that, their certification notwithstanding, they had been propositioned by clients expecting something other than legitimate massage therapy services. One CAMTC certified massage therapist reported that, "I have encountered too many men who assume I will offer sex acts - and this not only puts me at risk, but tarnishes the reputation of the entire field." Another certified massage therapist wrote that protecting "massage therapists from sexual assault or inappropriate behavior perpetrated by massage therapy clients" was among the most important purposes of regulation. While these are just anecdotes, they nevertheless suggest (a) that sexual advances from massage therapy clients are a serious issue and (b) that certification by itself is not sufficient to distinguish legitimate massage therapists from sex workers (though it may help).

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[21] In many communities throughout the state, prostitution arrests are frequently not prosecuted by local district attorneys, either because limited evidence makes convictions hard to obtain, due to limited resources, or out of a desire not to "blame the victim."

[22] Dank, Meredith, Bilal Khan, P. Mitchell Downey, et al. "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities," The Urban Institute, March 2014. http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413047-Estimating-the-Size-and-Structure-of-the-Underground-Commercial-Sex-Economy-in-Eight-Major-US-Cities.PDF (accessed November 2016)

An examination of other states does not offer much additional support for the notion that regulation can effectively distinguish legitimate massage therapists from sex workers. Some massage therapists from New York believe that New York's system of statewide licensing and preemption over local ordinances effectively creates such a distinction. Yet, there is evidence that illicit massage parlors continue to flourish in New York.[23] Nevertheless, acting on complaints, New York police will arrest unlicensed practitioners, charge them with felonies if appropriate, and close the establishment when possible – something that is less likely to occur in California (outside of those jurisdictions that have allocated sufficient resources for enforcement and have well-crafted ordinances).

One reason why the conflation of sex workers and massage therapists persists may relate to the proliferation of fraudulent diplomas and transcripts from massage therapy schools. If sex workers or victims of human trafficking are able to obtain fraudulent school documents, they may be able to obtain a certificate (or a license under a licensure model) more easily. Therefore, regulation of massage therapy schools represents another potential mechanism for distinguishing massage therapists from sex workers. While no published research exists to document the effectiveness of such an approach, limiting the ability of would-be sex workers to obtain certificates or licenses based on fraudulent documents might well help to further distance legitimate massage therapists from this group.

In spite of the relative lack of evidence supporting the idea that regulation can effectively distinguish legitimate massage therapists from sex workers, using regulation as a tool to try and accomplish this goal remains a high priority among both massage therapists and law enforcement officials alike.

3.1.3 Other Reasons for Regulation

Protecting the public from harm caused by massage therapists and combating prostitution (or distinguishing legitimate massage therapists from sex workers) are by far the most commonly stated reasons for regulation. However, there are several other reasons that are often put forward as a justification for regulation.

3.1.3.1 PROTECTING MASSAGE THERAPY CLIENTS FROM SEXUAL ASSUALT

One of the potential reasons for regulation rated highly by stakeholders was to protect massage therapy clients from sexual assault or inappropriate behavior perpetrated by massage therapists. While no research studies

[23] The analysis does not provide the total number of illicit massage parlors for New York or the country. Other similar websites list additional massage parlors. Dank, Meredith, Bilal Khan, P. Mitchell Downey, et al. "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities," The Urban Institute, March 2014. http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413047-Estimating-the-Size-and-Structure-of-the-Underground-Commercial-Sex-Economy-in-Eight-Major-US-Cities.PDF (accessed November 2016); Kemsley, Tamarra and Brad Hamilton, "Inside the $1 billion business of erotic massage parlors," *New York Post,* April 5, 2015. http://nypost.com/2015/04/05/inside-the-1-billion-business-of-erotic-massage-parlors/ (accessed November 2016).

exist to support the idea that regulation is effective in achieving this goal, removal of certification or licensure can at least make it more difficult for a "bad actor" to continue to interact with clients. In this instance, effective and rapid revocation or suspension of certification or licensure can be effective in removing such individuals from among the ranks of legitimate massage therapists. Unlike a sex worker posing as a massage therapist fearing arrest more than sanctions for unlicensed massage therapy practice, a massage therapist who perpetrates sexual assault or other inappropriate conduct may well fear the consequences of a certification or licensure revocation or suspension.

3.1.3.2 REDUCING DISCRIMINATION AND ZONING RESTRICTIONS

Another potential benefit of statewide regulation is the reduction in discrimination against or opposition to legitimate massage therapists seeking local business licenses. Stakeholders reported that some local ordinances in California contribute to the association of prostitution and massage, such as assigning all massage businesses to areas of town zoned for adult entertainment. Some stakeholders reported that local requirements, such as background screening and fingerprinting, testing for sexually transmitted diseases, and excessive fees indiscriminately target legitimate massage therapists without impacting the illicit practitioners. These stakeholders reported that these requirements have had little if any effect on the presence of illicit "massage parlors" but nonetheless impact legitimate businesses. Respondents, therefore, question the rationale for burdening massage therapists with such local requirements. The following are two examples of the many comments to this effect:

> *"My city allows the prostitutes and human trafficking places to operate without inspections. Our city just passed legislation that requires CAMTC or be fingerprinted and background checked and approved by the police department in order to practice, at my expense. The city is not addressing the websites that promote sex services and ratings of the providers. The true therapists are paying to prove we are bonafide, but nothing is done about the bigger problem."*

> *"It seems as though there are many businesses that are not working above board that continue to run their practices as usual."*

Addressing local opposition to massage therapy businesses was an important motivation for the initial regulatory efforts that resulted in creation of CAMTC. In 2011, Assembly Bill 619 was passed, prohibiting local governments from targeting land use restrictions at CAMTC certified professionals or the establishments employing only certified individuals. Any land use restrictions that a local government applied to CAMTC certified professionals or their establishments would have to apply to all other individuals and businesses

providing professional services.[24] Strong local opposition to this restriction, however, led to modifications several years later. In 2014, Assembly Bill 1147 amended the Business and Professions Code to allow local governments to impose different land use regulations and reasonable health and safety requirements on massage businesses than those applied to other professional services.[25] Most recently, Assembly Bill 2194 (Salas) signed into law in September 2016 prohibits local jurisdictions from imposing unreasonable fees and regulations.

3.1.3.3 OTHER POTENTIAL BENEFITS OF REGULATION

Other potential benefits of regulation include increased consumer information about individual massage therapists, such as history of complaints, lawsuits filed or evidence of sexual misconduct, improved stature for the massage therapy profession, and increased quality of services provided. Limited evidence exists with which to test these additional claims, however, logic dictates that regulation may well provide benefits in these areas.

4 Regulation of Massage Therapy in Other States

California is somewhat unique in terms of its approach to the regulation of massage therapists. California is one of 47 states that regulate massage therapy, but 40 of those states require licensing. The remaining states utilize either registration or certification. In an effort to determine if other states have developed effective ways of accomplishing the primary goals of regulation of massage therapists, we examined two classes of states. First, we researched three large states – Texas, New York, and Florida. Each of these is among the 40 that require a license to practice massage therapy. We also examined two states – Wisconsin and Michigan – that have recently moved from certification to licensure in order to determine if issues that prompted those states to alter their regulatory framework were relevant for California.

4.1 Large States that License Massage Therapists: Texas, New York, and Florida

Texas has required massage therapists to obtain a license to practice since 1985, New York since 1967, and Florida since 1978. The number of massage therapists licensed and practicing in each state varies. Florida has more practicing licensed massage therapists per person than New York. In Florida, 31,601 massage therapists

[24] "….these ordinances, regulations, rules, requirements, restrictions, land use regulations, moratoria, conditional use permits, and zoning requirements shall be no different than the requirements that are uniformly applied to all other individuals and businesses providing professional services, as defined in subdivision" Section 4612(b)(2)(B)(4) of the Business and Professions Code http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0601-0650/ab_619_bill_20110803_chaptered.html (accessed December 2016).

[25] "(c) This section shall not be construed to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a healing arts professional licensed under Division 2 (commencing with Section 500) or licensed or certified by an entity established under this code or a person or group of persons described in subdivision (a)." Business and Professions Code Section 460(c) http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB1147 (accessed December 2016).

constitute a ratio of 1 therapist for each 641 Floridians. In New York, the 15,566 therapists constitute a ratio of 1 therapist for each 1,271 New Yorkers.[26] California ranks somewhere between these two states, with one certified massage therapist for each 796 residents. Because certification is voluntary, however, this number understates the true population of massage therapists in the state, since an unknown number of massage therapists are not certified.

The higher ratio in New York compared to Florida may be reflective of more stringent licensing requirements. To obtain a New York massage therapy license requires a practitioner to complete 1,000 hours of training, more than most states. Florida, in contrast, requires 500 hours of training. Both states require background screening and passage of an exam, such as the Massage & Bodywork Licensing Examination (MBLEx) or the New York State Massage Therapy Examination. As for Texas, the number of licensed practitioners is unavailable because the state is transitioning the regulatory functions for massage therapy licensing from the Department of State Health Services (DSHC) to the Texas Department of Licensing and Regulation in response to a sunset review that found DSHS ineffective in the regulation of massage therapists. [27]

Each of these states organizes its regulatory functions in different departments. Florida and Texas administer massage licenses through the state departments of health. New York regulates massage therapy and 53 other occupations through the New York State Education Department (NYSED), which is reflective of the state's stated purpose for occupational licensing: to ensure proper education of the practitioners.

The primary focus and functions of the Florida Department of Health (FLDOH) and NYSED are to protect consumers from harm caused by massage therapists. FLDOH and NYSED respond to complaints with a process that consists of a time-limited preliminary investigation (10 days in Florida and 45 days in New York) and, if probable cause is found, further investigation and adjudication. Most cases are resolved in a matter of months, but complex cases can take two years or more to resolve. Florida attempts to limit the length of time an investigation may take by requiring Board approval to prosecute a case over a year old. To allow for swift action without compromising due process, these states issue emergency orders when necessary. Florida's Surgeon General and NYSED's Board of Regents can immediately suspend a license (until the completion of trial proceedings) in the event of a serious allegation of danger to the public, such as sexual assault.

While both New York and Florida confront problems associated with illicit massage businesses and sex workers posing as legitimate massage therapists, each state has adopted a different approach to addressing the problem. New York maintains a separation between the function of occupational licensing as a mechanism to

[26] Based on 2016 state population estimates from the U.S. Census Bureau: Florida (20,271,272) and New York (19,795,791).
[27] In 2015, a sunset report found DSHS ineffective and recommended transferring the regulation of 13 occupations to the Texas Department of Licensing and Regulation, which will take place in 2017. Sunset Advisory Commission, "Sunset Staff Report with Final Results: Department of State Health Services," Texas Legislature, July 2015. https://www.sunset.texas.gov/public/uploads/DSHS%20Final%20Results.pdf (accessed November 2016).

ensure proper education of massage therapists and the state's enforcement of laws against prostitution and organized crime. New York defends the distinction between massage therapy and prostitution by not allowing local governments to regulate licensed massage therapists for the purpose of dealing with illegal practitioners and by not allowing local governments to identify massage as adult entertainment. NYSED does not conduct independently initiated investigations into massage businesses or individual massage therapists. Instead, it reacts only to complaints received from the public. In response to complaints about unlicensed activity, NYSED can issue cease and desist orders and support the attorney general in prosecuting the offenders.[28]

In contrast, FLDOH is more involved in proactively investigating unlicensed activity. Though Florida's Board of Massage therapy only deals with cases involving licensed massage therapists, FLDOH has a unit devoted to unlicensed activity. The Unlicensed Activity Unit has a dedicated hotline for consumers to report this type of violation and works with law enforcement to prosecute individuals practicing without a license. FLDOH's Investigative Services Unit consists of a team of 18 investigators across 11 field offices that conduct their own investigations into allegations of unlicensed activity and prostitution who often work closely with law enforcement.[29] Issues involving human trafficking, however, are left to law enforcement and homeland security.

Florida further regulates the industry of massage therapy through statewide licensing of massage therapy establishments. Recent changes in 2013 to the statute on massage establishment licensing first established in 1978 intend to curb prostitution and human trafficking.[30] These new requirements prohibit advertisement of or engagement in unlawful sexual misconduct with a client, prohibit operation between the hours of midnight and 5:00 a.m., and prohibit the use of the establishment as a principal domicile. Business owners can lose their license and face criminal penalties for these violations.[31] In addition, an owner can lose the establishment license for employing an individual that practices massage without a license even if no further crime was committed. FLDOH enforces these regulations by regularly performing unannounced inspections of all establishments. FLDOH also works with local law enforcement to do under cover inspections. Some of these

[28] Interview with Kathleen Doyle, Executive Secretary, Office of Professions, New York State Education Department, November 14, 2016.

[29] Interview with Kama Monroe, Executive Director of the Florida Board of Massage Therapy, and Brad Dalton, Deputy Press Secretary, Florida Department of Health, November 1, 2016. Email correspondence with Brad Dalton, Deputy Press Secretary, Florida Department of Health, November 1, 2016. Florida Department of Health, "Enforcement Units," http://www.floridahealth.gov/newsroom/media-resources/healthcare-licensing/enforcement-units.html (accessed November 2016); Florida Department of Health, "Investigative Services Unit," http://www.floridahealth.gov/licensing-and-regulation/enforcement/admin-complaint-process/_documents/isu-brochure1.pdf (accessed November 2016).

[30] Florida's 2013 legislative session saw the passage of House Bill 7005, and with it significant changes to massage establishment regulation. This language became effective October 1, 2013.

[31] The Florida Senate, "CS/CS/CS/HB 7005 – Massage Establishments," Bill Summary prepared by Regulated Industries Committee, http://www.flsenate.gov/Committees/BillSummaries/2013/html/456 (accessed November 2016).

FLDOH staff members support the state's efforts against human trafficking by participating in the state's human trafficking task force.[32]

New York State does not license massage establishments, though massage businesses employing an unlicensed individual practicing massage may be prosecuted by the attorney general. New York issues cease and desist orders in response to complaints of businesses advertising as massage that do not employ licensed practitioners. False advertising is a misdemeanor.

Limited data prevents making a definitive assessment of the effectiveness of these two approaches to regulating massage therapists. No clear evidence exists to determine if one manner of regulating message therapy is superior to others, and no data exists to suggest that one form of regulation was superior in terms of reducing injury or sexual assault perpetrated by massage therapists, the prevalence of prostitution, or the extent of human trafficking.

Available administrative data do suggest that licensed massage therapists receive disciplinary action infrequently. Of the 31,601 licensed massage therapists in Florida, FLDOH received 1,157 complaints against licensed practitioners, issued 12 emergency orders, and took disciplinary actions against 60 licensed practitioners, including the revocation of 15 licenses in Fiscal Year 2015-16. Additionally, FLDOH received 344 complaints of unlicensed activity, used 154 cease and desist orders, and made 151 referrals to law enforcement.[33] Of the 15,566 licensed massage therapists in New York, NYSED estimated they received 40-70 complaints annually and took disciplinary action against 5 to 15 licensed practitioners each year. The number of complaints was small in each state relative to the number of licensed practitioners as were the number of complaints that required a disciplinary action. Neither state typically received complaints for violations of the scope of practice, but further information was unavailable because Florida and New York do not publish a breakdown of the nature of complaint against licensed practitioners.

4.1.1 States that Moved from Certification to Licensure

Most states require statewide licensing for massage therapists and have done so for an extended period. However, two states – Wisconsin and Michigan – recently passed legislation to change from a voluntary system of certification (similar to California's) to one requiring mandatory licensure. We examined the testimony surrounding these changes to determine if specific problems with a certification model or benefits of a licensure model prompted legislative action.

[32] Interview with Kama Monroe, Executive Director of the Florida Board of Massage Therapy, and Brad Dalton, Deputy Press Secretary, Florida Department of Health, November 1, 2016. Email correspondence with Brad Dalton, Deputy Press Secretary, Florida Department of Health, November 1, 2016.

[33] Florida Department of Health, "Annual Report and Long-Range Plan: Fiscal Year 2015-2016," Division of Medical Quality Assurance, http://mqawebteam.com/annualreports/1516/#33/z (accessed November 2016).

Our review found that the impetus for legislating statewide licensing for massage therapists often originates from an association or coalition of certified massage therapists who are very involved with the drafting of the legislation. Bill sponsors and others who testified in support of the bills emphasized the importance of licensing for the protection of consumers, but the cases we examined did not provide clear evidence demonstrating that untrained massage therapists had harmed consumers. In both states, an argument used in support of licensing was simply that most states require it. In neither state did specific events such as serious or widespread harm to the public appear to be the catalyst for legislative action.

4.1.1.1 WISCONSIN

Wisconsin passed legislation in 2010 to replace voluntary certification with statewide licensing of massage therapists. Prior to 2010, Wisconsin required practitioners using the titles "Massage Therapist" and "Bodyworker" to obtain certification from the Wisconsin Department of Regulation and Licensing, but allowed others who did not use those titles to practice massage therapy or bodywork without certification.[34] The passage of Assembly Bill 588 restricted practice to only those licensed by the state.

Legislative interest in statewide licensure began in 2007 when a representative from the Wisconsin chapter of the American Massage Therapy Association (AMTA-WI) presented state representatives with results from a survey that showed most certified massage therapists and bodyworkers wanted the state to license their occupations.[35] Representatives of the AMTA-WI chapter believed the survey results were instrumental in persuading legislators to sponsor a bill for statewide licensure.[36]

AMTA-WI representatives contributed to the process of drafting the bill co-sponsored by Representative Terese Berceau and Senator Dave Hansen. In 2009, Representative Berceau and Senator Hansen circulated letters and submitted testimony during committee hearings that articulated reasons for passing statewide licensure. These letters argued that massage therapy was increasingly being used for treatment of health conditions and it was therefore necessary to implement standards of care to enhance consumer confidence and consumer protection. Testimony from a massage therapist reinforced these points. The therapist testified that her training protected clients in two instances. In one instance, the therapist did not perform a massage on a very insistent pregnant client because she suffered from varicose veins. The therapist stated that in such a case massage could endanger the health of the mother and baby. In another instance, the therapist discovered an abnormality in an elderly client's anatomy, stopped the massage, and recommended he seek medical care. A

[34] Email correspondence with staff member from the Office of Wisconsin State Senator Dave Hansen, August 19, 2016.
[35] AMTA-WI, Associated Bodywork and Massage Professionals, the National Association of Massage Therapists (formerly the International Massage Association), and American Organization for Bodywork Therapies of Asia and AOBTA
[36] Email correspondence with AMTA-WI representative, Betsy Krisenesky on November 3, 2016; Ron Precht and Joe Roth, "Wisconsin Governor Signs Massage and Bodywork Therapy Licensing Act," American Massage Therapy Association, May 17, 2010 https://www.amtamassage.org/articles/2/PressRelease/detail/2140 (accessed November 2016).

medical doctor subsequently diagnosed the client with an aortic aneurism. The therapist credited her training with preventing massage-induced harm to these clients.[37] Although these health-related claims were not verified or supported by specific medical evidence, a staff member from Senator Hansen's office present at the hearings recalled that these accounts appeared to influence the committee members' opinions in support of the bill.[38]

In addition to the witness testimony, the bill's co-sponsors reasoned that most other states licensed massage therapy. Representative Berceau's office preserved a document from AMTA-WI as background for the bill that described voluntary certification as out of date and out of step with regulation in the rest of the country.[39] Representatives from massage therapy schools supported these points by testifying that licensure would protect the public and improve standards of the profession.[40]

In addition to arguments of public safety and credibility of the profession, Representative Berceau and Senator Hansen also argued that statewide licensure would make it more difficult for human trafficking and prostitution rings to front as massage therapy operations and referenced sting operations that uncovered these crimes from the preceding year.[41] The sting operations provided evidence that sex workers and human traffickers used massage parlors as legitimate fronts for illegal activities, but did not specify how licensure would aid law enforcement in eradicating prostitution and human trafficking.

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[37] Wisconsin State Legislature, "Record of Committee Proceedings," Committee on health, Health Insurance, Privacy, Property Tax Relief, and Revenue, March 24, 2010. http://docs.legis.wisconsin.gov/2009/related/public_hearing_records/sc_health_health_insurance_privacy_property_tax_relief_and_revenue/bills_resolutions/09hr_sc_hhipptrr_sb0388_pt01.pdf (accessed November 2016). Letter from Representative Berceau to Legislative Assembly and Senate list serves sent October 14, 2009 entitled, "Co-sponsorship of LRB 0273/7 – relating to changes to the regulation of massage therapy and bodywork, creating the Massage Therapy and Bodywork Therapy Examining Board, and granting rulemaking authority," received via email correspondence with the Office of Representative Berceau August 16, 2016.

[38] Interview with Jay Wadd, staff member from the Office of Wisconsin State Senator Dave Hansen, August 19, 2016.

[39] The background paper noted, "As of September 2008, 41 states now regulate the massage therapy profession. Thirty-six states take a licensure approach, and only five (including Wisconsin) take the older registration or certification approach." Krizenesky, Betsy, Tony Driessen, and Tom Fonrara, "Updating Wisconsin's Massage Therapy Licensing Law," March 13, 2009, provided via email correspondence with Traci Peloquin, Research Assistance, Office of State Representative Terese Berceau on August 16, 2016.

[40] Wisconsin State Legislature, "Record of Committee Proceedings," Committee on health, Health Insurance, Privacy, Property Tax Relief, and Revenue, March 24, 2010. http://docs.legis.wisconsin.gov/2009/related/public_hearing_records/sc_health_health_insurance_privacy_property_tax_relief_and_revenue/bills_resolutions/09hr_sc_hhipptrr_sb0388_pt01.pdf (accessed November 2016).

[41] Wisconsin State Legislature, "Record of Committee Proceedings," Committee on health, Health Insurance, Privacy, Property Tax Relief, and Revenue, March 24, 2010. http://docs.legis.wisconsin.gov/2009/related/public_hearing_records/sc_health_health_insurance_privacy_property_tax_relief_and_revenue/bills_resolutions/09hr_sc_hhipptrr_sb0388_pt01.pdf (accessed November 2016). Letter from Representative Berceau to Legislative Assembly and Senate list serves sent October 14, 2009 entitled, "Co-sponsorship of LRB 0273/7 – relating to changes to the regulation of massage therapy and bodywork, creating the Massage Therapy and Bodywork Therapy Examining Board, and granting rulemaking authority," received via email correspondence with the Office of Representative Berceau August 16, 2016.

The bill faced essentially no opposition during committee hearings, and no witnesses appeared to testify in opposition to the bill.[42] Ultimately, the bill passed unanimously and was signed into law on May 17, 2010. As of 2016, the Wisconsin Board of Massage Therapy and Bodywork licenses 6,700 practitioners.

4.1.1.2 MICHIGAN

Similar to Wisconsin, a coalition of massage associations and schools in Michigan, including the local chapter of AMTA and the Associated Bodywork and Massage Professionals (ABMP), were instrumental in developing the draft of a bill to require statewide licensing of massage therapists.[43] Representative Paul Condino sponsored House Bill 5651 in 2008 to require state licensing of massage therapists. The House Committee on Regulatory Reform held a public hearing on March 4, 2008 where 13 individuals gave oral testimony in support of the bill, including the bill's sponsor, a representative from the American Medical Massage Association, a representative from ABMP, six massage therapy schools, two massage therapy business owners, and two massage therapists. One representative of the Michigan Department of Community Health testified in opposition and one representative from the Michigan Municipal League testified with a neutral position.[44]

Oral testimony was not preserved, but 13 letters in support of the bill were available for review. These letters submitted by associations of massage therapists, massage schools and massage business owners articulated some of the arguments in support of the bill. The most prominent theme among these letters revolved around local ordinances. The letters argued that an increase in the use of "massage" by prostitution and human trafficking rings had led to a rash of local ordinances regulating massage therapy as a strategy to curb prostitution, not regulate a health profession. Massage therapists perceived these local ordinances as harsh and unfair. For example, at least one local ordinance required an annual physician's note clearing the therapist of communicable diseases. Some therapists perceived this requirement as a test for sexually transmitted diseases that targeted sex workers. The requirement was a heavy burden for many therapists because the annual visit and tests were not covered by health insurance. Supporters of the bill wanted a state board with expertise about the massage therapy industry to regulate practitioners as a health profession and help local officials distinguish between legitimate massage therapists and sex workers rather than treat all therapists as suspected prostitutes. In addition, supporters believed statewide licensing would help consumers better distinguish between legitimate massage therapists and sex workers.[45]

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[42] Wisconsin State Legislature, "Record of Committee Proceedings," Committee on health, Health Insurance, Privacy, Property Tax Relief, and Revenue, March 24, 2010. http://docs.legis.wisconsin.gov/2009/related/public_hearing_records/sc_health_health_insurance_privacy_property_tax_relief_and_revenue/bills_resolutions/09hr_sc_hhipptrr_sb0388_pt01.pdf (accessed November 2016).

[43] Michigan House of Representatives, "Minutes of the Standing Committee on Regulatory Reform," March 4, 2008. Received via email correspondence with Angie Lake, Michigan House Committee Clerks Director on November 14, 2016.

[44] ibid

[45] ibid

The letters in support of licensure emphasized the confusion, high municipal fees, and time burden of meeting multiple local requirements that prohibited therapists from working in multiple cities. Some therapists stated that they would like to rotate locations and respond to outcalls. Even for less mobile practitioners, letters argued that the local fees were unusually high, making them cost prohibitive for practitioners to earn a living.[46]

The associations and schools also argued that statewide licensing would provide consumers assurance that their massage therapist had received a minimum level of education about ethics and contraindications. Standardizing school quality by requiring all schools to provide 500 hours of education and setting minimum standards for entry would increase the credibility of the profession.[47]

Records show that at least one individual opposed the bill from the Michigan Department of Community Health, however the arguments presented in opposition are unknown since oral statements were not preserved. Perhaps some of the arguments from the opposition resonated with legislators because the House recorded 23 votes against the bill and 78 votes in favor. Ultimately the bill passed with an additional 37 yes votes and zero no votes in the Senate on December 18, 2008. The Governor signed the bill into law on December 31, 2008.[48]

4.1.1.3 LESSONS FROM WISCONSIN AND MICHIGAN

In two states that recently passed statewide licensing of massage therapy, efforts from massage therapy associations advanced statewide licensing on the legislative agenda. The early involvement of the associations and many of the arguments presented in committee hearings indicated that representatives of certified massage therapists and massage therapy schools promoted that statewide licensure best served their interests as well as those of the public. State legislatures passed bills requiring licensing to practice massage therapy based on these arguments.

However, an analysis of the materials presented to legislators suggests that, while the arguments presented were compelling, relatively little evidence of harm caused by uncertified massage therapists was reviewed as part of the legislative processes in each of these states. Legislators seemed compelled to align their state with the national regulatory norm, differentiate massage therapists from sex workers with a statewide rather than local approach, and support the advancement of the massage therapy profession.

[46] ibid
[47] ibid
[48] Ibid; Michigan Legislature, "House Bill 5651 (2008)" Bill History, http://www.legislature.mi.gov/(S(rybfnaagq5qnbepksowleqjw))/mileg.aspx?page=getobject&objectname=2008-HB-5651 (accessed November 2016).

5 Licensure versus Certification

In addition to the decision about whether to regulate massage therapists, policy makers face a decision about what is the most effective means of regulation – certification or licensure.

Certification offers some of the benefits of licensure – at least for those who elect to be certified – in terms of identifying the practitioner as legitimate, communicating a minimum quality standard to consumers, and attesting that certified practitioners have attained a minimum level of education and training. Certification, however, does not prevent would-be practitioners from working as massage therapists, and thereby limits prices from rising and workers from being unable to engage in their trade.

Licensure offers the benefit of consistency and universality. All individuals seeking to engage in massage therapy need a license, so consumers and law enforcement officials know that anyone with a (legitimate) license has met the minimum standards.

The choice for policy makers, then, is whether the benefits of licensure outweigh the costs for consumers and massage providers.

5.1.1 Benefits of Certification

Certification offers a number of benefits relative to a licensure model. Because certification is voluntary, it does not prevent would be massage therapists from practicing their trade. Those who have experience but lack training, have recently moved from another state, or otherwise choose not to or are not eligible to be certified can still have the opportunity to earn a living as a massage therapist.

In addition to providing benefits to would-be massage therapists, evidence suggests that certification of massage therapists does not raise prices for consumers in the same way that a licensure model does. Writing in the Journal of Law and Economics, Robert Thornton and Edward Timmons found that, "licensing [of massage therapists] restricts entry at the expense of consumers."[49] Specifically, Thornton and Timmons empirical examination found that massage therapists, "working in states with licensing statutes receive an earnings premium that may be as high as 15.6 percent." These higher wages (though a benefit for the licensed massage therapists) act to increase prices for consumers.

Of particular relevance for this feasibility study, Thornton and Timmons compared the effects of licensure to certification, and found "no strong evidence that certification either increased wages or reduced the practicing number of MTs."[50]

[49] Thornton, Robert J. and Edward J. Timmons, Licensing one of the World's Oldest Professions: Massage." Journal of Law and Economics, vol. 56 (May 2013), p. 371.
[50] Ibid.

Perhaps most importantly, however, certification offers the ability to respond more quickly and nimbly relative to a licensure approach. Because certificate holders have made a voluntary choice to pursue certification, they have also agreed to have their certification revoked if they violate the terms set out by the not-for-profit entity setting the standards (i.e. CAMTC). As a result, certification can be revoked much more quickly and easily relative to a licensure revocation process, which can often take months or years to resolve complaints against licensed professionals. Figure 4 compares the average time it takes for CAMTC and the Department of Consumer Affairs (DCA) to respond to complaints. While DCA has the ability to respond quickly in the case of certain exigent circumstances, the data in Figure 4 clearly show that CAMTC is able to respond to complaints much more quickly relative to the DCA entities shown as a result of the more extensive due process requirements inherent in the DCA-based licensure process.

Figure 4: Efficiency of CAMTC Compared to DCA Boards

	CAMTC	DCA				
	Massage Therapy	DCA Average	Occupa-tional Therapy	Chiropractic	Physical Therapy	Acupunc-ture
Number of complaints per quarter	20	110	127	125	140	47
Number of days from complaint to assignment	7	6	1	11	4	6
Number of days to complete intake and investigation for cases not resulting in discipline	83	174	145	146	174	232
Number of days to complete intake and investigation for cases resulting in discipline	153	1,024	668	1,374	854	1,203

Note: Results are quarterly, averaged over three quarters in 2015: April – June, July – September, and October – December.

In addition to responding more quickly to allegations of wrong-doing, under a voluntary certification model, certificates can be suspended for reasons that would not be possible under most licensure models. For example, under California's certification model, CAMTC has the authority to suspend a certificate if a certificate holder is arrested for solicitation of prostitution (among other reasons). In some cases, CAMTC can even suspend a certificate or take other disciplinary action in the absence of an arrest, if there is a declaration from victims or law enforcement officers. Under a licensure model, an allegation of wrongdoing (whether supported by an arrest or declaration) would typically not be enough to take quick action.

This ability to react quickly to allegations of wrongdoing is particularly important for the purpose of distinguishing legitimate massage therapists from sex workers. In many communities throughout the state, prostitution arrests are frequently not prosecuted by local district attorneys, either because limited evidence makes convictions hard to obtain, due to limited resources, or out of a desire not to "blame the victim." Regardless of the reasons, if a prostitution arrest is not followed by a prosecution and conviction, a licensing board would have limited ability to suspend or revoke a license. As a result, the voluntary nature of certification – and the correspondingly increased ability to suspend a certificate – means that certification is

likely a more effective tool relative to licensure in terms of its ability to distinguish legitimate massage therapists form sex workers.

This ability to respond quickly may also be effective in cases of sexual assault perpetrated by massage therapists against their clients. Whereas a licensing body might well require a conviction and a lengthy hearing process before a license could be removed, a certificate can be suspended much more quickly and with relatively less evidence.

California's certification model also provides CAMTC with the authority to take action against owners and operators of massage establishments if there is evidence that criminal activity or unprofessional conduct occurred on the premises. In such cases, CAMTC can revoke the massage business owner's certificate based on a lower evidentiary standard relative to what might be required under a licensure model. Specifically, state agencies would generally be limited to taking action only when the conduct results in a criminal conviction. Some jurisdictions will deny a massage establishment permit to an applicant who has had their CAMTC certificate revoked, so the ability to take action against a massage establishment owner can help to prevent these owners from continuing to operate.

This ability to respond quickly to allegations of wrongdoing is highly valued by local law enforcement officials, as evidenced by responses to our stakeholder input tool. These officials noted that, most importantly, responding quickly prevents further harm to the public. In addition, however, local law enforcement officials believe that the nimble nature of the prostitution and human trafficking trade means that responding quickly to allegations of wrongdoing (and alerting local law enforcement when such complaints are received) can help to more effectively combat the organized crime networks that drive much of this illicit activity. Local law enforcement officials also noted that a swift response sends an important message to both the victims and to the community that wrongdoing will not be tolerated. This can help to preserve faith in the criminal justice system and also to act as a deterrent against future activity.[51] Finally, California's certification model also provides CAMTC with the authority to approve massage therapy schools and thereby prevent or slow the proliferation of fraudulent diplomas and transcripts. These fraudulent documents can be used to obtain a massage therapy certificate, and thereby allow sex workers or victims of human trafficking to pose as legitimate massage therapists. By reacting quickly to allegations of fraudulent activity at massage therapy schools, a certification model has the potential to slow this activity. CAMTC has unapproved approximately 70 massage schools that were previously approved by the Bureau of Private Postsecondary Education (BPPE). Of

[51] We note that, although local law enforcement officials highly value the ability to respond quickly to allegations of wrongdoing, there is only limited evidence that regulation is in fact effective in reducing the extent of prostitution or human trafficking.

those schools that remained in operation after CAMTC unapproved them, all but one remains BPPE approved, suggesting that a state-based rather than private regulatory approach may be slower in responding.[52]

In the majority of cities and counties, individuals providing massage for compensation must have either a permit from the city or be certified. Prior to implementation of California's certification model, many massage professionals had been practicing underground, either due to restrictive business and zoning laws or because they chose to ignore regulations that treated massage as adult entertainment. Certification provided an avenue for these individuals to come into the open and obtain business licenses. To the extent that certification limits or supersedes locally-imposed regulation of land use and massage therapy business requirements, certified professionals will be able to more easily work in multiple jurisdictions. In addition, certification may be viewed as a desirable credential by employers, but its voluntary nature ensures that it is not a barrier to work.

5.1.2 Benefits of Licensure

While certification has an advantage in terms of responding quickly and efficiently to allegations of wrongdoing, licensure has one important advantage relative to certification: universality. The universal nature of licensure offers several benefits. Under a licensure system, consumers can have confidence that, wherever they go for a massage, regardless of the jurisdiction, the massage therapist would have met certain minimum standards for education and proficiency sufficient to pass an exam. And, local government and law enforcement officials might be able to more easily distinguish legitimate massage therapists, since everyone would be required to have a license. Licensure would offer an added degree of predictability for massage therapists, who would face the same requirements for practicing massage therapy regardless of where they went in the state. Some massage therapists have reported that variation in local requirements is complicated, confusing, and burdensome in terms of time and financial resources. While some of the conflicting requirements mentioned by stakeholders relate to regulation of their business establishment and zoning rather than to the individual, the variation makes it very challenging for massage therapists to remain in compliance with differing local requirements when working in multiple cities. Statewide licensing that supersedes local

[52] We note that one potential downside of this rapid school un-approval process is that some potentially legitimate students may be inadvertently denied a certificate or face a delay in receiving one (although there is a hearing process that is designed to address this issue). Many of the stakeholders responding to our stakeholder input tool complained that their school had been un-approved by CAMTC, and that as a result they faced additional obstacles in obtaining a certificate even though they had paid for and received the required number of training hours. Further, some stakeholders criticized the process as not clear and transparent with little regard for the needs of schools. For example, one respondent commented "The CAMTC has acted with very little regard to the needs of schools. Timetables have been set that are unreasonable for businesses; approvals have been delayed repeatedly; policies have been changed without warning." Another respondent commented, "Look at how many schools sit in limbo for months waiting to have their status clarified - truly inexcusable - there aren't even clear guidelines about how the schools are reviewed." (Additional information about the school approval process is available in the CAMTC document "Policies and Procedures for School Approvals.")

regulations could reduce the barriers to work for massage therapists who want to work in multiple cities that currently have local regulations.

Finally, licensure administered by a state entity may have an advantage in terms of perceived fairness, statutorily defined due process requirements, and accountability. The additional due process requirements inherent in a licensure model offer more opportunities for those accused of wrongdoing to make a case in their own defense. In addition, as public entities, DCA boards are required to adhere to public meeting and notice requirements, which may also act to increase the perceived legitimacy and accountability of the process.[53]

Licensure also offers benefits to the massage therapy profession in terms of increased perceived professional stature. As discussed earlier, licensure might also bring the benefit of increased wages, as entry to practice would be more restrictive than under a voluntary certification model. While these are not benefits to the public per se, they are promoted as benefits by organized massage therapy groups and other stakeholders.

5.1.3 Costs to Practitioners of Certification and Licensure

Another important dimension in terms of evaluating the relative merits of licensure versus certification is the cost of the two systems for the practitioners themselves. In both cases, the costs of regulation are covered by fees charged to practitioners, whether administered by CAMTC or California's Department of Consumer Affairs (DCA). A comparison of fees charged by DCA for similar professions to those charged by CAMTC is presented in Figure 5.

[53] Although CAMTC is statutorily required to comply with the Bagley-Keene Open Meeting Act, which requires public meetings and notice requirements, concerns were raised by multiple stakeholders about the need for a continued emphasis on accountability.

Figure 5: CAMTC Certification and DCA Licensing Fees[54]

Fees	Massage Therapy	DCA Average	Occupational Therapy	Chiropractic Examiners	Physical Therapy	Acupuncture
Application	N/A	$131	$50	$100	$300	$75
Initial Certification/License	$150	$181	$150	$100	$150	$325
Biennial Renewal	$150	$231	$150	$250	$200	$325
Fingerprinting[1]	$70-$90	$50-$90	$49-$90	$51-$90	$49-$90	$49-$90
Late Fee	$25-$90	$67	$75	N/A	$100	$25
Oral Hearing	$135	N/A	Cost Recovery	Cost Recovery	Cost Recovery	Cost Recovery
Consideration of written statement	$90	N/A	Cost Recovery	Cost Recovery	Cost Recovery	Cost Recovery

[1] Applicants to a DCA board can submit fingerprints on cards provided by the board along with processing fees charged by the FBI and DOJ (around $50) or send fingerprints via Live Scan from a private vendor and pay the accompanying fees to the vendor. Applicants to CAMTC send fingerprints via Live Scan. The estimates for the Live Scan for CAMTC and the boards are based on CAMTC data.

Estimating the precise level of fees and total costs for message therapists under a licensure system is not possible absent specific information about the regulatory regime such as the extent and type of enforcement activities that a future board might engage in, the scope of the regulatory activities, and a host of other factors. However, the information presented in Figure 5 provides a good starting point for estimating the likely range of costs under a licensure model. These data suggest that, to the extent licensed massage therapists pay in fees what the average similar professional currently pays, the biannual costs for massage therapists would increase by approximately 54 percent, from $150 to $231. This amount, however, is likely toward the high end of the range of possible license fees. To the extent that the current CAMTC model, enforcement approach, and other policies were adopted by a new licensing board, the current CAMTC fee level of $150 may provide a more reasonable basis for estimating costs. One important difference between the current CAMTC model and a licensing model relates to the extent of due process afforded licensees accused of violations or wrongdoing.

[54] DCA Boards may charge other fees not shown, such as $15 for a duplicate license, a $75 fee for a limited permit while awaiting exam results, or a $25 fee for retirement status. Naturopaths are excluded from this table because the very small number of licensed practitioners (450) means that the fees/license are not comparable to the other occupations shown. Naturopath fees are $400 for the initial application, $433 for the first license, and $800 for the biennial renewal fee.

The higher level due process requirements of a DCA based licensing board would likely act to increase costs above the current CAMTC level. (In fact, the added due process related costs likely explain at least a portion of the differential between the current CAMTC fee and the average fee charged by the comparison DCA boards). On the other hand, the number of licensed massage therapists would likely exceed the number of certified massage therapists. As a result, increased economies of scale might allow fees to be somewhat lower relative to the current CAMTC level, other things equal.

It is also important to note that massage therapists under a licensure system could also face higher costs associated with disciplinary processes. Currently, for certified massage therapists, these costs are limited to a $90 consideration of written statement fee and a $135 oral hearing fee. Under a licensure model, a small number of massage therapists facing disciplinary proceedings could experience substantially higher costs. Specifically, licensees that run afoul of a DCA board may be responsible for administrative fines commensurate with the violation or cost recovery for the Board's expenses for investigation and enforcement.[55] Fines for citations can range from as little as $100 to as much as $5000, and cost recovery orders can range from a few thousand dollars to tens of thousands of dollars.[56] These costs, however, apply to very few individuals and comprise a relatively small share of DCA board budgets. For example, during fiscal year 2014-15 the Board of Acupuncture had 11,477 active in-state practitioners, received 175 complaints, and issued 65 citations. Of these, cost recovery was ordered in just six cases.[57] The citations averaged $920 each and totaled $57,900. The Board spent a total of $309,947 on enforcement of cases involving a violation of the license practice act, ordered a total of $41,022 in cost recovery, and collected $17,099 in cost recovery, with license fees covering the remainder of the expenditure on enforcement.[58] While it is not possible to predict with any specificity the extent to which a future massage therapy board would issue citations and seek to recover costs from licensees, the experience of other DCA boards and the level of complaints currently received by CAMTC suggest that these would be relatively infrequent occurrences with a limited impact on the board's budget.

In addition to the costs for license renewal and disciplinary processes, massage therapists under a licensure system would also likely be required to pay application fees (and finger printing costs). These application fees could be used to cover the start-up costs associated with implementing a new regulatory system. These costs largely consist of one-time costs for staff during the period prior to accepting applications, as well as costs for information technology infrastructure to manage the new program, among other costs. Typically, start-up costs would be covered by a loan from the state General Fund, which would be repaid with application fees and licensing revenues as needed.

[55] Boards use citations for cases that do not pose a risk to the public, which are generally administrative violations, such as failure to keep adequate records. (see the Board of Acupuncture Sunset Report, http://www.acupuncture.ca.gov/about_us/materials/20151117_sunsetreport.pdf

[56] Examples of cost recovery amounts were obtained from the Board of Acupuncture, http://www.acupuncture.ca.gov/public/ac-2716__2014_05_07_dec.pdf

[57] The number of cases that involve cost recovery tend to be low: there were 30 such cases over 4 years.

[58] California Acupuncture Board, "Sunset Review Report 2016," http://www.acupuncture.ca.gov/about_us/materials/20151117_sunsetreport.pdf

5.1.3.1 COSTS FOR SPECIFIC SUB-GROUPS

As the data in Figure 5 and the analysis presented above suggest, the costs for licensing would likely be somewhat higher than the current costs for certification. This overall change in costs, however, masks some important variations. For certified massage professionals with a business in a city that does not charge massage professionals for additional local permits for the operation of their business, the costs for certified massage professionals would likely increase modestly under a licensure model to the extent that massage professionals paid the average fee for other DCA regulated occupations. For certified massage professionals with a business in a city that charges their business for additional local permits, statewide licensure could preempt local ordinances and result in a reduction in overall costs. For those massage providers who are currently uncertified and living in a city that does not have significant permit costs or an education requirement, the costs of practicing would increase substantially. These uncertified providers would have to pay fees similar to those in Figure 5 in addition to the cost of 500 hours (assuming a 500 hour requirement is adopted by the new board) of schooling ($5,000-$10,000) and the examination ($195-$250) in order to obtain a license. For uncertified providers living in cities that require massage providers to pay for local permits and education, the costs of licensure could be similar or less than the amount providers currently pay to practice.

5.1.4 Certification versus Licensure: Comparison of Effectiveness

The relative effectiveness of achieving regulatory goals through certification or licensure, presented above in this report, is summarized in

Figure 6 (check marks indicate our assessment of which performs more effectively):

Figure 6: Certification, Licensure and Regulatory Goals

Goal of Regulation	Certification	Licensure
Distinguish legitimate massage therapists from sex workers	✓ Ability of a certification model to respond quickly to allegations of wrong doing means illicit actors cannot maintain certification	Due process requirements prevent most licensure models from responding effectively
Protect massage therapy clients from sexual assault or inappropriate behavior perpetrated by massage therapists	✓ Ability of a certification model to respond quickly to allegations of wrong doing means illicit actors cannot maintain certification	Due process requirements prevent most licensure models from responding effectively
Communicate to clients that massage therapists are high quality	Because certification is not universal, some consumers may be confused about status of practitioners	✓ Universal nature of licensure means that it can be more effective in ensuring minimum training and quality standards
Protect massage therapy clients from physical injury	✓ Limited evidence of harm suggests that non-universal certification is adequate	✓ Universal nature of licensure means that it can be more effective in ensuring minimum training and quality standards
Improve stature of massage therapists in the community	Because certification is not universal, some consumers may be confused about status of practitioners	✓ Universal nature of licensure means that it can be more effective in ensuring minimum training and quality standards
Assist law enforcement in combating human trafficking	✓ Ability of a certification model to respond quickly to allegations of wrong doing means illicit actors cannot maintain certification	Due process requirements prevent most licensure models from responding effectively
Prevent low-skilled/untrained practitioners from doing massage therapy in California	Because certification is not universal, some practitioners with limited skills will continue to practice	✓ Universal nature of licensure means that it can be more effective in ensuring minimum training and quality standards
Assist law enforcement in combating prostitution	✓ Ability of a certification model to respond quickly to allegations of wrong doing means illicit actors cannot maintain certification	Due process requirements prevent most licensure models from responding effectively
Increase consumer access to information about individual massage therapists	Because certification is not universal, consumers will not be able to obtain information about some uncertified practitioners	✓ Universal nature of licensure means that it can be more effective in providing information to consumers about all practitioners

5.2 Scope of Practice and Legitimate Techniques for Massage Therapy in California

States that regulate massage therapy through licensure define a scope of practice in order to delineate those activities and modalities that require a license. The language in these scopes of practice varies from state to state, but typically uses broad descriptions of the practice such as, "a system of structured touch, palpation, or movement of the soft tissue" (Colorado) or "the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow" (Florida). Some states (about 40 percent) also define massage therapy in terms of what it is not. For example, Illinois stipulates, "'massage' does not include the diagnosis of a specific pathology" and Nevada excludes "(a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine." To develop language in a scope of practice act, legislators and stakeholders negotiate the boundaries of the practice through public hearings to ensure the definition does not infringe on the rights of practitioners of other similar occupations, such as physical therapists or chiropractors.

In California, early efforts to regulate massage therapists encountered opposition from physical therapists and chiropractors among others, in part due to disagreements over the appropriate scope of practice for massage therapists.[59] By adopting a system of voluntary certification rather than licensure, California was able to partially circumvent these political obstacles by avoiding the need for a formal practice act and scope of practice therein.

5.2.1 Legitimate Techniques of Massage

Most states define massage therapy using broad descriptions of the practice rather than specific techniques and modalities. Given the large number of individual modalities and techniques, specifically enumerating each would be impractical. In addition, there is some concern that specifically listing each technique and modality would limit innovation in an evolving field.

Many respondents to the massage therapy stakeholder input tool thought modalities too numerous and varied in philosophy and approach to specify in a definition of the practice. For example, one comment explained, "there are too many different descriptions and techniques to lump it all in to one 'scope of practice.'" Another stakeholder wrote that, "massage is a diverse and multi-faceted profession. One definition could not cover all modalities." Another respondent described how practices diverge even after consistent educational curricula: "there are infinite modalities and not all therapist choose to use the same modalities (even though therapists might have received the exact same education). To only describe certain modalities would exclude some practitioners." Respondents emphasized that massage therapy currently involves too many techniques to list exhaustively.

[59] We interviewed California representatives of the physical therapists and chiropractors. These interviews indicated that, should the legislature choose to pursue licensure for massage therapists, continued negotiations with these two groups would be required.

Massage therapists and other massage industry professionals also expressed concern that techniques used in the practice of massage therapy rapidly evolve over time. For example, one stakeholder explained that there are "way too many (modalities) to list here plus more modalities are developed on a regular basis. By listing them you restrict the industry and therapist from advancing and furthering the massage industry." Another respondent commented based on experience, "I would stay very far away from using names of modalities. I've watched too much change in the last 30 years." Another stakeholder compared massage therapy to medicine, noting that innovation occurs in both: "just as medical practices change from year to year so do modalities and methodologies" in massage. Still another stakeholder wrote that, "massage therapy modalities are dynamic and holistic and should stay that way." Comments from these stakeholders make clear that limiting the practice of massage to a specific list of techniques could potentially stifle innovation or inappropriately exclude some practices that might be beneficial to consumers. At a minimum, including such a list in a scope of practice act would place an enormous burden on the regulatory body to keep the list up to date.

Scopes of practice in other states navigate this issue of identifying specific modalities by either describing massage therapy in general terms or by listing a few modalities with the caveat "includes, but is not limited to…." For example, Colorado explains that a system of structure touch "includes, but is not limited to, techniques such as effleurage, commonly called stroking or gliding; petrissage, commonly called kneading; tapotement or percussion; friction; vibration; compression; passive and active stretching within the normal anatomical range of movement; hydromassage; and thermal massage." In the same vein, some scopes of practice describe massage therapy as practiced "with or without" aiding materials. For example, Illinois allows that "these techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands."

5.2.2 Scope of Practice for Massage Therapy in California

Although California's pursuit of a certification model largely avoided the need to adopt a scope of practice, the state's Massage Therapy Act does include a definition of the practice of massage: "'Massage' means the scientific manipulation of the soft tissues." [60] This definition does not, however, constitute a practice act that delineates a specific scope of practice for massage therapy. Instead, the Massage Therapy Act is a title act that, among other things, defines requirements for a voluntary certification.

One of the required elements in this statutorily required feasibility study of massage therapy licensure is development of recommendations for a scope of practice for massage therapists. In order to develop a

[60] California Business and Professions Code §4600. http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=04001-05000&file=4600-4621

recommended scope of practice, we solicited input from stakeholders, more than 4,000 of whom responded to our online stakeholder input tool.

The primary mechanism for soliciting this stakeholder input was to ask whether the model scope of practice proposed by the Federation of State Massage Therapy Boards (FSMTB) was a complete and accurate description of massage therapy suitable for use as an official scope of practice. The FSMTB model practice act states, in part:[61]

> *(A) The practice of Massage Therapy means the manual application of a system of structured touch to the soft tissues of the human body, including but not limited to: (1) Assessment, evaluation, or treatment; (2) Pressure, friction, stroking, rocking, gliding, kneading, percussion or vibration; (3) Active or passive stretching of the body within the normal anatomical range of movement; (4) Use of manual methods or mechanical or electrical devices or tools that mimic or enhance the action of human hands; (5) Use of topical applications such as lubricants, scrubs, or herbal preparations; (6) Use of hot or cold applications; (7) Use of hydrotherapy; (8) Client education."*

Most stakeholders replied that this FSMTB model scope of practice was complete, accurate, and suitable for use as an official scope of practice (84 percent). Many stakeholders, however, also proposed edits or alternative language.

Some stakeholders expressed concern with inclusion of the word "treatment" as resembling diagnostic practices, which massage therapists generally do not perform. In lieu of treatment, stakeholders made the following suggestions, "*help in alleviating pain, facilitation of the body in healing and relaxation, and enhancement or restoration of health and wellness*." Stakeholders also reacted to words perceived as having a sexual connotation (stroking, gliding, vibration, and lubricants) and recommended alternatives, such as effleurage, petrissage, and oils and lotions. To further distinguish the practice of massage therapy from sexual activity, some stakeholders recommended adding a description of draping sensitive or private areas on the client's body**.**

Many stakeholders recommended removal of the phrase "*mechanical or electrical devices or tools"* in section (4) as beyond the scope of massage therapy because massage training does not include devices or tools. Some expressed concern that use of these items without training could pose a hazard to clients. Likewise, many stakeholders expressed concern that *"scrubs and herbal preparations"* and *"hydrotherapy"* are not included in massage training and therefore should be excluded.

Responses regarding sections 6 and 8 ("Use of hot or cold applications" and "Client education") were mixed. Most of the comments expressing misgivings about the mention of hot or cold applications and wanted to

[61] Federal of State Massage Therapy Boards. Model Massage Therapy Practice Act. First Edition. 2014. https://www.fsmtb.org/media/1126/model_massage_therapy_practice_act.pdf

specifically include or exclude hot stones. As for client education, some respondents found it unnecessary and proposed that it be removed. Others felt that it could be more detailed and include such language as, "*client education to facilitate body awareness and self-care*" or "*client education as to the benefits of massage therapy and the techniques used with the exception of giving specific medical advice*."

Several stakeholders recommended adding a section concerning evolving or emerging modalities and technology. For example, several stakeholders suggested that the scope be flexible enough to include new modalities in the future and revisited periodically to keep it up to date.

If the scope of practice were to describe what is not included in the practice of massage, many respondents recommended the exclusion of sexual touch to distinguish massage therapy from sex work. In addition, respondents thought it useful to emphasize that massage therapists do not diagnose or treat illnesses, nor do they practice any modalities that require a license under another occupation, such as chiropractic or physical therapy.

As for primarily defining massage therapy by what it is not, a common theme emerged in the comments that massage overlapped with excluded professions (e.g. some physical therapists perform massage modalities), and that there were many "gray areas" thereby making defining the practice by exclusion difficult. Some respondents suggested language that could exclude specific aspects of other professions, for example, "*The practice does not include: (a) The diagnosis of illness or disease; (b) Medical procedures, high-velocity low-amplitude chiropractic adjustive procedures, or prescription of medicines. (c) The use of modalities for which a license to practice medicine, chiropractic, nursing, physical therapy, occupational therapy, acupuncture or podiatry is required by law; or (d) Sexual activity of any kind.*"

General comments and reactions to the model scope of practice underscored the need for public hearings during the process of defining a scope of practice in California. Public hearings are necessary to include voices from other occupations that may inadvertently be included in the scope of practice for massage therapy. For example, one respondent believed that the model scope "is overly broad and covers more professions besides massage therapy." Another respondent expressed concern that the model scope would require manicurists and barbers to meet regulatory requirements for massage therapy, "If the purpose of regulation is the public safety, then this is a frivolous list of various items that have nothing to do with public safety, but it will prevent cosmetologists, manicurists and barbers to practice an application of touch that is perfectly safe for them to practice on their clients." Whether or not the model act truly infringes on the practices of other occupations, these issues would need to be explored and resolved during public hearings.

6 Conclusions and Recommendations

Regulation of massage therapists has many important goals, including protecting the public from harm and combating prostitution and human trafficking. The question before policy makers is whether the state would be better served by a new regulatory framework involving licensure, or if the current system of voluntary certification is superior. Our analysis found only limited evidence of harm to consumers caused by massage therapists. Most massage therapists were not aware of any injuries caused by their peers, and insurance claims

for such injuries are very low. As a result, additional regulation based on protecting the public from physical harm is not warranted.

With respect to the second goal (combating prostitution), our analysis found that (a) regulation is of only limited value in combating prostitution and (b) to the extent that regulation can be effective (at least in terms of distinguishing legitimate massage therapists from sex workers), certification, with its ability to respond more efficiently to allegations of wrongdoing (both among massage therapists and massage therapy schools), is a better alternative than licensure. It must be noted, however, that this ability to respond more efficiently comes at a cost in terms of reduced due process rights for those accused of wrongdoing and a perceived lack of accountability from which a state licensure model might not suffer. Thus, certification represents the best alternative for regulation of massage therapists in California, but continued attention to accountability and due process is needed to maintain the faith in and therefor the effectiveness of this system.

With respect to the other goals of regulation, such as improving consumer access to information, increasing the stature of massage therapists, and preventing untrained massage therapists from practicing, licensure offers more advantages owing to its universality. However, these goals are less important, according to stakeholders. In addition, certification has been shown not to increase costs for consumers and does not restrict entry into the occupation for would-be practitioners. As a result, our conclusion is that – while many opportunities exist to improve the current system – a move to statewide mandatory licensure is not warranted, and the current system of voluntary certification should be maintained.

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8 Appendix A: Interviews

1) David Swanikin and Becky LeBuhn, Citizen Advocacy Center, August 2, 2016
2) Brian Stiger, Director, Los Angeles Department of Consumer and Business Affairs, former Director of California Department of Consumer Affairs, August 16, 2016
3) Jay Wadd, Staff Member, Office of Wisconsin Senator Dave Hansen, August 19, 2016
4) David Beier, Commissioner, Little Hoover Commission, August 22, 2016
5) Ron Joseph, Former Director, California Board of Medicine, August 22, 2016
6) Bill Gage, Chief Consultant, Business, Professions and Economic Development Committee, California Senate, August 22, 2016
7) Julianne Fellmeth. Administrative Director, Center for Public Interest Law, University of San Diego. August 30, 2016
8) Hank Dempsey and Brandon Bjerke, formerly with California State Assembly Committee on Business and Professions. August 31, 2016
9) Elissa Silva, California State Assembly Committee on Business and Professions, August 31, 2016
10) Kathleen Hamilton, former Executive Director. California Department of Consumer Affairs. September 13, 2016
11) Chris McKenzie, Dan Carrigg, and Jason Rhine, League of California Cities. September 27, 2016
12) Ron Bates, CAMTC Board Member, October 1, 2016
13) Bob Benson, Chairman, Associated Bodywork and Massage Professionals, October 3, 2016
14) Jeannie Martin, American Massage Therapy Association, October 3, 2016
15) Bob Benson, Associated Bodywork and Massage Professionals, October 3, 2016
16) Guy Fuson, Former CAMTC Board Member, October 5, 2016
17) Mike Callagy, CAMTC Board Member, October 12, 2016
18) Bernadette Murray, CAMTC certified massage therapist, October 12, 2016
19) Mike Schroeder, American Massage Council, October 18, 2016
20) Tony Siacotos, American Massage Therapy Association, October 27, 2016
21) Kama Monroe, Executive Director of the Florida Board of Massage Therapy, and Brad Dalton, Deputy Press Secretary, Florida Department of Health, November 1, 2016

22) Kathleen Doyle, Executive Secretary, Office of Professions, New York State Education Department, November 14, 2016

23) Russell Rust, President, American Massage Therapy Association Texas Chapter, November 14, 2016

24) Monica Miller and Cris Forsyth, California Chiropractors Association, November 28, 2016

25) Carl London, legislative advocate, California Physical Therapists, December 5, 2016

26) Adam Quinonez, Deputy Director, Legislation. Julie Bishop and John Perry. California Department of Consumer Affairs. December 7, 2016

9 Appendix B: Stakeholder Input Tool Methodology

Blue Sky Consulting Group gathered feedback about regulation of massage therapy in California from stakeholders using a tool referred to throughout this report as the "stakeholder input tool." CAMTC, ABMP, and AMTA, and AMC disseminated the input tool to individuals on their respective email lists and explained that the purpose of the tool was to inform a feasibility study required by the California Business and Professions Code Section 4620(a)(1). A link to the tool was also sent to police chiefs and city government officials via the California Police Chiefs Association and the League of California Cities.[62] The input tool was open to receive responses from October 17 until November 14, 2016. The input tool collected the bulk of responses during the initial two-week period. A total of 4,064 individuals responded.

The tool was designed for broad dissemination by allowing anyone with the weblink access to the tool.[63] Recipients of the original email could forward it to others. Although the tool was utilized by a large number of individuals, the responses do not constitute a representative sample of all individuals potentially affected by regulation of massage therapy in California. Most notably, relatively few uncertified massage therapists (100) and individuals practicing occupations similar to massage therapy (123) responded to the input tool, with CAMTC certified massage therapists comprised the bulk of respondents (88 percent). As an input tool and not a survey, the tool did not poll stakeholders for their preferences. Rather, the 20-question tool posed mostly open-ended questions in order to allow Blue Sky Consulting Group to identify important themes and issues for analysis. Blue Sky Consulting Group used self-identified groupings (e.g. CAMTC certified massage therapists, local law enforcement official, etc.) to analyze themes relevant to each group. Individual responses were anonymous unless respondents chose to provide their contact information, in which case, Blue Sky Consulting Group kept those individual responses confidential.

Figure 7 (next page) presents the respondents to the stakeholder input tool by type of respondent.

[62] Requests for feedback were also sent to the county administrative officers and county sheriffs, but both groups declined to participate.

[63] The tool minimized the potential for fraudulent entries by allowing an individual to fill out the tool only once from the same device, though subsequent modifications to responses were permitted.

Figure 7: Respondents to Stakeholder Input Tool by Type

	Number	Percent
CAMTC Certified Massage Therapist	3,568	88%
Massage therapy business owner	705	18%
Other (please specify)	372	9%
Massage Therapist licensed in another state	179	4%
Other health professional	123	3%
Other massage therapy industry professional	111	3%
Massage therapy school owner or staff	102	3%
Massage Therapist (not Certified in California)	100	2%
Local law enforcement official	46	1%
Local government official	37	1%
Total selections in response to the question	5,343	132%
Total individual respondents	4,064	100%

CALIFORNIA MASSAGE THERAPY COUNCIL

16. Performance Measure Reports

16.a. 2015 Performance Measure Report, Second Quarter through Fourth Quarter

16.b. 2016 Performance Measure Report, entire year

16.c. 2017 Performance Measure Report, entire year

16.d. 2018 Performance Measure Report, entire year

16.e. 2019 Performance Measure Report, First Quarter through Third Quarter

PERFORMANCE METRICS – 2nd, 3rd, and 4th Quarters, 2015

PM1 – COMPLAINT VOLUME

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

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

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

FOURTH QUARTER 2015: 34 total complaints received on average per month.

PM1.1 – COMPLAINT VOLUME- CERTIFICATE HOLDERS

Total Number of Complaints Received Against Certificate Holders

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

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

FOURTH QUARTER 2015: 22 complaints received against Certificate Holders on average per month.

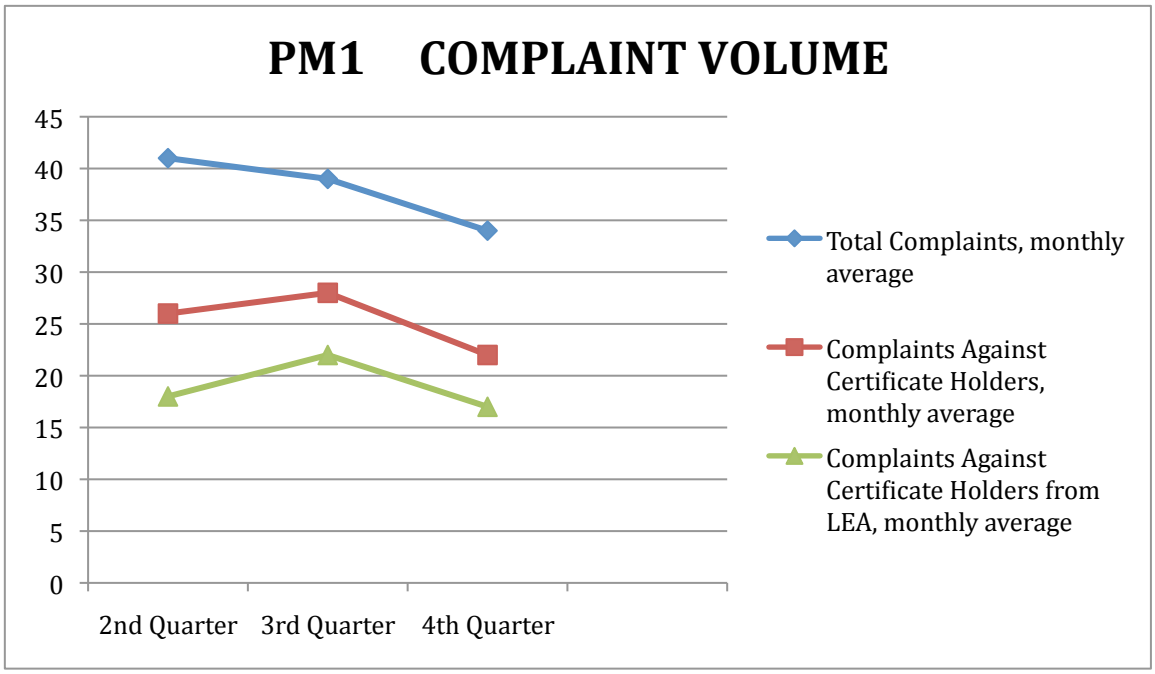
PM 1.2 – COMPLAINT VOLUME – CERTIFICATE HOLDERS – COMPLAINTS FROM LAW ENFORCEMENT

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

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

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

FOURTH QUARTER 2015: 17 complaints received from LEA on average per month.


PM1 COMPLAINT VOLUME
45
40
35
30
25
20
15
10
5
0
2nd Quarter
3rd Quarter
4th Quarter
Total Complaints, monthly average
Complaints Against Certificate Holders, monthly average
Complaints Against Certificate Holders from LEA, monthly average

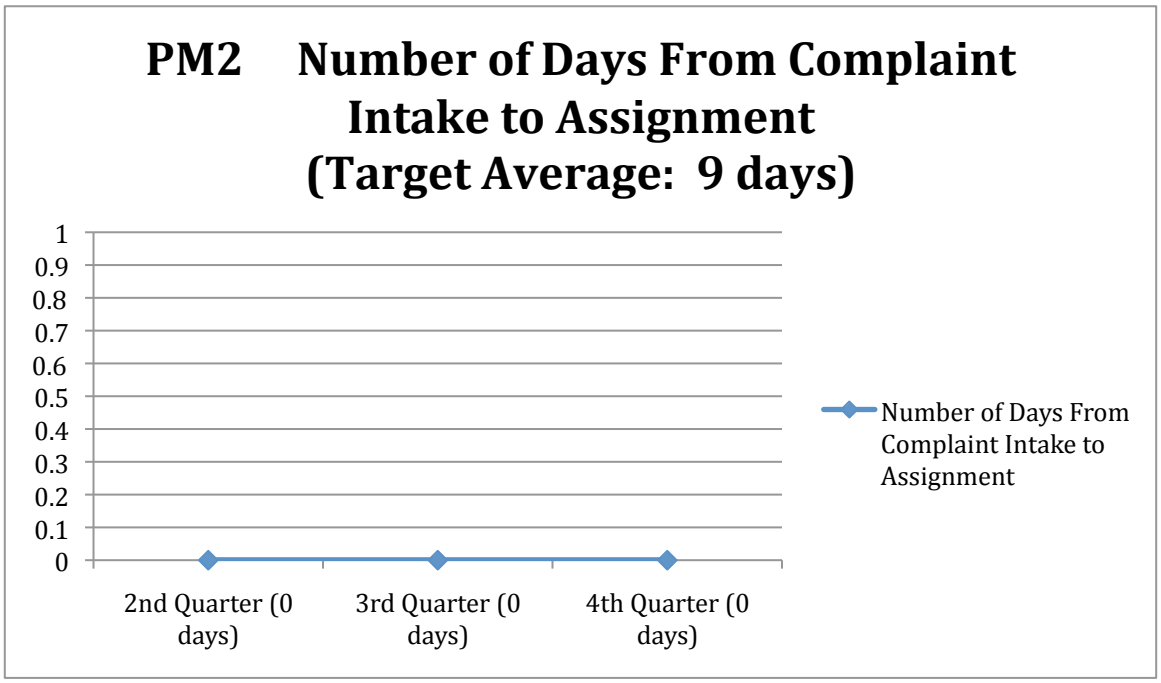
PM2 – INTAKE – ALL COMPLAINTS

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

SECOND QUARTER 2015: 0 days to assignment

THIRD QUARTER 2015: 0 days to assignment

FOURTH QUARTER 2015: 0 days to assignment



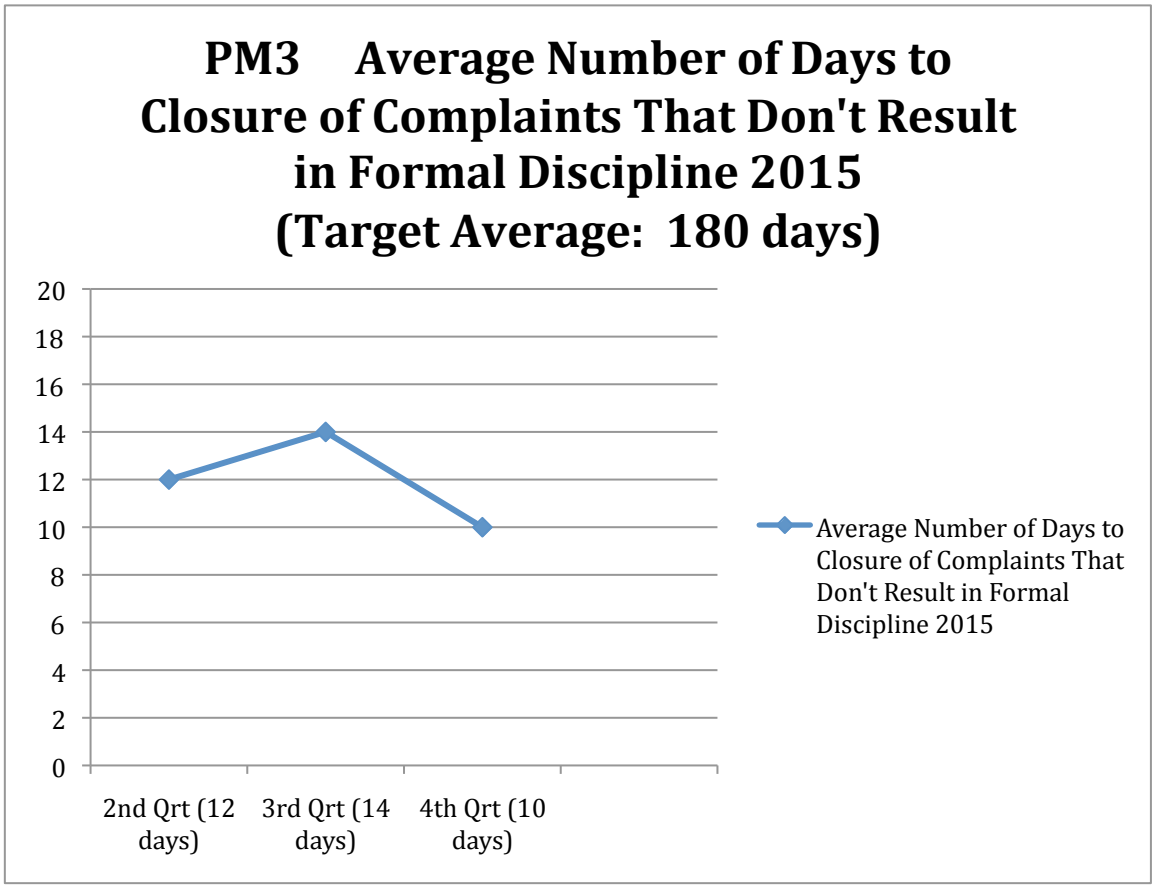
PM3 – COMPLAINT INTAKE AND INVESTIGATION – INFORMAL RESOLUTION

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

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

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

FOURTH QUARTER 2015: 10 days is the average number of days to closure.



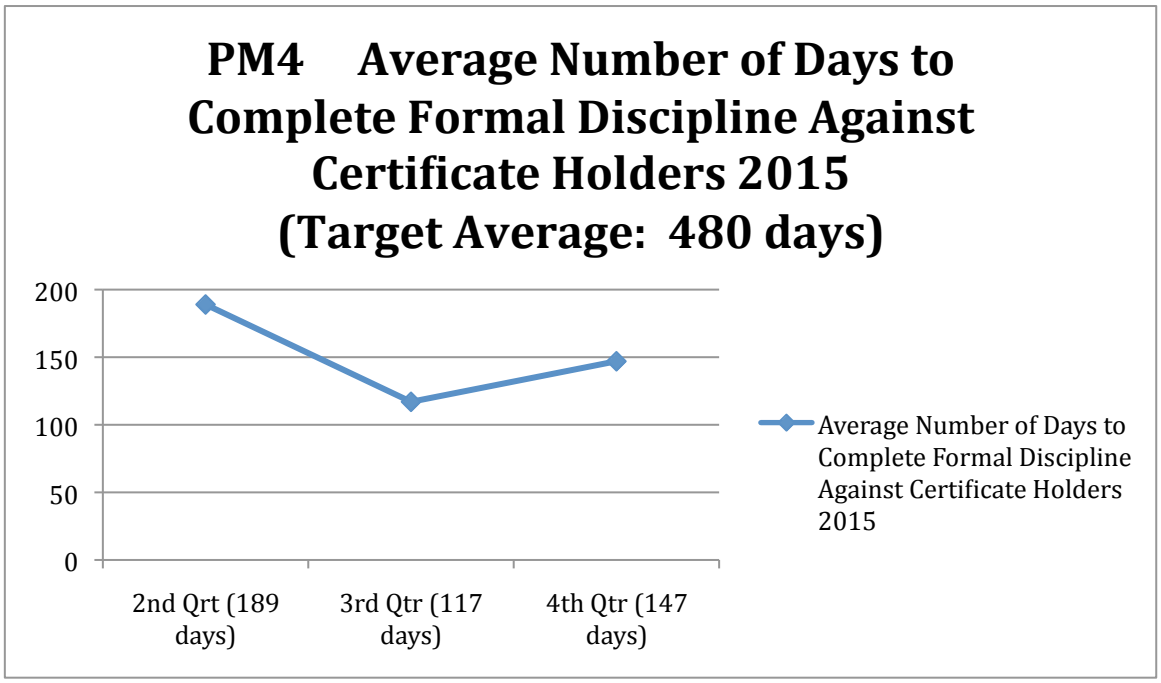
PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

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

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

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

FOURTH QUARTER 2015: 147 days is the average number of days from intake to effective date of imposition of formal discipline.



PERFORMANCE METRICS – 2016

PM1 – COMPLAINT VOLUME

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

FIRST QUARTER 2016: 36.7 complaints received on average per month.

SECOND QUARTER 2016: 47.7 complaints received on average per month.

THIRD QUARTER 2016: 33.7 complaints received on average per month.

FOURTH QUARTER 2016: 35.7 complaints received on average per month.

PM1.1 – VOLUME- CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

FIRST QUARTER 2016: 26.7 complaints against certificate holders received on average per month.

SECOND QUARTER 2016: 31 complaints against certificate holders receive on average per month.

THIRD QUARTER 2016: 20.3 complaints against certificate holders received on average per month.

FOURTH QUARTER 2016: 20.3 complaints against certificate holders received on average per month.

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

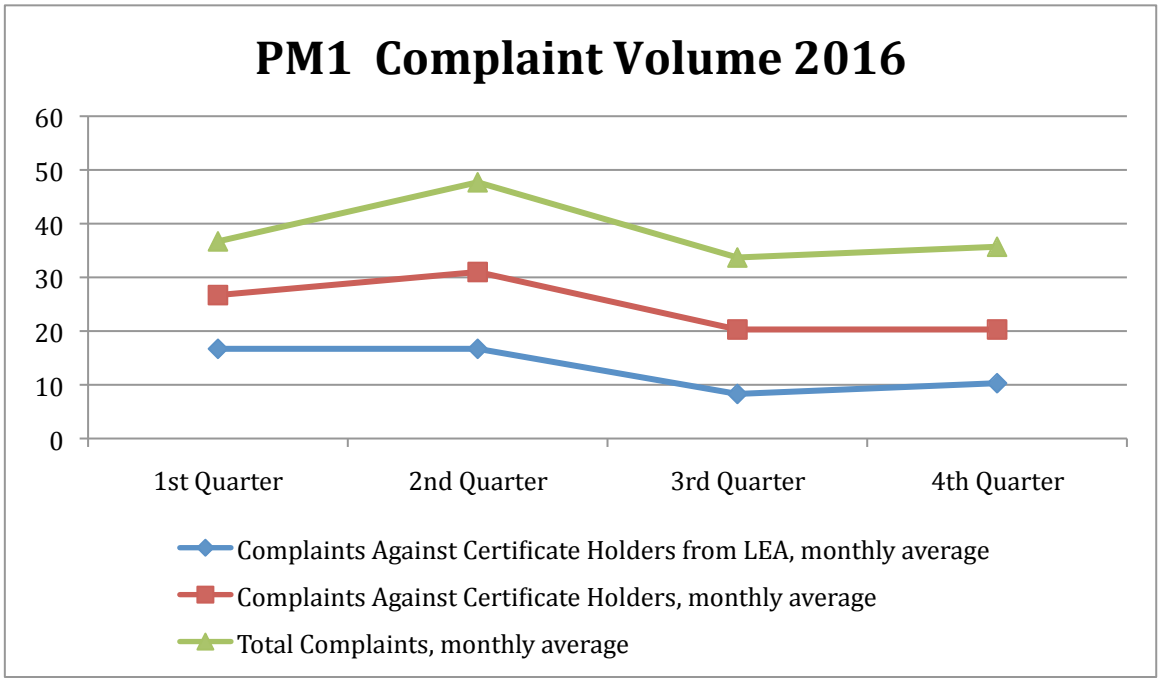
Total number of complaints received (on average per month) against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

FIRST QUARTER 2016: 16.7 complaints from LEA received against certificate holders on average per month.

SECOND QUARTER 2016: 16.7 complaints from LEA received against certificate holders on average per month.

THIRD QUARTER 2016: 8.3 complaints from LEA received against certificate holders on average per month.

FOURTH QUARTER 2016: 10.3 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

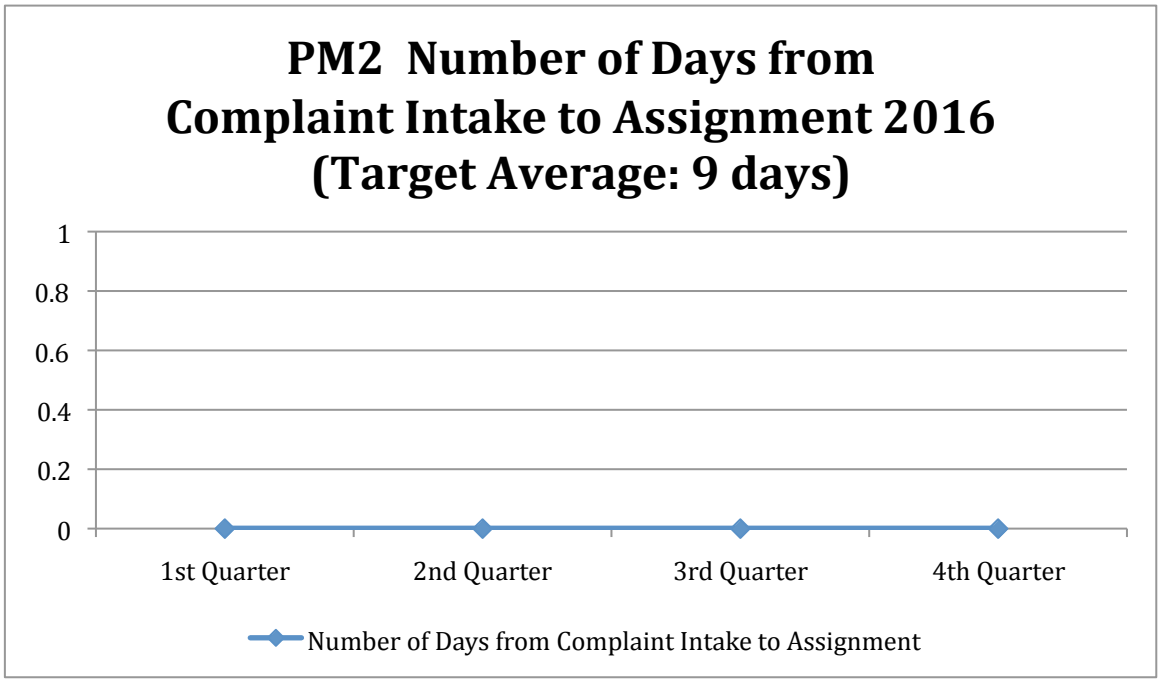
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

FIRST QUARTER 2016: 0 days to assignment

SECOND QUARTER 2016: 0 days to assignment

THIRD QUARTER 2016: 0 days to assignment

FOURTH QUARTER 2016: 0 days to assignment



PM3 – INTAKE AND INVESTIGATION – INFORMAL RESOLUTION

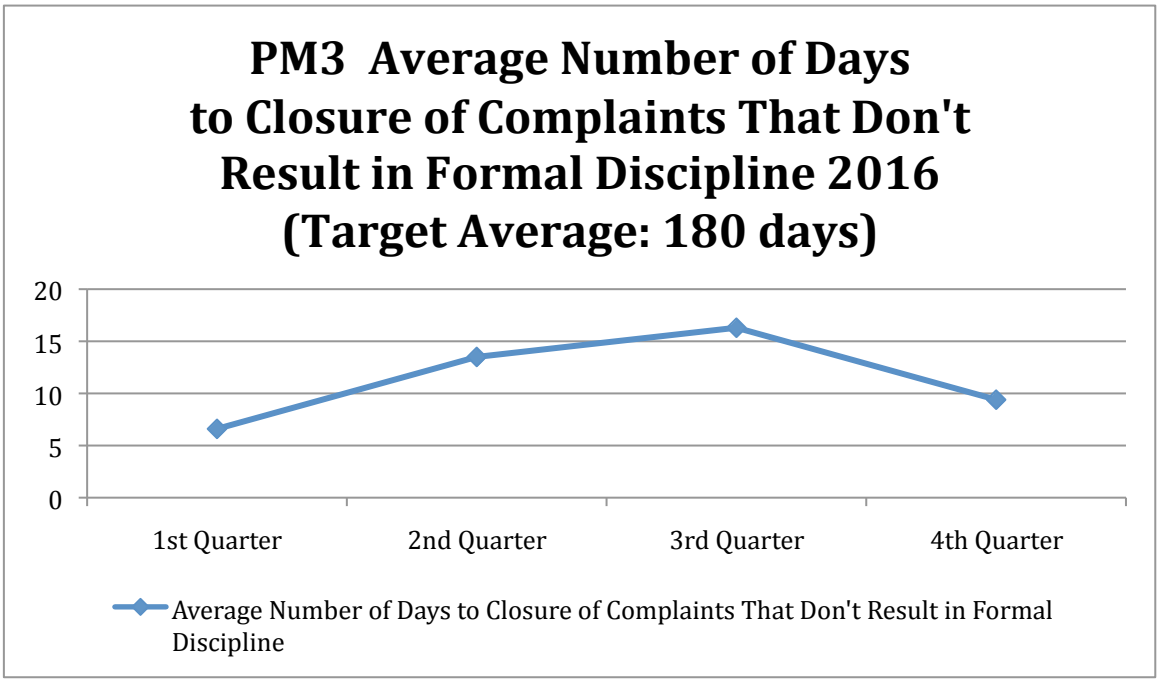
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

FIRST QUARTER 2016: 6.6 days is the average number of days to closure.

SECOND QUARTER 2016: 13.5 days is the average number of days to closure.

THIRD QUARTER 2016: 16.3 days is the average number of days to closure.

FOURTH QUARTER 2016: 9.4 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

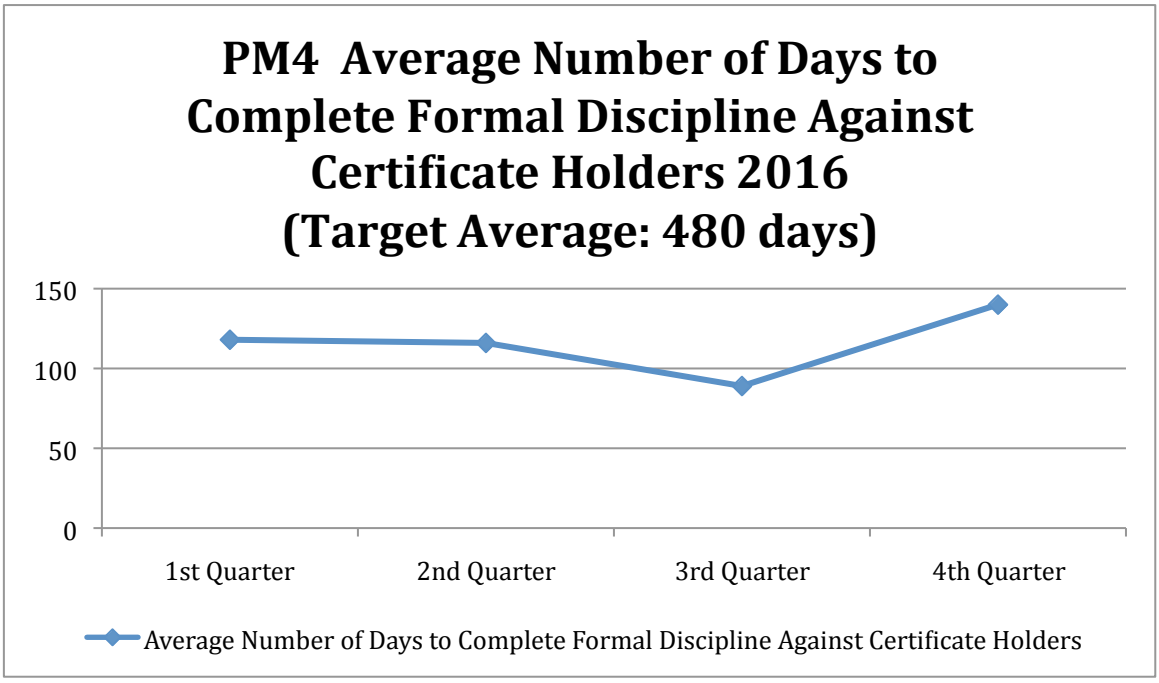
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

FIRST QUARTER 2016: 118 days is the average number of days from intake to final date of formal discipline.

SECOND QUARTER 2016: 116 days is the average number of days from intake to final date of formal discipline.

THIRD QUARTER 2016: 89 days is the average number of days from intake to final date of formal discipline.

FOURTH QUARTER 2016: 140 days is the average number of days from intake to final date of formal discipline.



PERFORMANCE METRICS – 1st, 2nd, 3rd, and 4th Quarters, 2017

PM1 – VOLUME

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

FIRST QUARTER 2017: 46 complaints received on average per month.

SECOND QUARTER 2017: 43 complaints received on average per month.

THIRD QUARTER 2017: 43 complaints received on average per month.

FOURTH QUARTER 2017: 44 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

FIRST QUARTER 2017: 28 complaints against certificate holders received on average per month.

SECOND QUARTER 2017: 30 complaints against certificate holders received on average per month.

THIRD QUARTER 2017: 26 complaints against certificate holders received on average per month.

FOURTH QUARTER 2017: 31 complaints against certificate holders received on average per month.

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

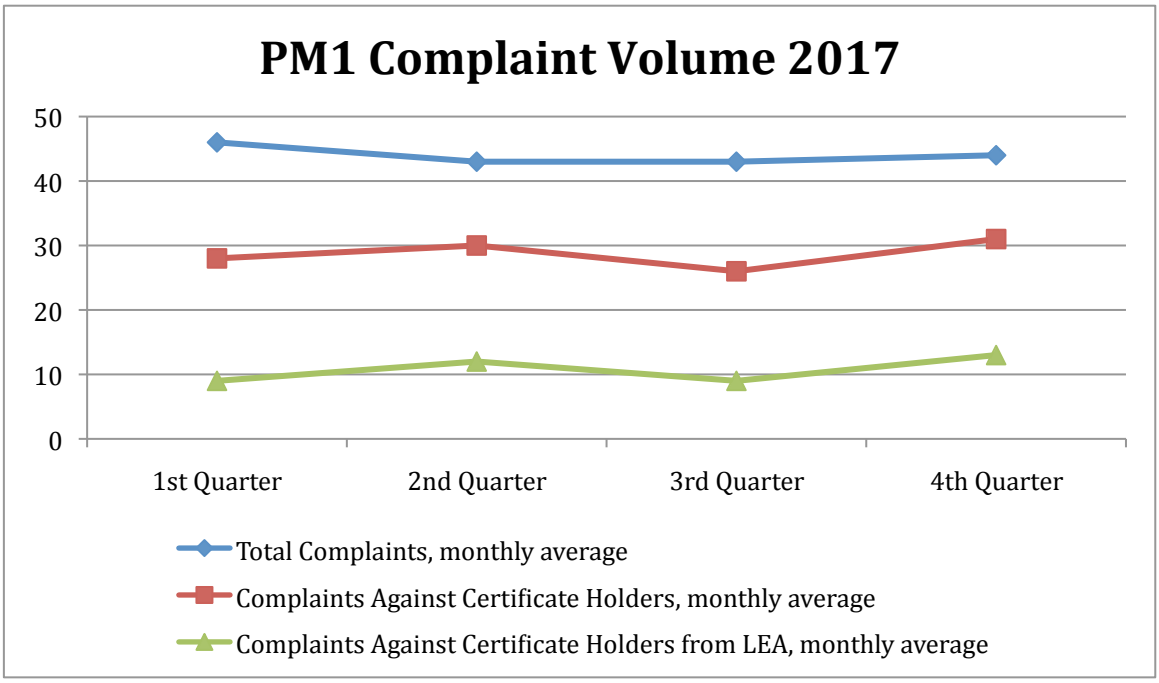
Total number of complaints received against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

FIRST QUARTER 2017: 9 complaints from LEA received against certificate holders on average per month.

SECOND QUARTER 2017: 12 complaints from LEA received against certificate holders on average per month.

THIRD QUARTER 2017: 9 complaints from LEA received against certificate holders on average per month.

FOURTH QUARTER 2017: 13 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

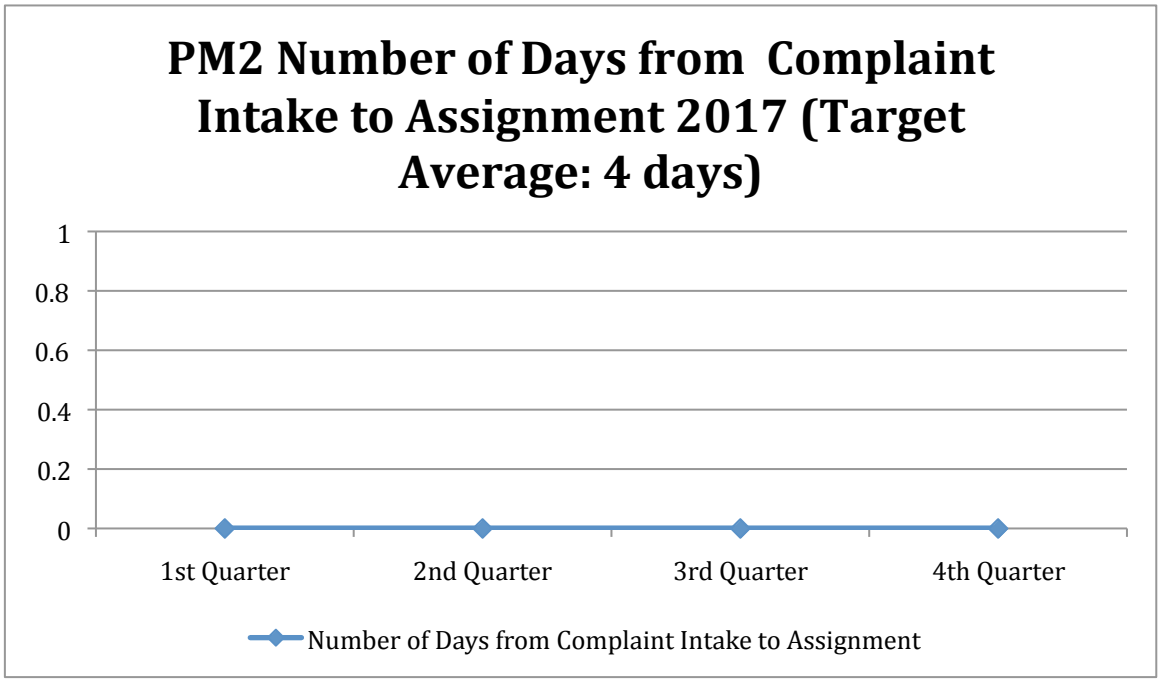
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

FIRST QUARTER 2017: 0 days to assignment

SECOND QUARTER 2017: 0 days to assignment

THIRD QUARTER 2017: 0 days to assignment

FOURTH QUARTER 2017: 0 days to assignment



PM3 – INTAKE AND INVESTIGATION

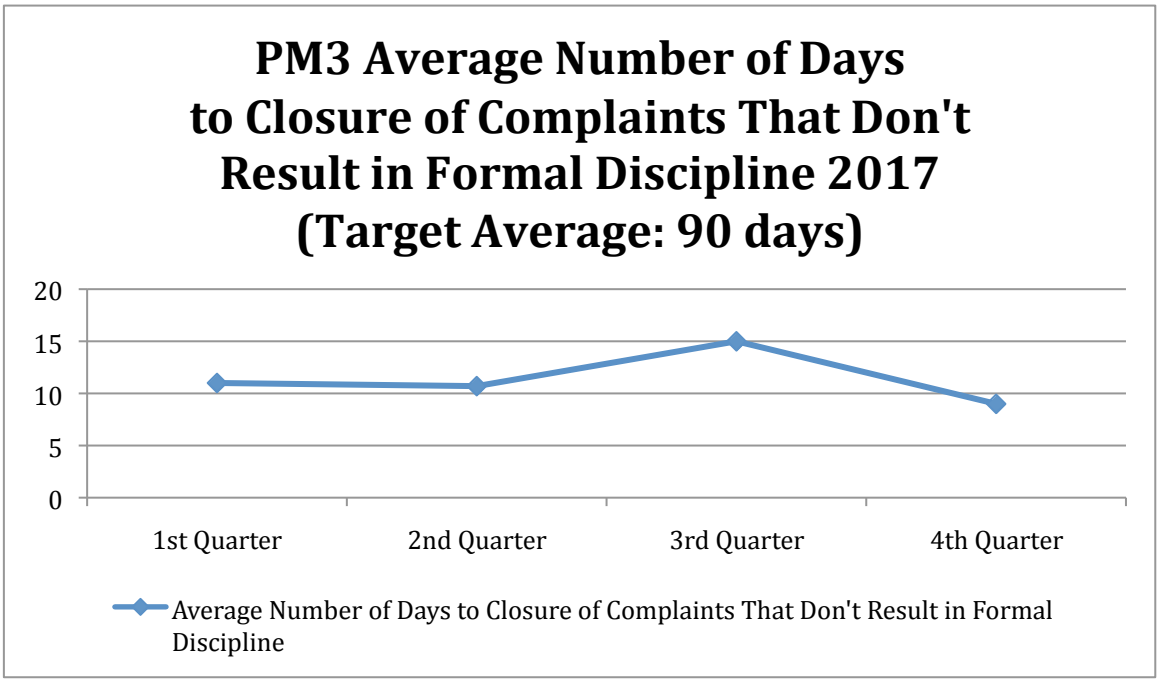
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

FIRST QUARTER 2017: 11 days is the average number of days to closure.

SECOND QUARTER 2017: 10.7 days is the average number of days to closure.

THIRD QUARTER 2017: 15 days is the average number of days to closure.

FOURTH QUARTER 2017: 9 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

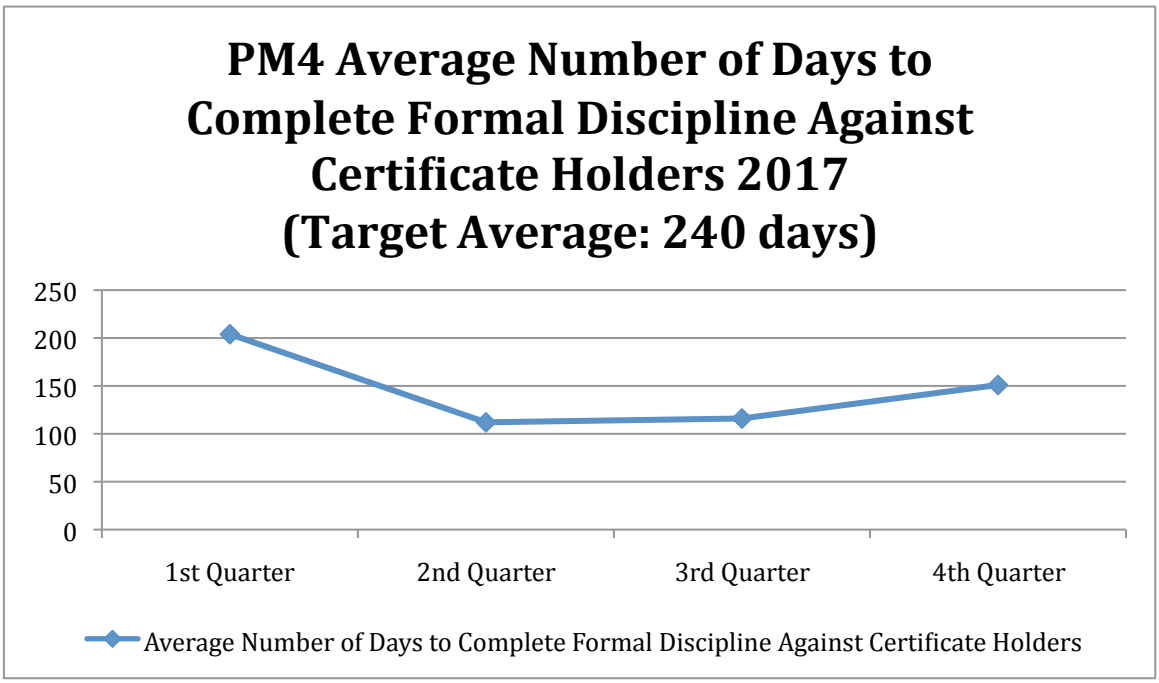
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

FIRST QUARTER 2017: 204 days is the average number of days from intake to final date of formal discipline.

SECOND QUARTER 2017: 112 days is the average number of days from intake to final date of formal discipline.

THIRD QUARTER 2017: 116 days is the average number of days from intake to final date of formal discipline.

FOURTH QUARTER of 2017: 151 days is the average number of days from intake to final date of formal discipline.



PERFORMANCE METRICS – 1st, 2nd, 3rd, and 4th Quarters, 2018

PM1 – VOLUME

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

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

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

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

FOURTH QUARTER 2018: 41 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

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

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

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

FOURTH QUARTER 2018: 25 complaints against certificate holders received on average per month.

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

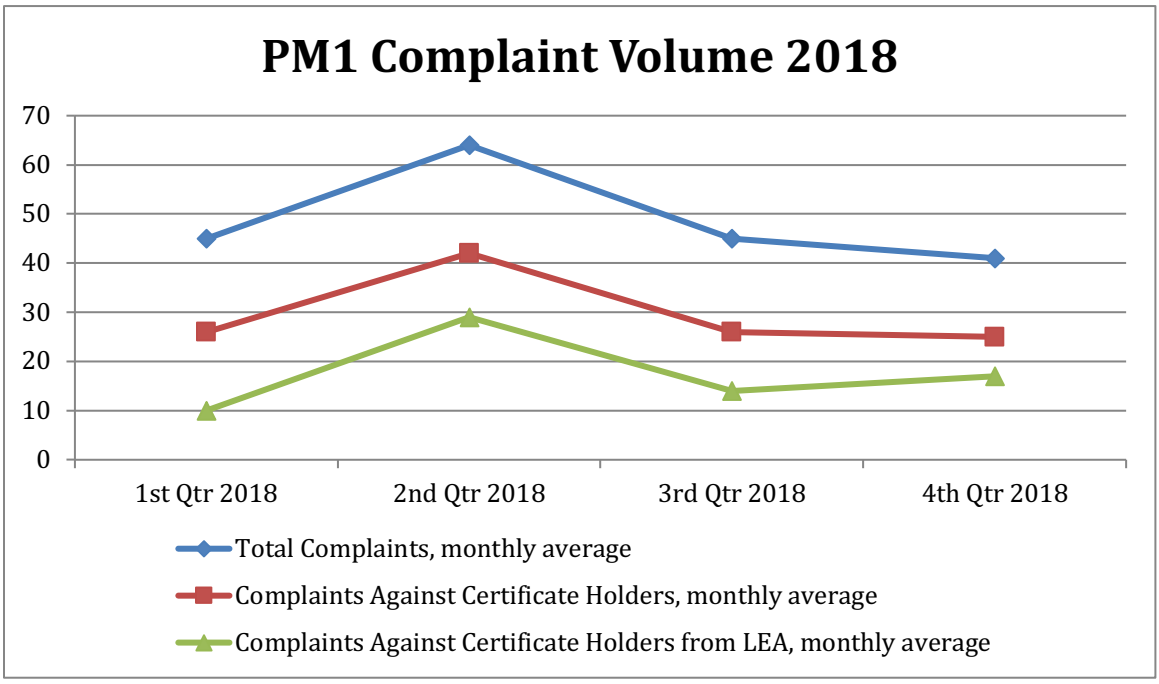
Total number of complaints received against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

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

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

THIRD QUARTER 2018: 14 complaints from LEA received against certificate holders on average per month.

FOURTH QUARTER 2018: 17 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

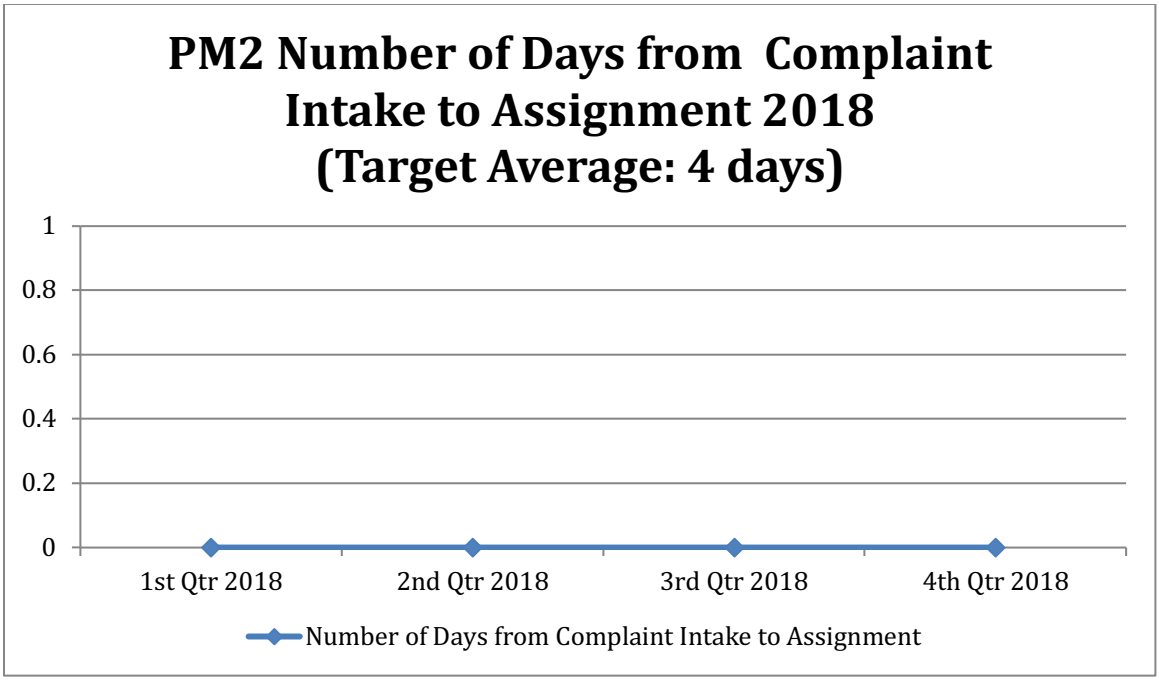
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

FIRST QUARTER 2018: 0 days to assignment.

SECOND QUARTER 2018: 0 days to assignment.

THIRD QUARTER 2018: 0 days to assignment.

FOURTH QUARTER 2018: 0 days to assignment.



PM3 – INTAKE AND INVESTIGATION

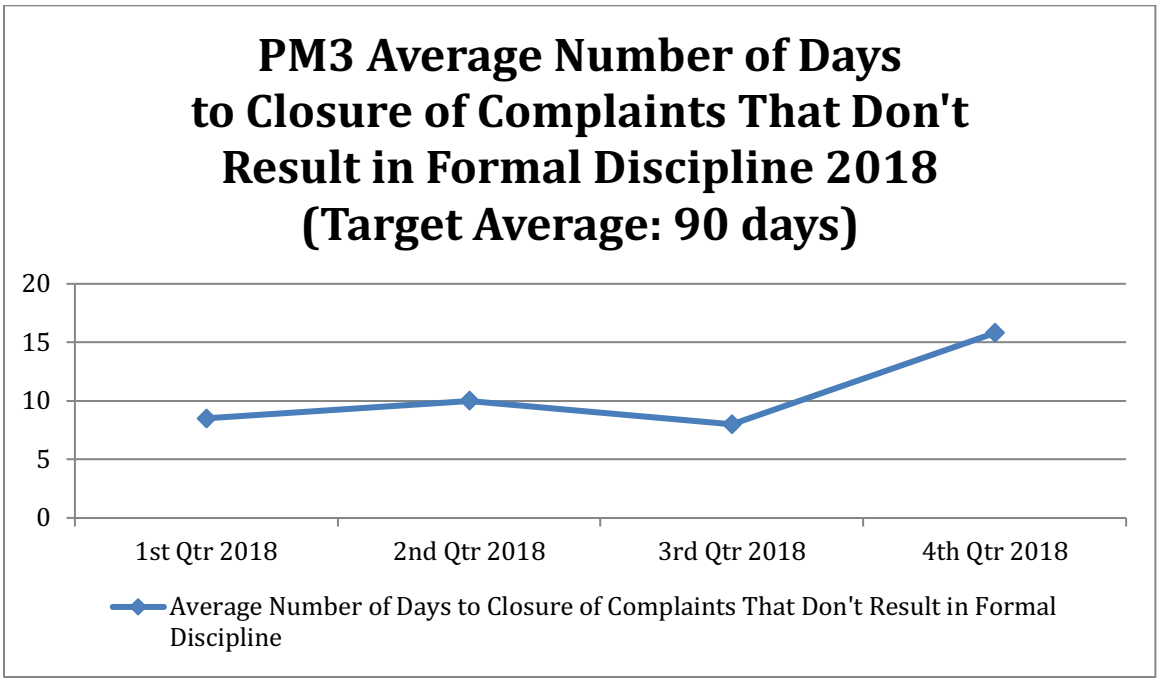
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

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

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

THIRD QUARTER 2018: 8 days is the average number of days to closure.

FOURTH QUARTER 2018: 15.8 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

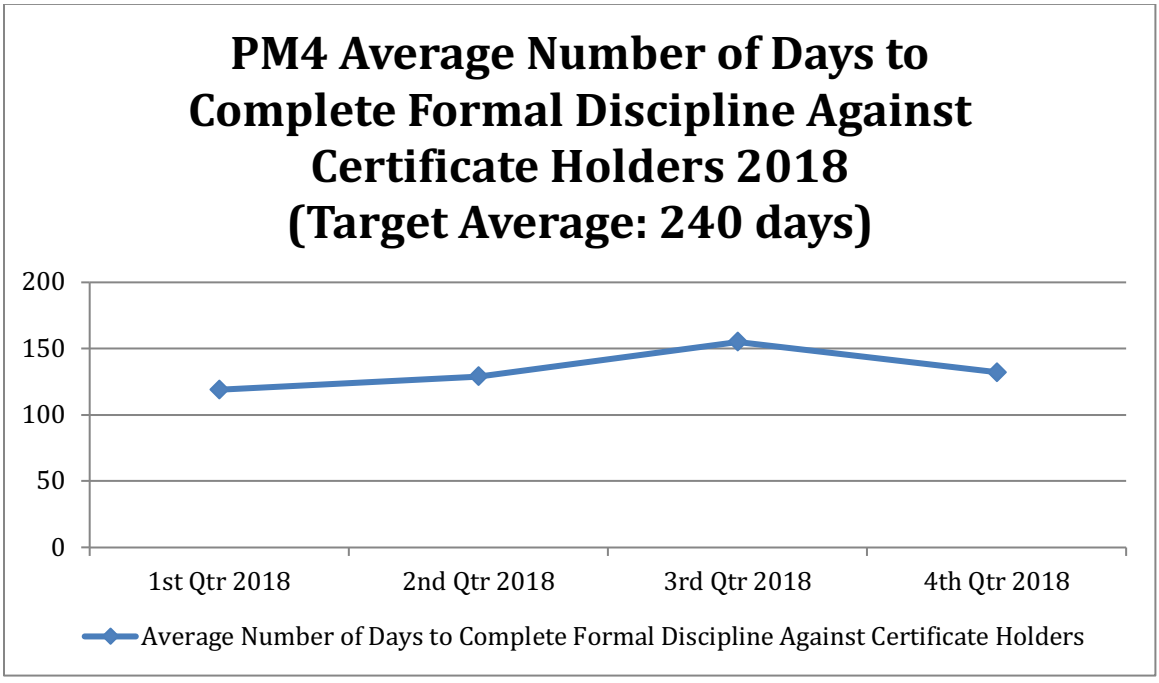
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

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

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

THIRD QUARTER 2018: 155 days is the average number of days from intake to final date of formal discipline.

FOURTH QUARTER 2018: 132 days is the average number of days from intake to final date of formal discipline.



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

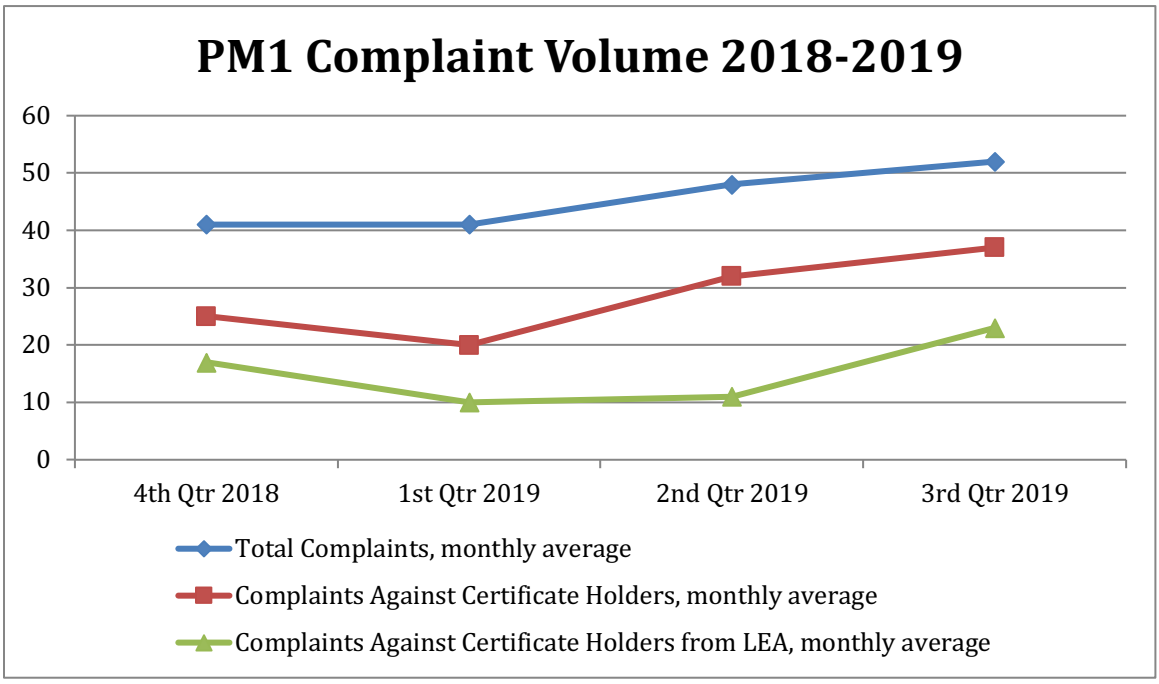
Total number of complaints received against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

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

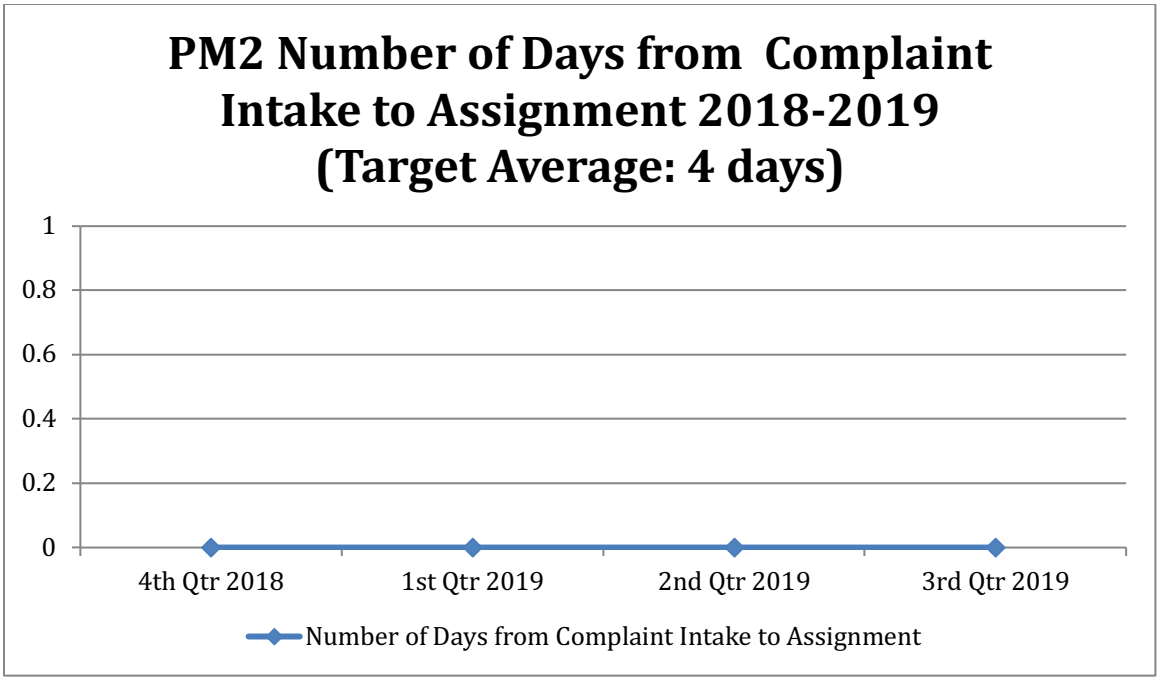
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

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

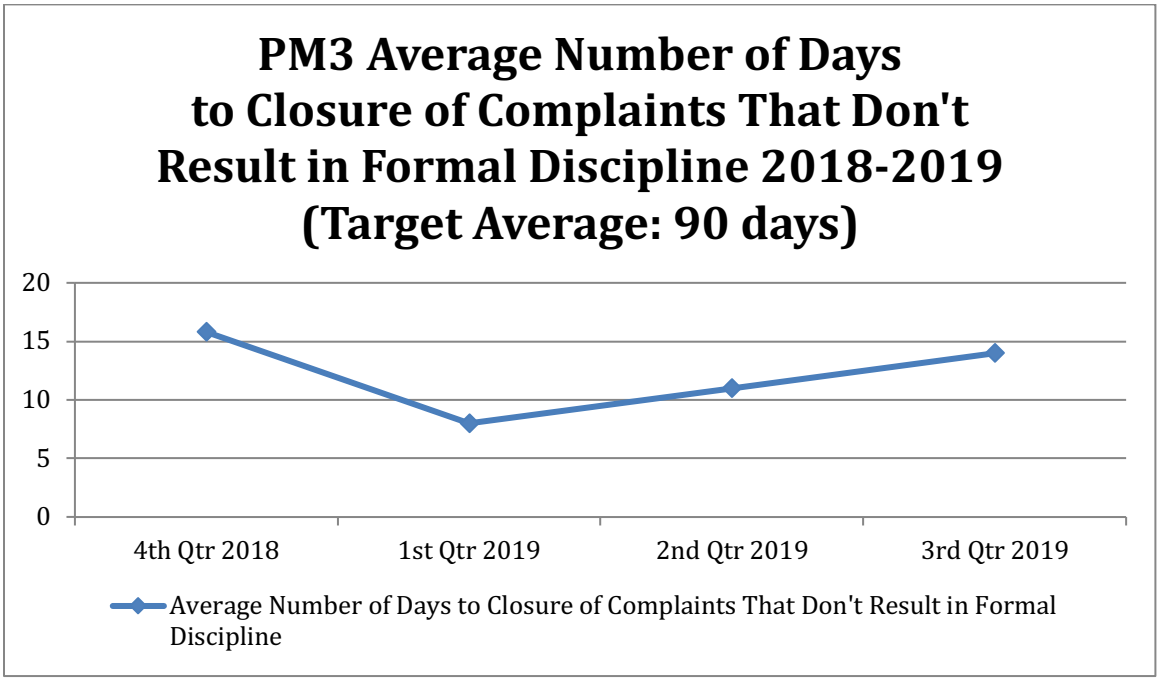
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases 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

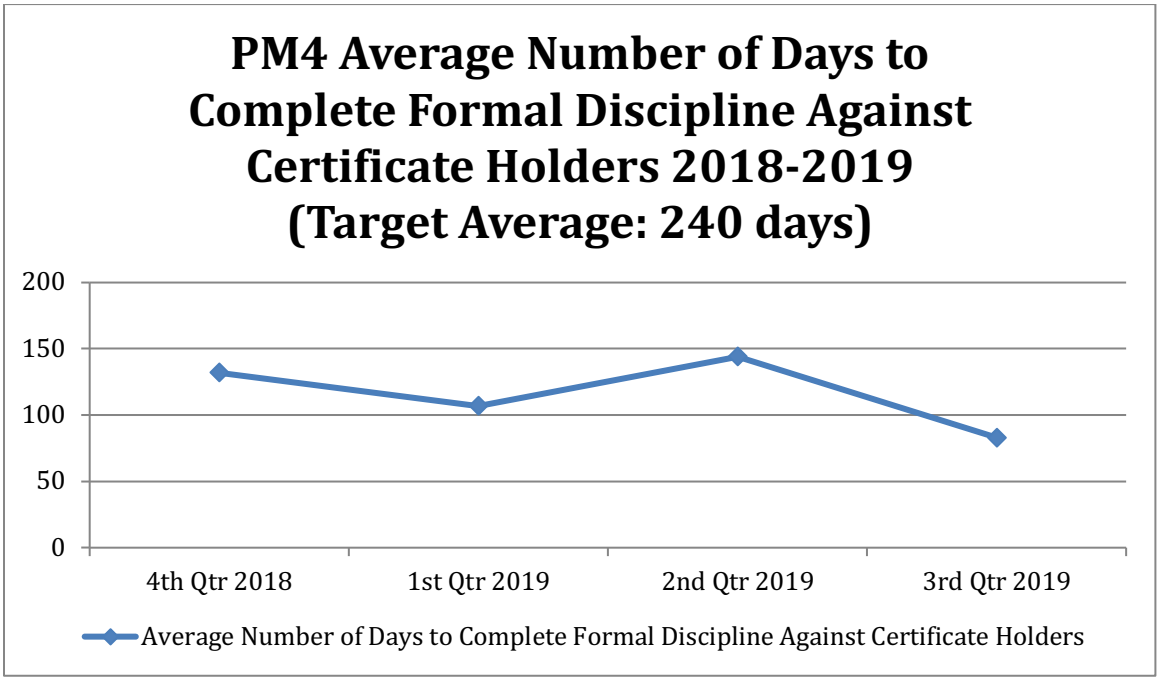
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

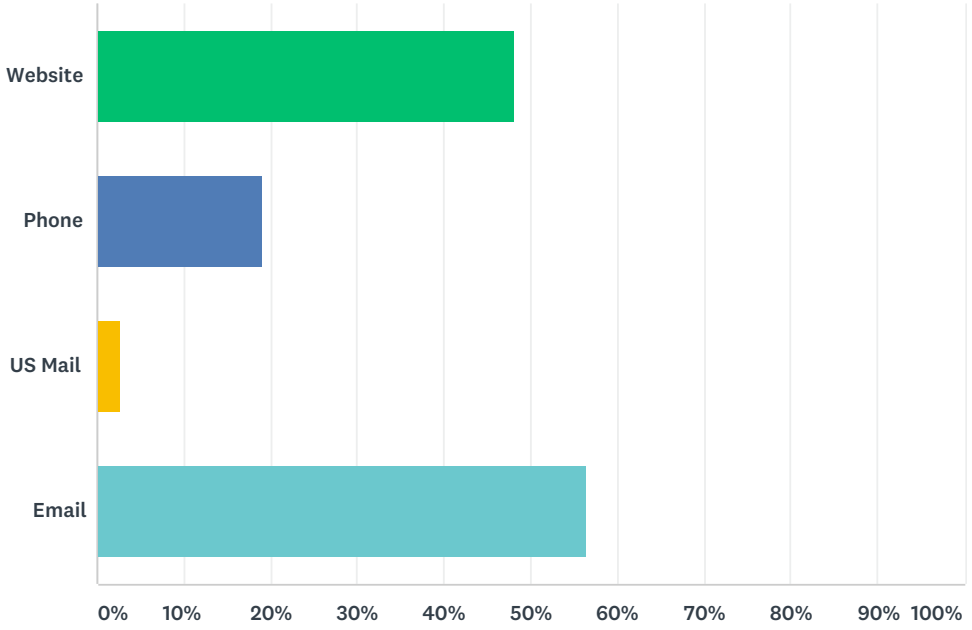


CALIFORNIA
MASSAGE THERAPY
COUNCIL

17. Consumer Satisfaction Surveys Results

Q1 HOW DID YOU CONTACT CAMTC?

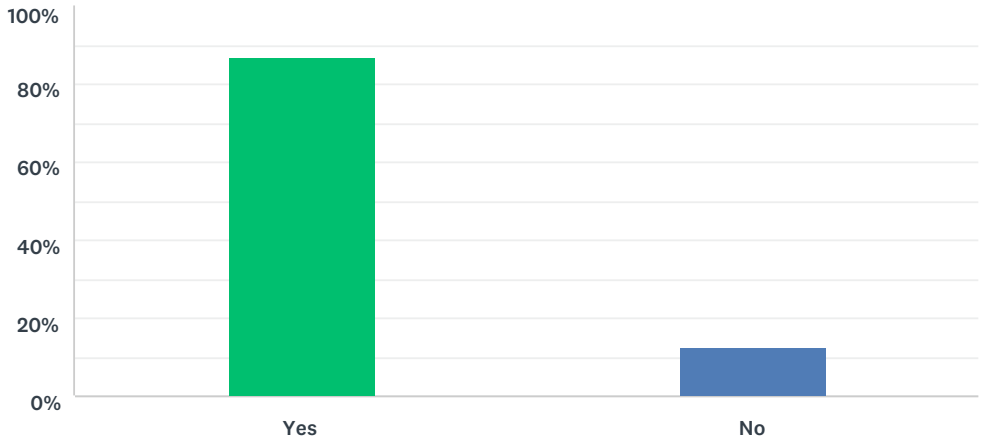
Answered: 152 Skipped: 0



ANSWER CHOICES	RESPONSES	
Website	48.03%	73
Phone	19.08%	29
US Mail	2.63%	4
Email	56.58%	86
Total Respondents: 152		

Q2 THE COMPLAINT LINK WAS EASY TO USE.

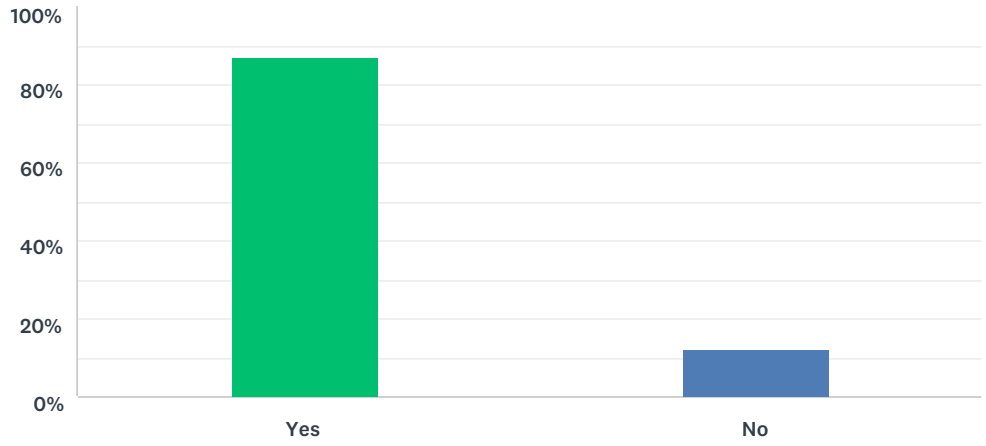
Answered: 151 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	86.75%	131
No	12.58%	19
Total Respondents: 151		

Q3 I RECEIVED AN ACKNOWLEDGMENT OF MY COMPLAINT IN A TIMELY MANNER.

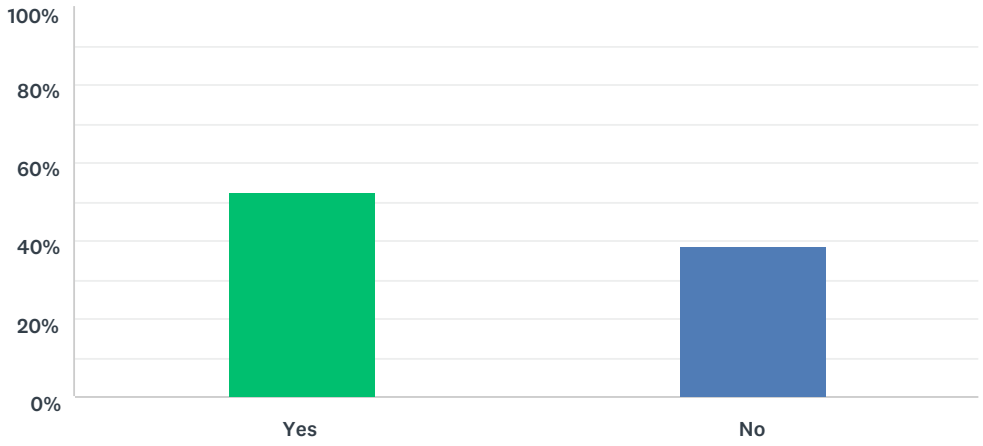
Answered: 151 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	86.75%	131
No	11.92%	18
Total Respondents: 151		

Q4 I FOUND THE FREQUENTLY ASKED QUESTIONS (FAQs) HELPFUL.

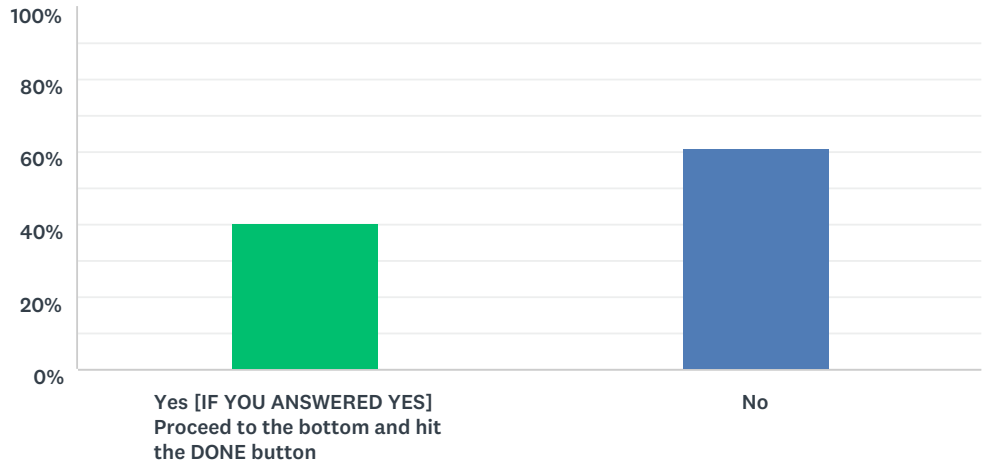
Answered: 143 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes	52.45%	75
No	38.46%	55
Total Respondents: 143		

Q5 WAS YOUR COMPLAINT REGARDING A MASSAGE ESTABLISHMENT AND/OR BUSINESS PRACTICE?

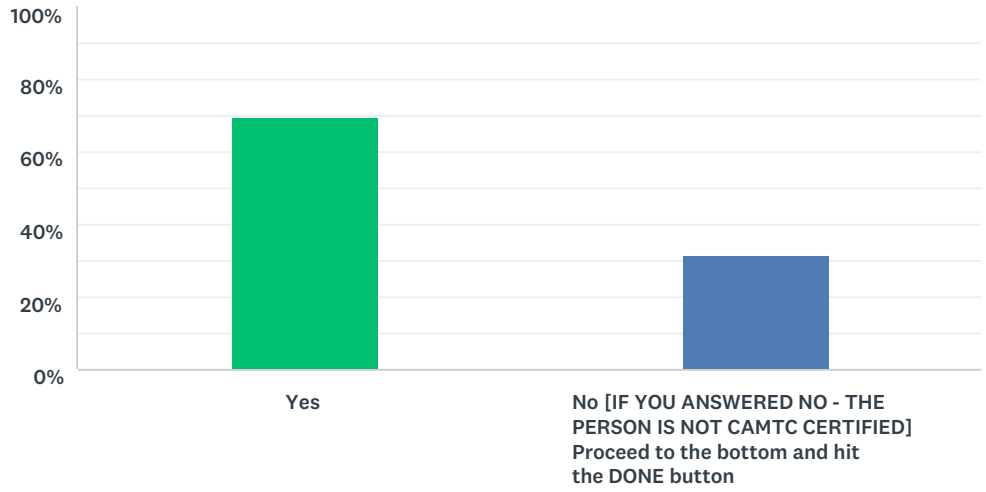
Answered: 148 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes [IF YOU ANSWERED YES] Proceed to the bottom and hit the DONE button	40.54%	60
No	60.81%	90
Total Respondents: 148		

Q6 WAS YOUR COMPLAINT REGARDING A CAMTC CERTIFIED MASSAGE PROFESSIONAL?

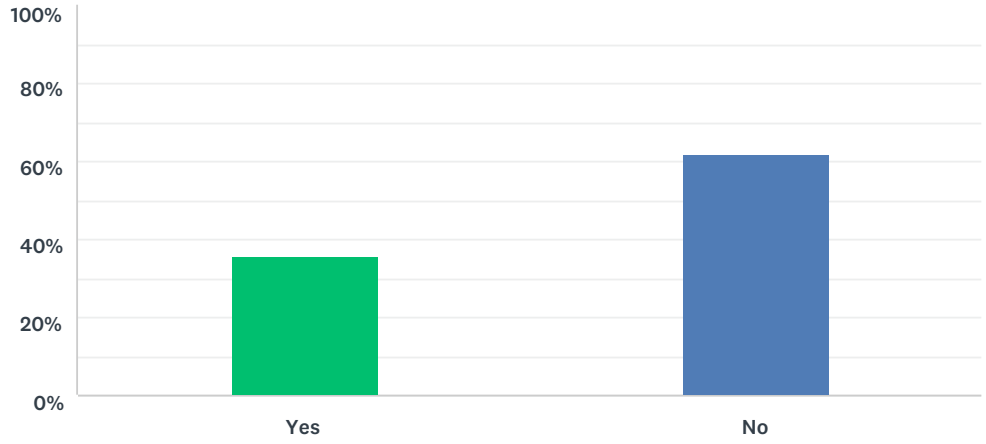
Answered: 131 Skipped: 21



ANSWER CHOICES	RESPONSES	
Yes	69.47%	91
No [IF YOU ANSWERED NO - THE PERSON IS NOT CAMTC CERTIFIED] Proceed to the bottom and hit the DONE button	31.30%	41
Total Respondents: 131		

Q7 IF YOU ANSWERED YES TO QUESTION #6: WERE YOU PROVIDED WITH A CAMTC CONTACT PERSON TO OBTAIN UPDATES?

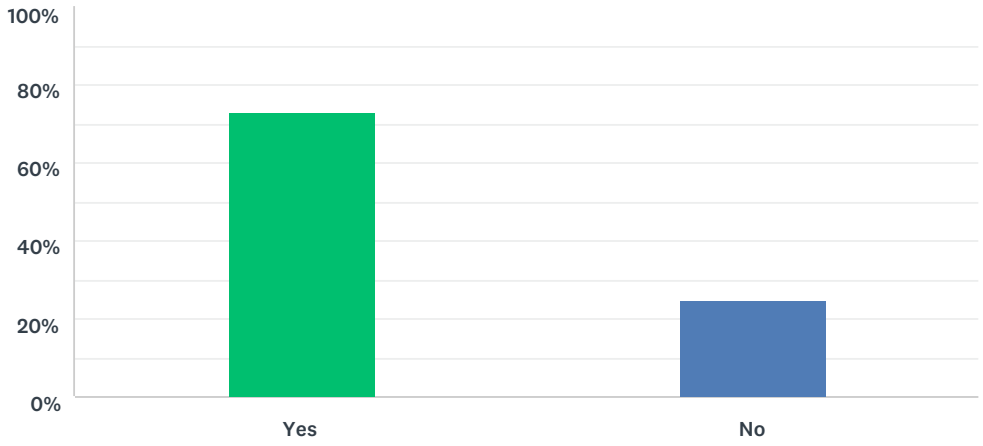
Answered: 100 Skipped: 52



ANSWER CHOICES	RESPONSES	
Yes	36.00%	36
No	62.00%	62
Total Respondents: 100		

Q8 DO YOU THINK THE INFORMATION YOU PROVIDED WILL ASSIST CAMTC IN PROTECTING THE PUBLIC?

Answered: 126 Skipped: 26



ANSWER CHOICES	RESPONSES	
Yes	73.02%	92
No	24.60%	31
Total Respondents: 126		



18. Policies and Procedures for Approval of Schools

18.a. Policies and Procedures for Approval of Schools, Approved 2/25/16

18.b. Policies and Procedures for Approval of Schools, Approved 6/23/16

18.c. Policies and Procedures for Approval of Schools, Approved 11/10/16

18.d. Policies and Procedures for Approval of Schools, Approved 3/9/17

18.e. Policies and Procedures for Approval of Schools, Approved 9/6/17

18.f. Policies and Procedures for Approval of Schools, Approved 2/22/18

18.g. Policies and Procedures for Approval of Schools, Approved 9/26/18

18.h. Policies and Procedures for Approval of Schools, Approved 11/15/18

18.i. Policies and Procedures for Approval of Schools, Approved 5/29/19

Approved 2/25/16

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

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

A. The school offers a program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.

B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours, including but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.

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

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

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

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

   b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

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

2. Approval Process.

A. Complete the application packet entirely and submit all requested documents.

B. Pay the application fee of $750. If approved, this non-refundable fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of CAMTC's Procedures for Un-Approval of Schools.

C. Host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein.

D. Within 90 days of the site visit, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, propose to un-approve the school, propose to otherwise act against the school in accordance with CAMTC's Procedures for Un-Approval of Schools, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

a. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is

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

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours from schools approved by CAMTC pursuant to these procedures.

   a. Closed Schools in good standing prior to July 1, 2016: Transcripts only accepted for education received by June 30, 2016, and applications received in CAMTC office by June 30, 2016.

   b. Sold/Merged Schools in good standing prior to July 1, 2016: Transcripts accepted for schools sold/merged prior to July 1, 2016, so long as purchasing/merged school remains in good standing as a CAMTC approved school on or after July 1, 2016. The purchasing/merged school, if choosing to submit transcripts on behalf of closed/merged school, must:

      1) Submit transcripts in accordance with current CAMTC Policies and Procedures for Approval of Schools.

      2) Clearly identify on transcripts at which school education was received.

      3) Maintain detailed information for the programs and curriculum listed on transcripts for CAMTC review.

      4) Maintain detailed information on the purchase/merger for CAMTC review.

   c. Closed/Merged Schools in good standing as CAMTC approved school on or after July 1, 2016: Transcripts accepted after closure as long as school remains in good standing.

   d. CAMTC reserves the right to review and accept or deny all or part of any education submitted from a sold/merged school that meets the definition in section 3.A.b. above.

B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for un-approval, or proposed to be otherwise

acted against may not be approved by July 1, 2016.

C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date of 2 years starting on July 1, 2016. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.

D. Schools approved after July 1, 2016, will have an effective date of 2 years starting on the date of approval.

4. Application Packet.

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

A. Application

   a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by a non-refundable application fee of $750.00. The application fee is waived for public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education. Additionally, 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 the most recent site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

   c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

a. For private post-secondary schools:

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

(2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

(3) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.

(4) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

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

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

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

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or

accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at campus and CAMTC approved satellite location addresses matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

   (1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

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

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student’s full legal name and date of birth.

(4) Date student started program and date student graduated or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(5) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).

(6) Total number of supervised clock hours attended for massage program.

(7) At least one authorized signature with printed name, title, and date.

(8) Official school seal affixed, embossed, or otherwise attached to transcript.

(9) Sufficient security measures that uniquely identify the school’s transcripts.

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

c. Only sealed transcripts sent directly from the school in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly

identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification. CAMTC reserves the right, in its sole discretion, to not accept transfer hours.

h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.

i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.

j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters, coursework, and grades.

k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

C. Student/Graduate Eligibility List

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

b. Eligibility is defined as successfully completing a minimum of 500 hours of supervised massage instruction (with a minimum of 100 hours of instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics or as further specified by CAMTC) that satisfies the school's coursework and appropriate school assessment of student knowledge and skills.

c. Applications and accompanying transcripts submitted for certification will be reviewed against these lists. Discrepancies or omissions may result in applicant delays, school investigation, and/or disciplinary actions against the school.

d. Students who do not achieve eligibility at a single CAMTC approved school may not be included on any school's list and may have to independently prove their own eligibility to CAMTC.

D. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

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

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

E. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

   (1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

   (2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

   (3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

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

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

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

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

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

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

F. Curriculum

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

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

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

(2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

(3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

(4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical

principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

   (1) Operate at all times under direct supervision of qualified instructors and on school premises.

   (2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

   (3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

   (4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

   (5) Provide for written client feedback.

   (6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

   (7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

   (8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 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 policies for creating, reviewing, and updating curriculum.

G. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or

experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

H. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

I. Student/Graduate Passage Rates on CAMTC Approved Exams

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

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

J. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes 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 an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.
j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

7. Procedures for <u>Imposing Discipline, Suspending, Denying, or Revoking CAMTC School Approval</u>.

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, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:

   (a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.

   (b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

   (c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the proposed action against the school. 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 9 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/or 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 submitted by the school a minimum of 9 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 decision of the Hearing Officers shall be final unless appealed as provided herein. The fee for an oral telephone conference shall be

$450.00 and the fee for consideration of a written statement shall be $350.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; 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 the ESD's final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within one year after the effective date of the imposition of the denial, suspension, revocation, or other discipline.

(f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures 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 applications from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, but for whom a final decision has not been rendered as to school approval on or before June 30, 2016. 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. If the school is ultimately denied CAMTC school approval, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

2. All individual applications for CAMTC certification submitted with transcripts from a school that CAMTC has proposed to deny or discipline, and that cannot be otherwise certified, will be placed on hold until a final decision as to whether to deny or discipline the school is made. If the decision is ultimately made not to deny or discipline the school, the hold on the applications shall be lifted and the applications will be processed in accordance with CAMTC's standard procedures. If the school is ultimately denied CAMTC school approval or their CAMTC school approval is revoked, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

Approved by the CAMTC Board June 23, 2016

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

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

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

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

   b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

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

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval Process.

A. Complete the application packet entirely and submit all requested documents.

B. Pay the application fee of $750 and any required background check fees. All fees are non-refundable. If approved, the 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.

C. Host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein.

D. 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

a. Provisional School Approval For New Schools and/or New Massage Programs. For new schools and new massage programs, or schools and programs currently without any enrolled students, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures.

a. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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 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 30, 2016. Applications received after this date may

not use education from closed schools described in this section 3.A.a. for CAMTC certification purposes.

b. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
   2) The closed school 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) 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) 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 for CAMTC review.

c. CAMTC approved schools that are closed 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 or merger: Education will be accepted from the lawful custodian of records as long as the closed school 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 for individual CAMTC certification purposes from a closed, sold, or merged school described herein.

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 of 2 years starting on July 1, 2016. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.

D. Schools approved after July 1, 2016, will have an effective date of 2 years starting on the date of approval.

4. Application Packet.

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

A. Application

   a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by a non-refundable application fee of $750.00. The application fee is waived for public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education. Additionally, 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 the most recent site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

   c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

a. For private post-secondary schools:

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

(2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

(3) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.

(4) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

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

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

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

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at campus and CAMTC approved satellite location addresses matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

   (1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

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

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student’s full legal name and date of birth.

(4) Date student started program and date student graduated or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(5) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).

(6) Total number of supervised clock hours attended for massage program.

(7) At least one authorized signature with printed name, title, and date.

(8) Official school seal affixed, embossed, or otherwise attached to transcript.

(9) Sufficient security measures that uniquely identify the school’s transcripts.

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

c. Only sealed transcripts sent directly from the school in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of

transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.

(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. Student/Graduate Eligibility List

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

b. Eligibility is defined as successfully completing a minimum of 500 hours of supervised massage instruction (with a minimum of 100 hours of instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics or as further specified by CAMTC) that satisfies the school's coursework and appropriate school assessment of student knowledge and skills.

c. Applications and accompanying transcripts submitted for certification will be reviewed against these lists. Discrepancies or omissions may result in applicant delays, school investigation, and/or disciplinary actions against the school.

d. Students who do not achieve eligibility at a single CAMTC approved school may not be included on any school's list and may have to independently prove their own

eligibility to CAMTC.

D. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

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

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

E. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

   (1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

   (2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

   (3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

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

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

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

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

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

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

F. Curriculum

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

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

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

(2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

(3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

(4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

(1) Operate at all times under direct supervision of qualified instructors and on school premises.

(2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

(3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

(4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

(5) Provide for written client feedback.

(6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 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 policies for creating, reviewing, and updating curriculum.

G. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

H. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

I. Student/Graduate Passage Rates on CAMTC Approved Exams

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

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

J. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes 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 an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

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

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

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

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of

CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(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, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall hold all students who have submitted transcripts from the school, forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:

   (a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.

   (b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

   (c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the proposed action against the school. 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 9 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/or 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 submitted by the school a minimum of 9 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 decision of the Hearing Officers shall be final unless appealed as provided herein. The fee for an oral telephone conference shall be $450.00 and the fee for consideration of a written statement shall be $350.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; 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 the ESD's final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 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 applications from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, but for whom a final decision has not been rendered as to school approval on or before June 30, 2016. 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. If the school is ultimately denied CAMTC school approval, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

2. All individual applications for CAMTC certification submitted with transcripts from a school that CAMTC has proposed to deny or discipline, and that cannot be otherwise certified, will be placed on hold until a final decision as to whether to deny or discipline the school is made. If the decision is ultimately made not to deny or discipline the school, the hold on the applications shall be lifted and the applications will be processed in accordance with CAMTC's standard procedures. If the school is ultimately denied CAMTC school approval or their CAMTC school approval is revoked, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

Approved by the CAMTC Board November 10, 2016
Effective January 1, 2017

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

In order to receive and maintain CAMTC school approval, a massage school, and any CAMTC approved satellite 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 as a college or university of the state higher education system, as defined in Section 100850 of the Education Code, units must be for academic credit and appear on an official college transcript. Certificates from non-credit adult education classes and programs are inapplicable. Community College degrees and certificates must be approved by the California Community Colleges Chancellor's Office.

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

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

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

b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

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

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval Process.

A. Complete the application packet entirely and submit all requested documents.

B. Pay the application fee of $1,500 and any required background check fees. All fees are non-refundable. If approved, the 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.

C. Host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein.

D. 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally

approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

a. Provisional School Approval For New Schools and/or New Massage Programs. For new schools and new massage programs, or schools and programs currently without any enrolled students, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures.

a. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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 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 30, 2016. Applications received after this date may not use education from closed schools described in this section 3.A.a. for CAMTC certification purposes.

b. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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) 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) 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 for CAMTC review.

c. CAMTC approved schools that are closed 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 or merger: Education will be accepted from the lawful custodian of records as long as the closed school 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 for individual CAMTC certification purposes from a closed, sold, or merged

school described herein.

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. Approval (including the time period of provisional approval) shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures.

4. Application Packet.

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

A. Application

   a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by a non-refundable application fee of $1,500.00. The application fee is waived for public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education. Additionally, 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 the most recent site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

a. For private post-secondary schools:

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

(2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

(3) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.

(4) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

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

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

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

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section

4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at campus and CAMTC approved satellite location addresses matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

   (1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

i. The school must report to CAMTC, within 15 days of receiving notice, all legal actions, arrests, police reports, and complaints against professional conduct, involving the school; school personnel including owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations,

including but not limited to management, staff, faculty members, advisory boards, and administrative personnel; and/or students or graduates engaged in school or massage related activities.

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student’s full legal name and date of birth.

(4) Date student started program and date student graduated or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(5) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).

(6) Total number of supervised clock hours attended for massage program.

(7) At least one authorized signature with printed name, title, and date.

(8) Official school seal affixed, embossed, or otherwise attached to transcript.

(9) Sufficient security measures that uniquely identify the school’s transcripts.

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

c. Only sealed transcripts sent directly from the school in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.

   (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. Student/Graduate Eligibility List

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

b. Eligibility is defined as successfully completing a minimum of 500 hours of supervised massage instruction (with a minimum of 100 hours of instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics or as further specified by CAMTC) that satisfies the school's coursework and appropriate

school assessment of student knowledge and skills.

c. Applications and accompanying transcripts submitted for certification will be reviewed against these lists. Discrepancies or omissions may result in applicant delays, school investigation, and/or disciplinary actions against the school.

d. Students who do not achieve eligibility at a single CAMTC approved school may not be included on any school's list and may have to independently prove their own eligibility to CAMTC.

D. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

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

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

E. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

(1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

(2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of

proficiency that will be accepted.

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

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

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

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

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

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

F. Curriculum

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

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

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

(2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

(3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard

precautions.

(4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

(1) Operate at all times under direct supervision of qualified instructors and on school premises.

(2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

(3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

(4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

(5) Provide for written client feedback.

(6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to

clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 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 policies for creating, reviewing, and updating curriculum.

G. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or

procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

H. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

I. Student/Graduate Passage Rates on CAMTC Approved Exams

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

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

J. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes 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 an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

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

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

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

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(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, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall hold all students who have submitted transcripts from the school, forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:

   (a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.

   (b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

   (c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the proposed action against the school. 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 9 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/or 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 submitted by the school a minimum of 9 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 decision of the Hearing Officers shall be final unless appealed as provided herein. The fee for an oral telephone conference shall be $900.00 and the fee for consideration of a written statement shall be $700.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; 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 the ESD's final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 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 applications from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, but for whom a final decision has not been rendered as to school approval on or before June 30, 2016. 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. If the school is ultimately denied CAMTC school approval, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

2. All individual applications for CAMTC certification submitted with transcripts from a school that CAMTC has proposed to deny or discipline, and that cannot be otherwise certified, will be placed on hold until a final decision as to whether to deny or discipline the school is made. If the decision is ultimately made not to deny or discipline the school, the hold on the applications shall be lifted and the applications will be processed in accordance with CAMTC's standard procedures. If the school is ultimately denied CAMTC school approval or their CAMTC school approval is revoked, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

In order to receive and maintain CAMTC school approval, a massage school, and any CAMTC approved satellite 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 as a college or university of the state higher education system, as defined in Section 100850 of the Education Code, units must be for academic credit and appear on an official college transcript. Certificates from non-credit adult education classes and programs are inapplicable. Community College degrees and certificates must be approved by the California Community Colleges Chancellor's Office.

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

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

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

b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

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

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval Process.

A. Complete the application packet entirely and submit all requested documents.

B. Pay the application fee of $1,500 and any required background check fees. All fees are non-refundable. If approved, the 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.

C. Host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein.

D. 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally

approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

a. Provisional School Approval For New Schools and/or New Massage Programs. For new schools and new massage programs, or schools and programs currently without any enrolled students, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures.

a. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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 meets minimum standards for training and curriculum and the statutory education requirements for certification; and
4) The individual application for CAMTC CMT certification is received in the CAMTC office on or before December 31, 2018. Applicants whose applications are received after this date may still use education from closed schools described in this section 3.A.a. for CAMTC certification purposes as long as they either provide proof of current and continuous city and/or county permit(s) to provide massage for compensation or they pass a CAMTC education hearing (oral telephonic hearing or consideration of a written statement).

b. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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) 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) 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 for CAMTC review.

c. CAMTC approved schools that are closed 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 or merger: Education will be accepted from the lawful custodian of records as long as the closed school 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 for individual CAMTC certification purposes from a closed, sold, or merged school described herein.

e. For schools that have been un-approved by CAMTC, and who had an effective un-approval date on or after April 2, 2016, a 90-day grace period from the date of the adoption of this provision (March 9, 2017), or from the effective date of un-approval, which ever is later, will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged.

B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for denial, or proposed to be otherwise acted against may not be approved by July 1, 2016.

C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date starting on July 1, 2016. Approval shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.

D. Schools approved or provisionally approved after July 1, 2016, will have an effective date of approval starting on the date of approval or provisional approval. Approval (including the time period of provisional approval) shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures.

4. Application Packet.

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

A. Application

a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by a non-refundable application fee of $1,500.00. The application fee is waived for public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education. Additionally, 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 the most recent site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

a. For private post-secondary schools:

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

(2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

(3) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.

(4) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an

agency recognized by the United States Department of Education:

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

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

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

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at campus and CAMTC approved satellite location addresses matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

   (1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the

appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

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

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student’s full legal name and date of birth.

(4) Date student started program and date student graduated or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(5) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).

(6) Total number of supervised clock hours attended for massage program.

(7) At least one authorized signature with printed name, title, and date.

(8) Official school seal affixed, embossed, or otherwise attached to transcript.

(9) Sufficient security measures that uniquely identify the school's transcripts.

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

c. Only sealed transcripts sent directly from the school 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. Student/Graduate Eligibility List

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

b. Eligibility is defined as successfully completing a minimum of 500 hours of supervised massage instruction (with a minimum of 100 hours of instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics or as further specified by CAMTC) that satisfies the school's coursework and appropriate school assessment of student knowledge and skills.

c. Applications and accompanying transcripts submitted for certification will be reviewed against these lists. Discrepancies or omissions may result in applicant delays, school investigation, and/or disciplinary actions against the school.

d. Students who do not achieve eligibility at a single CAMTC approved school may not be included on any school's list and may have to independently prove their own eligibility to CAMTC.

D. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid

to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

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

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

E. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

(1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

(2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

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

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

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

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

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

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

F. Curriculum

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

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

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

(2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

(3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

(4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

(1) Operate at all times under direct supervision of qualified instructors and on school premises.

(2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

(3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

(4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

(5) Provide for written client feedback.

(6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 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 policies for creating, reviewing, and updating curriculum.

G. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student evaluations), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

H. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

I. Student/Graduate Passage Rates on CAMTC Approved Exams

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

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

J. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, 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, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall hold all students who have submitted transcripts from the school, 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 decision of the Hearing Officers shall be final unless appealed as provided herein. The fee for an oral telephone conference shall be $900.00 and the fee for consideration of a written statement shall be $700.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; impose lesser or more discipline; remand the matter back to ESD for further processing and consideration; or approve

a school that has applied for CAMTC school approval or determine that the discipline not be imposed on a school that is a CAMTC approved school. The decision of the Board shall be final.

(d) Notice of a final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the imposition of the denial, suspension, revocation, or other discipline.

(f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices, shall not be allowed to re-apply for CAMTC school approval for a period of five years from the effective date of the denial or revocation. All other schools whose application for CAMTC approval is denied or whose CAMTC school approval is revoked shall not be allowed to re-apply for CAMTC school approval for a period of two years from the effective date of the denial or revocation.

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

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

c. Procedures Related to Students.

1. CAMTC will hold all applications from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, but for whom a final decision has not been rendered as to school approval on or before June 30, 2016. 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. If the school is ultimately denied CAMTC school approval, a 90-day grace period from the effective date of denial will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will

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

2. All individual applications for CAMTC certification submitted with transcripts from a school that CAMTC has proposed to discipline, and that cannot be otherwise certified, will be placed on hold until a final decision as to whether to discipline the school is made. If the decision is ultimately made not to discipline the school, the hold on the applications shall be lifted and the applications will be processed in accordance with CAMTC's standard procedures. If the school's CAMTC school approval is ultimately revoked, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

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

A. The school must offer at least one eligible program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.

B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours, including but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.

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

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

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

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

b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

e. A school requiring equal or greater training than what is required pursuant to the Law and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval Process.

A. Complete the application packet entirely and submit all requested documents.

B. Pay the initial application fee of $1,500 and any required background check fees. All fees are non-refundable. If approved, the initial application fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. A school that has been continuously approved for the full 2-year initial approval period, with no disciplinary action taken against it by CAMTC and no break in the approval period, may apply for re-approval. The re-approval fee shall be $3,000 and provides for 4 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. Schools with a break in the approval period, or who have had disciplinary action taken against them by CAMTC, must apply and meet the requirements of a new applicant, including paying the initial application fee, which shall

provide for 2 full years of CAMTC approval if approval is obtained.

C. Host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein.

D. Within180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

   a. Provisional School Approval for New Schools and/or New Massage Programs. For new schools and new massage programs, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

   b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures.

   a. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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 meets minimum standards for training and curriculum and the statutory education requirements for certification; and
4) The individual application for CAMTC CMT certification is received in the CAMTC office on or before December 31, 2018. Applicants whose applications are received after this date may still use education from closed schools described in this section 3.A.a. for CAMTC certification purposes as long as they either provide proof of current and continuous city and/or county permit(s) to provide massage for compensation or they pass a CAMTC education hearing (oral telephonic hearing or consideration of a written statement).

b. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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) 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) 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 for CAMTC review.

c. CAMTC approved schools that are closed 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 or merger: Education will be accepted from the lawful custodian of records as long as the closed school 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 for individual CAMTC certification purposes from a closed, sold, or merged school described herein.

e. For schools that have been un-approved by CAMTC, and who had an effective un-approval date on or after April 2, 2016, a 90-day grace period from the date of the adoption of this provision (March 9, 2017), or from the effective date of un-approval, which ever is later, will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged.

B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for denial, or proposed to be otherwise acted against may not be approved by July 1, 2016.

C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date starting on July 1, 2016. Approval shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.

D. Schools approved or provisionally approved after July 1, 2016, will have an effective date of approval starting on the date of approval or provisional approval.

4. Application Packet.

A School Approval Code issued by CAMTC is for a single campus, including CAMTC approved satellite locations and specific owner(s), and may not be used for any other

locations, schools, or owners. Therefore, for each campus or school, a separate application, fee, and requested materials shall be submitted in a three-ring binder in which the following shall be labeled, with its own divider, in this order and accompanied by electronic pdf format on a flash drive with matching organization:

A. Application

   a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by the non-refundable application fee. Employees of public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, may use campus ID number in lieu of social security number, campus ID as a form of government issued photographic identification, and may omit home address.

B. Approvals

   a. Documented proof of current approval or accreditation by an agency listed in Business and Professions Code section 4601(a). Schools with more than one approval or accreditation shall submit proof of all.

   b. Schools shall submit all site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

   c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

   a. For private post-secondary schools:

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

      (2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

      (3) Administrator Qualification form (included with application) and copy of a current valid government issued photographic identification for all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage department operations, including but not limited to department management, staff, advisory boards, and administrative personnel.

      (4) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases

the property where the school is located.

(5) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

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

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

a. Copies of online and print advertisements and marketing materials related to the massage programs submitted for approval.

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at CAMTC approved locations matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

(1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock

hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

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

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student’s full legal name and date of birth.

(4) Date student started program and date student graduated or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(5) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).

(6) Total number of supervised clock hours attended for massage program.

(7) At least one authorized signature with printed name, title, and date.

(8) Official school seal affixed, embossed, or otherwise attached to transcript.

(9) Sufficient security measures that uniquely identify the school's transcripts.

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

c. Only sealed transcripts sent directly from the school or an authorized transcript provider in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.

(1) CAMTC will consider up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a college or university of the state higher education system, as defined in Section 100850 of the Education Code, as meeting the definition of a CAMTC approved school.

(2) CAMTC reserves the right, in its sole discretion, to not accept any or all transfer hours.

h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.

i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.

j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters, coursework, and grades.

k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

C. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

(8) Clearly visible disclosure statement: "Attendance and/or graduation from a California Massage Therapy Council approved school does not guarantee certification by CAMTC. Applicants for certification shall meet all requirements as

listed in California Business and Professions Code sections 4600 et. seq."

(9) Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at: One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

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

D. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

(1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

(2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

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

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

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

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

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

l. Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

E. Curriculum

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

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

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

   (2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

   (3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

   (4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

   (1) Operate at all times under active and direct supervision of qualified instructors and on school premises.

   (2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

   (3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

   (4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

   (5) Provide for written client feedback.

   (6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.

e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:

(1) Name of course or subject.

(2) Detailed description.

(3) Learning objectives.

(4) Prerequisites.

(5) Total number of hours.

(6) Instructional material(s) to be used.

(7) Required assessments and assignments for successful completion.

f. Maintain current daily lesson plans for each course that support syllabi. Daily lesson plans should include, at minimum: educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments with assessment criteria, if any, for each class.

g. Maintain policies for creating, reviewing, and updating curriculum.

F. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

G. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

H. Student/Graduate Passage Rates on CAMTC Approved Exams

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

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

I. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes but is not limited to the following:

(1) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school;

(2) Failure to require students to attend all of the classes listed on the transcript;

(3) Failure to require students to attend all of the hours listed on the transcript;

(4) Engaging in fraudulent practices, including but not limited to, the creation of false documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices;

(5) Denial, suspension, revocation, or otherwise being acted against by the National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code;

(6) Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts;

(7) Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts;

(8) A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in this section 6;

(9) Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).b. Engaging in or has engaged in unprofessional business practices or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has engaged in or is engaging in unprofessional business practices;

c. Procuring or attempting to procure school approval by fraud, misrepresentation, or mistake or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or

volunteer) has procured or attempted to procure school approval by fraud, misrepresentation, or mistake;

d. Violating or attempting to violate or has violated, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, or has assisted in or abetted the violation of, or conspired to violate, any provision of the Massage Therapy Act or any rule, regulation, policy, or procedure adopted by CAMTC by the actions of the school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer);

e. Conviction of an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability*;*

f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school;

g. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any act punishable as a sexually related crime or is or has been required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is or has been required to register as a sex offender in another state, or commits or has committed an act that is a violation of human trafficking laws or a violation of the education code or a violation of the Bureau of Private Postsecondary Education's rules, regulations, policies, or procedures;

h. Failure to fully disclose all information requested on the application or provide information upon request to an individual working on behalf of CAMTC;

i. Denial of licensure, permit or certificate, or revocation, suspension, restriction, citation, or any other disciplinary action against the school, an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by a state or territory of the United States, by a government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer)

has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

k. Failure to update CAMTC and notify of any changes that might affect a school's eligibility for approval or result in disciplinary action against the school.

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

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

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

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(s)), along with any staff/employees under his/her supervision, shall be collectively known as the Educational Standards Division (the "ESD").

2. If Council staff determines that grounds appear to exist to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall hold all students who have submitted transcripts from the school, 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 decision of the Hearing Officers shall be final unless appealed as provided herein. The fee for an oral telephone conference shall be $900.00 and the fee for consideration of a written statement shall be $700.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; impose lesser or more discipline; remand the matter back to ESD for further processing and consideration; or approve

a school that has applied for CAMTC school approval or determine that the discipline not be imposed on a school that is a CAMTC approved school. The decision of the Board shall be final.

(d) Notice of a final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the imposition of the denial, suspension, revocation, or other discipline.

(f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices, shall not be allowed to re-apply for CAMTC school approval for a period of five years from the effective date of the denial or revocation. All other schools whose application for CAMTC approval is denied or whose CAMTC school approval is revoked shall not be allowed to re-apply for CAMTC school approval for a period of two years from the effective date of the denial or revocation.

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

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

c. Procedures Related to Students.

1. CAMTC will hold all applications from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, but for whom a final decision has not been rendered as to school approval on or before June 30, 2016. 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. If the school is ultimately denied CAMTC school approval, a 90-day grace period from the effective date of denial will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will

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

2. All individual applications for CAMTC certification submitted with transcripts from a school that CAMTC has proposed to discipline, and that cannot be otherwise certified, will be placed on hold until a final decision as to whether to discipline the school is made. If the decision is ultimately made not to discipline the school, the hold on the applications shall be lifted and the applications will be processed in accordance with CAMTC's standard procedures. If the school's CAMTC school approval is ultimately revoked, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

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

A. The school must offer at least one eligible program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.

B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours, including but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.

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

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

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

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

b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

e. A school requiring equal or greater training than what is required pursuant to the Law and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval Process.

A. Complete the application packet entirely and submit all requested documents.

B. Pay the initial application fee of $1,500 and any required background check fees. All fees are non-refundable. If approved, the initial application fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. A school that has been continuously approved for the full 2-year initial approval period, with no disciplinary action taken against it by CAMTC and no break in the approval period, may apply for re-approval. The re-approval fee shall be $3,000 and provides for 4 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. Schools with a break in the approval period, or who have had disciplinary action taken against them by CAMTC, must apply and meet the requirements of a new applicant, including paying the initial application fee, which shall

provide for 2 full years of CAMTC approval if approval is obtained.

C. From the date an application for school approval is received by CAMTC, through and until the date that a decision on the application becomes final and effective, the school shall distribute Notice (in a form determined by CAMTC) to all prospective students before they enroll in the program and to all students currently enrolled in the program regarding the implications of attending a school that is not yet approved by CAMTC.

D. 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.

E. Within 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

   a. Provisional School Approval for New Schools and/or New Massage Programs. For new schools and new massage programs, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

   b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures.

a. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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 meets minimum standards for training and curriculum and the statutory education requirements for certification; and
4) The individual application for CAMTC CMT certification is received in the CAMTC office on or before December 31, 2018. Applicants whose applications are received after this date may still use education from closed schools described in this section 3.A.a. for CAMTC certification purposes as long as they either provide proof of current and continuous city and/or county permit(s) to provide massage for compensation or they pass a CAMTC education hearing (oral telephonic hearing or consideration of a written statement).

b. CAMTC will accept education for CAMTC certification purposes from schools 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 was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school 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) 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) 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 for CAMTC review.

c. CAMTC approved schools that are closed 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 or merger: Education will be accepted from the lawful custodian of records as long as the closed school 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 for individual CAMTC certification purposes from a closed, sold, or merged school described herein.

e. For schools that have been un-approved by CAMTC, and who had an effective un-approval date on or after April 2, 2016, a 90-day grace period from the date of the adoption of this provision (March 9, 2017), or from the effective date of un-approval, which ever is later, will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged.

B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for denial, or proposed to be otherwise acted against may not be approved by July 1, 2016.

C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date starting on July 1, 2016. Approval shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.

D. Schools approved or provisionally approved after July 1, 2016, will have an effective date of approval starting on the date of approval or provisional approval.

4. Application Packet.

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

A. Application

a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by the non-refundable application fee. Employees of public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, may use campus ID number in lieu of social security number, campus ID as a form of government issued photographic identification, and may omit home address.

B. Approvals

a. Documented proof of current approval or accreditation by an agency listed in Business and Professions Code section 4601(a). Schools with more than one approval or accreditation shall submit proof of all.

b. Schools shall submit all site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

a. For private post-secondary schools:

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

(2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

(3) Administrator Qualification form (included with application) and copy of a current valid government issued photographic identification for all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage department operations, including but not limited to

department management, staff, advisory boards, and administrative personnel.

(4) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.

(5) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

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

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

a. Copies of online and print advertisements and marketing materials related to the massage programs submitted for approval.

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at CAMTC approved locations matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

(1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning

objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

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

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student's full legal name and date of birth.

(4) Name of CAMTC approved program attended by student.

(5) Date student started CAMTC approved program and date student completed CAMTC approved program or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(6) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).

(7) Total number of supervised clock hours completed for CAMTC approved program.

(8) At least one authorized, personally handwritten signature in ink with printed name, title, and date.

(9) Official school seal affixed, embossed, or otherwise attached to transcript.

(10) Sufficient security measures that uniquely identify the school's transcripts.

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

c. Only sealed transcripts sent directly from the school or an authorized transcript provider in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.

(1) CAMTC will consider up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a college or university of the state

higher education system, as defined in Section 100850 of the Education Code, as meeting the definition of a CAMTC approved school.

(2) CAMTC reserves the right, in its sole discretion, to not accept any or all transfer hours.

h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.

i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.

j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters, coursework, and grades.

k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

C. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

(9) Statement directing students to CAMTC for unanswered questions and for filing a complaint: “A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at: One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337.”

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

D. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

(1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

(2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they

make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

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

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

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

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

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

l. Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

E. Curriculum

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

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

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

   (2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

   (3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

   (4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

   (1) Operate at all times under active and direct supervision of qualified instructors and on school premises.

   (2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

   (3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

   (4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

(5) Provide for written client feedback.

(6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.

e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:

(1) Name of course or subject.

(2) Detailed description.

(3) Learning objectives.

(4) Prerequisites.

(5) Total number of hours.

(6) Instructional material(s) to be used.

(7) Required assessments and assignments for successful completion.

f. Maintain current daily lesson plans for each course that support syllabi. Daily lesson plans should include, at minimum: educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments

with assessment criteria, if any, for each class.

g. Maintain policies for creating, reviewing, and updating curriculum.

F. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

G. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

H. Student/Graduate Passage Rates on CAMTC Approved Exams

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

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

I. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes but is not limited to the following:

(1) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school;

(2) Failure to require students to attend all of the classes listed on the transcript;

(3) Failure to require students to attend all of the hours listed on the transcript;

(4) Engaging in fraudulent practices, including but not limited to, the creation of false documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices;

(5) Denial, suspension, revocation, or otherwise being acted against by the National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code;

(6) Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts;

(7) Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts;

(8) A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in this section 6;

(9) Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).b. Engaging in or has engaged in unprofessional business practices or an owner, faculty member, or other member of the school's staff

(including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has engaged in or is engaging in unprofessional business practices;

c. Procuring or attempting to procure school approval by fraud, misrepresentation, or mistake or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has procured or attempted to procure school approval by fraud, misrepresentation, or mistake;

d. Violating or attempting to violate or has violated, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, or has assisted in or abetted the violation of, or conspired to violate, any provision of the Massage Therapy Act or any rule, regulation, policy, or procedure adopted by CAMTC by the actions of the school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer);

e. Conviction of an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability*;*

f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school;

g. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any act punishable as a sexually related crime or is or has been required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is or has been required to register as a sex offender in another state, or commits or has committed an act that is a violation of human trafficking laws or a violation of the education code or a violation of the Bureau of Private Postsecondary Education's rules, regulations, policies, or procedures;

h. Failure to fully disclose all information requested on the application or provide information upon request to an individual working on behalf of CAMTC;

i. Denial of licensure, permit or certificate, or revocation, suspension, restriction, citation, or any other disciplinary action against the school, an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by a state or

territory of the United States, by a government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

k. Failure to update CAMTC and notify of any changes that might affect a school's eligibility for approval or result in disciplinary action against the school.

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

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

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

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(s)), along with any staff/employees under his/her supervision, shall be collectively known as the Educational Standards Division (the "ESD").

2. If Council staff determines that grounds appear to exist to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall hold all students who have submitted transcripts from the school, 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 decision of the Hearing Officers shall be final unless appealed as provided herein. The fee for an oral telephone conference shall be $900.00 and the fee for consideration of a written statement shall be $700.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and

to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; impose lesser or more discipline; remand the matter back to ESD for further processing and consideration; or approve a school that has applied for CAMTC school approval or determine that the discipline not be imposed on a school that is a CAMTC approved school. The decision of the Board shall be final.

(d) Notice of a final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the imposition of the denial, suspension, revocation, or other discipline.

(f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices, shall not be allowed to re-apply for CAMTC school approval for a period of five years from the effective date of the denial or revocation. All other schools whose application for CAMTC approval is denied or whose CAMTC school approval is revoked shall not be allowed to re-apply for CAMTC school approval for a period of two years from the effective date of the denial or revocation.

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

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

c. Procedures Related to Students.

1. CAMTC will hold all applications from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, but for whom a final decision has not been rendered as to school approval on or before June 30, 2016. 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. If the school is ultimately denied CAMTC school approval, a 90-day grace period from the effective date

of denial will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged.

2. All individual applications for CAMTC certification submitted with transcripts from a school that CAMTC has proposed to discipline, and that cannot be otherwise certified, will be placed on hold until a final decision as to whether to discipline the school is made. If the decision is ultimately made not to discipline the school, the hold on the applications shall be lifted and the applications will be processed in accordance with CAMTC's standard procedures. If the school's CAMTC school approval is ultimately revoked, the applicants for certification will then be notified that they may not use education from that school for CAMTC certification purposes, and that they will have one year from the date of the notification to provide proof of education from a CAMTC approved school or schools.

Approved 9/26/18

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

Effective October 1, 2018

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

1. Eligibility for approval.

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

A. The school must offer at least one eligible program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.

B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours, including but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.

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

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

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

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

b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

e. A school requiring equal or greater training than what is required pursuant to the Law and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval and Re-Approval Process.

A. Complete either the application for school approval or application for school re-approval packet entirely and submit all requested documents.

B. Pay the initial application fee of $3,000 and any required background check fees. All fees are non-refundable. If approved, the initial application fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. A school that has been continuously approved for the full 2-year initial approval period, with no disciplinary action taken against it by CAMTC and no break in the approval period, may apply for re-approval. The re-approval fee shall be $3,000 and provides for 4 full years of CAMTC approval, so long

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

C. From the date an application for school approval is received by CAMTC, through and until the date that a decision on the application becomes final and effective, the school shall distribute Notice (in a form determined by CAMTC) to all prospective students before they enroll in the program and to all students currently enrolled in the program regarding the implications of attending a school that is not yet approved by CAMTC.

D. Schools applying for initial approval shall host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein. Schools applying for re-approval may also be required to host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein, at CAMTC's discretion. Unscheduled site visits may also occur at any time for both approved schools and applicants for approval or re-approval.

E. Within 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

   a. Provisional School Approval for New Schools and/or New Massage Programs. For new schools and new massage programs, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

   b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures. The 500 hours required for CAMTC Certification may be completed at more than one approved school and/or more than one approved massage program. Students do not have to register for or complete an entire CAMTC approved program for CAMTC to consider the education sufficient to meet the requirements in the Massage Therapy Act; CAMTC will consider hours from a partially completed program for certification so long as those hours are part of a CAMTC approved massage program.

a. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, with either no lawful custodian of records or a lawful custodian of records that is not a CAMTC approved school as long as all of the following conditions are met:

1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities;
3) The applicant for CAMTC certification provides verifiable proof that the education received at the closed school or program meets minimum standards for training and curriculum and the statutory education requirements for certification; and
4) The individual application for CAMTC CMT certification is received in the CAMTC office on or before December 31, 2018. Applicants whose applications are received after this date may still use education from closed schools or programs described in this section 3.A.a. for CAMTC certification purposes as long as they either provide proof of current and continuous city and/or county permit(s) to provide massage for compensation or they pass a CAMTC education hearing (oral telephonic hearing or consideration of a written statement).

b. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, that have a CAMTC approved school as their lawful custodian of records as long as all of the following conditions are met:

1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities;

3) The CAMTC approved school identified as lawful custodian of records remains approved by CAMTC; and
4) The CAMTC approved school identified as lawful custodian of records adheres to the following requirements:

   A. Submits transcripts from closed school(s) or program(s) in accordance with these Procedures, noting either on the transcript or in an attached letter that the transcript is being submitted by the lawful custodian of records;
   B. When education is completed at multiple schools, submits either 1) one transcript listing education from all schools clearly identifying when and at which school specific education was received, or 2) provides a separate transcript for each school identifying when and at which school specific education was received;
   C. Maintains detailed information including, but not limited to, attendance records, syllabi, instructor names, and course catalogs for the programs and curriculum from the closed school(s) or program(s) as they are listed on transcripts for CAMTC review; and
   D. Maintains detailed information on the purchase, merger, or other legal transaction that resulted in the CAMTC approved school becoming the lawful custodian of records for the closed school or program for CAMTC review.

c. CAMTC approved schools or programs that are closed, expired, or merged with a CAMTC approved school on or after July 1, 2016 and are in good standing with CAMTC at the time of closure, expiration, or merger: Education will be accepted from the lawful custodian of records as long as the closed, expired, or merged school or program is or was not subject to any disciplinary action or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities.

d. CAMTC reserves the right to review and accept or deny all or part of any education submitted or require individual applicants for CAMTC certification to provide additional proof of adequate education by passing a CAMTC education hearing from any school or program including, but not limited to approved, closed, expired, sold, or merged school or program described herein.

e. For schools that have been un-approved by CAMTC, and who had an effective un-approval date on or after April 2, 2016, a 90-day grace period from the date of the adoption of this provision (March 9, 2017), or from the effective date of un-approval, which ever is later, will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their

applications are purged.

B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for denial, or proposed to be otherwise acted against may not be approved by July 1, 2016.

C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date starting on July 1, 2016. Approval shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.

D. Schools approved or provisionally approved after July 1, 2016, will have an effective date of approval starting on the date of approval or provisional approval. For purposes of individual CAMTC Certification, if CAMTC ultimately approves a school whose application for school approval is or was received on or after July 1, 2016, CAMTC may consider education completed at the school on or after the date CAMTC initially received the school's application for school approval as education completed at a CAMTC approved school.

E. If a school does not complete its portion of the application for school approval, including, but not limited to, all supporting documentation and background checks within one year of the date that CAMTC received the application, the application may be purged. Once an application is purged, the school will need to start the entire application process over, including paying the application fee and meeting all of the requirements for program approval that exist at the time, and applying as a new applicant for school approval. Once a school completes its portion of the application for school approval, the application may not be withdrawn.

4. Application Packet.

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

A. Application

a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by the non-refundable application fee. Employees of public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, may use campus ID number in lieu of social security

number, campus ID as a form of government issued photographic identification, and may omit home address.

B. Approvals

a. Documented proof of current approval or accreditation by an agency listed in Business and Professions Code section 4601(a). Schools with more than one approval or accreditation shall submit proof of all.

b. Schools shall submit all site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

a. For private post-secondary schools:

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

(2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

(3) Administrator Qualification form (included with application) and copy of a current valid government issued photographic identification for all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage department operations, including but not limited to department management, staff, advisory boards, and administrative personnel.

(4) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.

(5) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

(1) Organizational chart showing all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage

department operations, including but not limited to department management, staff, faculty members, advisory boards, and administrative personnel.

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

a. Copies of online and print advertisements and marketing materials related to the massage programs submitted for approval.

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school

is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at CAMTC approved locations matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

   (1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires

approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

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

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student’s full legal name and date of birth.

(4) Name of CAMTC approved program(s) attended by student.

(5) Date student started CAMTC approved program(s) and date student completed CAMTC approved program(s) or hpours, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(6) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet(s) (included with application).

(7) Total number of supervised clock hours completed for CAMTC approved program(s).

(8) At least one authorized, personally handwritten signature in ink with printed name, title, and date.

(9) Official school seal affixed, embossed, or otherwise attached to transcript.

(10) Sufficient security measures that uniquely identify the school's transcripts.

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

c. Only sealed transcripts sent directly from the school or an authorized transcript provider in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.

(1) CAMTC will consider up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a college or university of the state higher education system, as defined in Section 100850 of the Education Code, as meeting the definition of a CAMTC approved school.

(2) CAMTC reserves the right, in its sole discretion, to not accept any or all transfer hours.

h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.

i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.

j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters, coursework, and grades.

k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

C. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

(9) Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at: One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

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

D. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

(1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

(2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of

proficiency that will be accepted.

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

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

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

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

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

l. Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

E. Curriculum

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

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

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

(2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

(3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

(4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

(1) Operate at all times under active and direct supervision of qualified instructors and on school premises.

(2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

(3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

(4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

(5) Provide for written client feedback.

(6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls,

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

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

d. Students may not be credited more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.

e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:

(1) Name of course or subject.

(2) Detailed description.

(3) Learning objectives.

(4) Prerequisites.

(5) Total number of hours.

(6) Instructional material(s) to be used.

(7) Required assessments and assignments for successful completion.

f. Maintain current daily lesson plans for each course that support syllabi. Daily lesson plans should include, at minimum: educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments with assessment criteria, if any, for each class.

g. Maintain policies for creating, reviewing, and updating curriculum.

F. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education

applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

G. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

H. Student/Graduate Passage Rates on CAMTC Approved Exams

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

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

I. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes but is not limited to the following:

(1) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school;

(2) Failure to require students to attend all of the classes listed on the transcript;

(3) Failure to require students to attend all of the hours listed on the transcript;

(4) Engaging in fraudulent practices, including but not limited to, the creation of false documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices;

(5) Denial, suspension, revocation, or otherwise being acted against by the National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code;

(6) Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts;

(7) Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts;

(8) A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in this section 6;

(9) Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).b. Engaging in or has engaged in unprofessional business practices or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has engaged in or is engaging in unprofessional business practices;

c. Procuring or attempting to procure school approval by fraud, misrepresentation, or mistake or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has procured or attempted to procure school approval by fraud, misrepresentation, or mistake;

d. Violating or attempting to violate or has violated, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, or has assisted in or abetted the violation of, or conspired to violate, any provision of the Massage Therapy Act or any rule, regulation, policy, or procedure adopted by CAMTC by the actions of the school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer);

e. Conviction of an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) of any felony, misdemeanor, infraction, or municipal code violation, or being

held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability*;*

f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school;

g. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any act punishable as a sexually related crime or is or has been required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is or has been required to register as a sex offender in another state, or commits or has committed an act that is a violation of human trafficking laws or a violation of the education code or a violation of the Bureau of Private Postsecondary Education's rules, regulations, policies, or procedures;

h. Failure to fully disclose all information requested on the application or provide information upon request to an individual working on behalf of CAMTC;

i. Denial of licensure, permit or certificate, or revocation, suspension, restriction, citation, or any other disciplinary action against the school, an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by a state or territory of the United States, by a government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

k. Failure to update CAMTC and notify of any changes that might affect a school's eligibility for approval or result in disciplinary action against the school.

7. <u>Procedures for Imposing Discipline, Suspending, Denying, or Revoking CAMTC School Approval</u>.

Any decision to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be decided upon and imposed in accordance with the procedures set forth herein. Denial, revocation, and disciplinary decisions against a school applying for CAMTC school approval

or against a CAMTC approved school shall be based on a preponderance of the evidence. In determining the basis for action against a school applying for CAMTC school approval or a CAMTC approved school, the Council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.

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

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(s)), along with any staff/employees under his/her supervision, shall be collectively known as the Educational Standards Division (the "ESD").

2. If Council staff determines that grounds appear to exist to impose discipline, deny approval, revoke approval, suspend approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall: i) hold all complete application packets from students who have submitted transcripts from the school if the school has applied for CAMTC school approval; ii) if the school is a CAMTC approved school, the school shall be placed under investigation and the Procedures identified in section 7.c.2. of this document shall be followed and iii) in all cases Council staff shall forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:

(a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.

(b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the

proposed action against the school. Schools must request an oral telephonic conference or consideration of a written statement in writing (email is sufficient), and pay the appropriate hearing fee, a minimum of 21 days before the date scheduled for their matter to be considered in order for their request to be timely. Failure to request an oral hearing or consideration of a written statement and pay the required hearing fee in a timely manner shall result in the proposed action against the school becoming final and effective on the date noted in the letter, unless appealed as provided herein. Any documentary evidence to be considered by the Hearing Officers must be received by CAMTC a minimum of 21 days before the hearing/consideration date in order for it to be considered. The telephonic hearing shall be held, or the written statement considered, by a minimum of two Hearing Officers, who shall be employees of CAMTC, who together are authorized to determine whether the proposed action against the school should occur. The ESD shall ensure that the Hearing Officers making final denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school. The decision of the Hearing Officers shall be final as of the date noted in the Final Decision Letter, unless appealed as provided herein. The fee for an oral telephone conference shall be $1,800.00 and the fee for consideration of a written statement shall be $1,400.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; impose lesser or more discipline; remand the matter back to ESD for further processing and consideration; or approve a school that has applied for CAMTC school approval or determine that the discipline not be imposed on a school that is a CAMTC approved school. The decision of the Board shall be final.

(d) Notice of a final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the imposition of the denial, suspension, revocation, or other discipline.

(f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices, shall not be allowed to re-apply for CAMTC school approval for a period of five years from the effective date of the denial or revocation. All other schools whose application for CAMTC approval is denied or whose CAMTC school approval is revoked shall not be allowed to re-apply for CAMTC school approval for a period of two years from the effective date of the denial or revocation.

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

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

c. Procedures Related to Students.

1. CAMTC will hold all complete individual application packets from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) that have applied for CAMTC approval, 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.

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.

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

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

A. The school must offer at least one eligible program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.

B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours, including but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.

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

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

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

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

b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

e. A school requiring equal or greater training than what is required pursuant to the Law and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval and Re-Approval Process.

A. Complete either the application for school approval or application for school re-approval packet entirely and submit all requested documents.

B. Pay the initial application fee of $3,000 and any required background check fees. All fees are non-refundable. If approved, the initial application fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. A school that has been continuously approved for the full 2-year initial approval period, with no disciplinary action taken against it by CAMTC and no break in the approval period, may apply for re-approval. The re-approval fee shall be $3,000 and provides for 4 full years of CAMTC approval, so long

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

C. From the date an application for school approval is received by CAMTC, through and until the date that a decision on the application becomes final and effective, the school shall distribute Notice (in a form determined by CAMTC) to all prospective students before they enroll in the program and to all students currently enrolled in the program regarding the implications of attending a school that is not yet approved by CAMTC.

D. Schools applying for initial approval shall host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein. Schools applying for re-approval may also be required to host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein, at CAMTC's discretion. Unscheduled site visits may also occur at any time for both approved schools and applicants for approval or re-approval.

E. Within 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

   a. Provisional School Approval for New Schools and/or New Massage Programs. For new schools and new massage programs, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

   b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures. The 500 hours required for CAMTC Certification may be completed at more than one approved school and/or more than one approved massage program. Students do not have to register for or complete an entire CAMTC approved program for CAMTC to consider the education sufficient to meet the requirements in the Massage Therapy Act; CAMTC will consider hours from a partially completed program for certification so long as those hours are part of a CAMTC approved massage program.

a. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, with either no lawful custodian of records or a lawful custodian of records that is not a CAMTC approved school as long as all of the following conditions are met:

1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities;
3) The applicant for CAMTC certification provides verifiable proof that the education received at the closed school or program meets minimum standards for training and curriculum and the statutory education requirements for certification; and
4) The individual application for CAMTC CMT certification is received in the CAMTC office on or before December 31, 2018. Applicants whose applications are received after this date may still use education from closed schools or programs described in this section 3.A.a. for CAMTC certification purposes as long as they either provide proof of current and continuous city and/or county permit(s) to provide massage for compensation or they pass a CAMTC education hearing (oral telephonic hearing or consideration of a written statement).

b. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, that have a CAMTC approved school as their lawful custodian of records as long as all of the following conditions are met:

1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities;

3) The CAMTC approved school identified as lawful custodian of records remains approved by CAMTC; and
4) The CAMTC approved school identified as lawful custodian of records adheres to the following requirements:

   A. Submits transcripts from closed school(s) or program(s) in accordance with these Procedures, noting either on the transcript or in an attached letter that the transcript is being submitted by the lawful custodian of records;
   B. When education is completed at multiple schools, submits either 1) one transcript listing education from all schools clearly identifying when and at which school specific education was received, or 2) provides a separate transcript for each school identifying when and at which school specific education was received;
   C. Maintains detailed information including, but not limited to, attendance records, syllabi, instructor names, and course catalogs for the programs and curriculum from the closed school(s) or program(s) as they are listed on transcripts for CAMTC review; and
   D. Maintains detailed information on the purchase, merger, or other legal transaction that resulted in the CAMTC approved school becoming the lawful custodian of records for the closed school or program for CAMTC review.

c. CAMTC approved schools or programs that are closed, expired, or merged with a CAMTC approved school on or after July 1, 2016 and are in good standing with CAMTC at the time of closure, expiration, or merger: Education will be accepted from the lawful custodian of records as long as the closed, expired, or merged school or program is or was not subject to any disciplinary action or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities.

d. CAMTC reserves the right to review and accept or deny all or part of any education submitted or require individual applicants for CAMTC certification to provide additional proof of adequate education by passing a CAMTC education hearing from any school or program including, but not limited to approved, closed, expired, sold, or merged school or program described herein.

e. For schools that have been un-approved by CAMTC, and who had an effective un-approval date on or after April 2, 2016, a 90-day grace period from the date of the adoption of this provision (March 9, 2017), or from the effective date of un-approval, which ever is later, will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their

applications are purged.

B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for denial, or proposed to be otherwise acted against may not be approved by July 1, 2016.

C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date starting on July 1, 2016. Approval shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.

D. Schools approved or provisionally approved after July 1, 2016, will have an effective date of approval starting on the date of approval or provisional approval. For purposes of individual CAMTC Certification, if CAMTC ultimately approves a school whose application for school approval is or was received on or after July 1, 2016, CAMTC may consider education completed at the school on or after the date CAMTC initially received the school's application for school approval as education completed at a CAMTC approved school.

E. If a school does not complete its portion of the application for school approval, including, but not limited to, all supporting documentation and background checks within one year of the date that CAMTC received the application, the application may be purged. Once an application is purged, the school will need to start the entire application process over, including paying the application fee and meeting all of the requirements for program approval that exist at the time, and applying as a new applicant for school approval. Once a school completes its portion of the application for school approval, the application may not be withdrawn.

4. Application Packet.

A School Approval Code issued by CAMTC is for a single campus, including CAMTC approved satellite locations and specific owner(s), and may not be used for any other locations, schools, or owners. Therefore, for each campus or school, a separate application, fee, and requested materials shall be submitted in electronic pdf format on a flash drive:

A. Application

a. The application shall be completed in its entirety, typed, signed, dated, and accompanied by the non-refundable application fee. Employees of public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, may use campus ID number in lieu of social security number, campus ID as a form of government issued photographic identification, and

may omit home address.

B. Approvals

a. Documented proof of current approval or accreditation by an agency listed in Business and Professions Code section 4601(a). Schools with more than one approval or accreditation shall submit proof of all.

b. Schools shall submit all site visit report(s), compliance inspection report(s), disciplinary actions and other related documents issued to the school by all respective agencies documented above, if any.

c. Pursuant to Business and Professions Code section 4615(b), CAMTC, in its sole discretion, may adopt provisions for the acceptance of accreditation from a recognized accreditation body.

C. Management

a. For private post-secondary schools:

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

(2) Ownership worksheet (included with application) and copy of a current valid government issued photographic identification for all owners of the school.

(3) Administrator Qualification form (included with application) and copy of a current valid government issued photographic identification for all full and part-time employees, independent contractors, volunteers, and any other individuals who participate in massage department operations, including but not limited to department management, staff, advisory boards, and administrative personnel.

(4) Copy of property tax bill, lease agreement, local business license, and fictitious business name filing, if applicable, proving that the owner(s) either owns or leases the property where the school is located.

(5) For corporations, limited liability companies, or partnerships, copies of articles of incorporation, partnership agreements, contracts, and/or EIN certificate from the IRS showing proof of ownership.

b. For public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education:

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

faculty members, advisory boards, and administrative personnel.

D. Transcripts

a. Sample transcript and massage program addendum, if any, with no additional markings.

b. Sample transcript and massage program addendum, if any, with highlights and descriptions for unique security measures.

c. Signatures, printed names, and titles for all approved signers.

d. Transcript checklist (included with application).

e. Sample diploma (NOTE: Diplomas are not accepted in lieu of transcripts as proof of education).

f. Sample envelope from the school in which transcripts will be mailed to CAMTC.

E. Enrollment Agreement

a. Blank enrollment agreement and massage program addendum, if any.

b. Enrollment agreement checklist (included with application).

F. Course Catalog

a. Current course catalog and massage program addendum, if any.

b. Course catalog checklist (included with application).

G. Curriculum

a. Program hour requirement worksheet (included with application).

b. Calendar for each massage program noting beginning and end dates and daily schedule of all classes.

c. Syllabi detailing all massage courses.

d. List of textbooks, educational materials, and classroom equipment used for massage program.

e. Policies for creating, reviewing, and updating curriculum.

H. Faculty

a. Massage program faculty list worksheet (included with application).

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

c. Policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

d. Massage program staff and faculty meeting and/or training policy, minutes, and attendance records within the last 12 months.

e. Student-teacher ratio policy and ratios for all current classes.

I. Facility

a. Simple floor plan with approximate measurements and square footage.

b. Clear, color pictures of the following:

(1) Exterior signage.

(2) Building exterior.

(3) All classrooms utilized for massage classes.

(4) All areas utilized for student massage clinic.

J. Advertising

a. Copies of online and print advertisements and marketing materials related to the massage programs submitted for approval.

5. Requirements for Approval.

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

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

A. Administration

a. Continuously maintain all eligibility requirements for approval or accreditation by the organization(s) listed in Business and Professions Code section 4601 that the school is accredited or approved by, and for approval by CAMTC.

b. Include CAMTC School Approval Code (once approved) in any and all massage program advertising and marketing materials, including but not limited to website, business cards, brochures, print advertisements, and online banners. The school may indicate that it is “CAMTC approved” or “approved by CAMTC,” but may not state or imply that the school or its educational programs are endorsed or recommended by CAMTC, or that approval indicates the school exceeds minimum standards.

c. Post any and all approvals and accreditations, including from CAMTC, on the school premises in an area easily visible to the public.

d. Continuously maintain the exact same owner(s) and ownership structure matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

e. Operate; advertise; issue certificates, diplomas, degrees, and/or transcripts; and conduct all other school business under the exact school name matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

f. Teach all classes and conduct business only at CAMTC approved locations matching CAMTC records, which shall match the records of all other agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601.

   (1) Occasional, site-specific classes, including but not limited to First Aid/CPR Certification, cadaver labs, sports massage events, health and professional expos, career fairs, and spa tours accounting for no more than 50 total hours and specifically provided for in the curriculum, complete with detailed learning objectives, assignments, and assessments, may be taught at an appropriate off-site location under direct supervision of a qualified instructor. Instructors must sign off on appropriate documentation attesting to the total number of acceptable clock hours completed by each student and students shall only receive credit for the actual clock hours for which they engaged in massage activities and activities related to massage. Under no circumstances shall students receive credit for travel time, idle, non-educational, or unsupervised activity. CAMTC reserves the right, in its sole discretion, to not accept off-campus hours.

g. Changes of owner(s) and/or ownership structure, operating under a different school name, teaching and/or conducting business at a different or additional address, and/or changes in program name or content may only occur after the school first obtains an approval letter from the appropriate agencies that have approved or accredited the school pursuant to Business and Professions Code section 4601, submits the appropriate application for change to CAMTC, and CAMTC approves such application. (Please note that BPPE currently only requires approval for a change of location if the move is more than 10 miles from the original location; however, CAMTC requires approval for any change of location.)

h. The school is responsible for the conduct of all owners, full and part-time employees, independent contractors, volunteers, and any other individuals who participate in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel. CAMTC may deny approval or take disciplinary action against a school if an owner, full or part-time employee, independent contractor, volunteer, or any other individual who participates in school operations, including but not limited to management, staff, faculty members, advisory boards, and administrative personnel, engages in unprofessional conduct while engaged in school activities.

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

B. Transcripts

a. Transcripts and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.

(2) Heading entitled “Official Transcript.”

(3) Student’s full legal name and date of birth.

(4) Name of CAMTC approved program(s) attended by student.

(5) Date student started CAMTC approved program(s) and date student completed CAMTC approved program(s) or hpours, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(6) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet(s) (included with application).

(7) Total number of supervised clock hours completed for CAMTC approved program(s).

(8) At least one authorized, personally handwritten signature in ink with printed name, title, and date.

(9) Official school seal affixed, embossed, or otherwise attached to transcript.

(10) Sufficient security measures that uniquely identify the school's transcripts.

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

c. Only sealed transcripts sent directly from the school or an authorized transcript provider in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.

(1) CAMTC will consider up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a college or university of the state higher education system, as defined in Section 100850 of the Education Code, as meeting the definition of a CAMTC approved school.

(2) CAMTC reserves the right, in its sole discretion, to not accept any or all transfer hours.

h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.

i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.

j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters,

coursework, and grades.

k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

C. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

(9) Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at: One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

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

regulations.

D. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

(1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

(2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

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

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

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

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

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

l. Statement directing students to CAMTC for unanswered questions and for filing a complaint: “A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337.”

E. Curriculum

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

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

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

(2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

(3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

(4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles,

standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

(1) Operate at all times under active and direct supervision of qualified instructors and on school premises.

(2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

(3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

(4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

(5) Provide for written client feedback.

(6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.

e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:

(1) Name of course or subject.

(2) Detailed description.

(3) Learning objectives.

(4) Prerequisites.

(5) Total number of hours.

(6) Instructional material(s) to be used.

(7) Required assessments and assignments for successful completion.

f. Maintain current daily lesson plans for each course that support syllabi. Daily lesson plans should include, at minimum: educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments with assessment criteria, if any, for each class.

g. Maintain policies for creating, reviewing, and updating curriculum.

F. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

G. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

H. Student/Graduate Passage Rates on CAMTC Approved Exams

Beginning with graduate passage rates on CAMTC approved exams for calendar year 2021, an approved school's graduate passage rates on CAMTC approved exams shall equal or exceed the required passage rates for the previous calendar year or CAMTC may place the program on probationary status and/or may require the school to appear before CAMTC to present a plan for remediation.

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

I. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes but is not limited to the following:

(1) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school;

(2) Failure to require students to attend all of the classes listed on the transcript;

(3) Failure to require students to attend all of the hours listed on the transcript;

(4) Engaging in fraudulent practices, including but not limited to, the creation of false documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices;

(5) Denial, suspension, revocation, or otherwise being acted against by the National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code;

(6) Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts;

(7) Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts;

(8) A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in this section 6;

(9) Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).b. Engaging in or has engaged in unprofessional business practices or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has engaged in or is engaging in unprofessional business practices;

c. Procuring or attempting to procure school approval by fraud, misrepresentation, or mistake or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has procured or attempted to procure school approval by fraud, misrepresentation, or mistake;

d. Violating or attempting to violate or has violated, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, or has assisted in or abetted the violation of, or conspired to violate, any provision of the Massage Therapy Act or any rule, regulation, policy, or procedure adopted by CAMTC by the actions of the school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer);

e. Conviction of an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability*;*

f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school;

g. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any act punishable as a sexually related crime or is or has been required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is or has been required to register as a sex offender in another state, or commits or has committed an act that is a violation of human trafficking laws or a violation of the education code or a violation of the Bureau of Private Postsecondary Education's rules, regulations, policies, or procedures;

h. Failure to fully disclose all information requested on the application or provide information upon request to an individual working on behalf of CAMTC;

i. Denial of licensure, permit or certificate, or revocation, suspension, restriction, citation, or any other disciplinary action against the school, an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by a state or territory of the United States, by a government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

k. Failure to update CAMTC and notify of any changes that might affect a school's eligibility for approval or result in disciplinary action against the school.

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

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

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

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(s)), along with any staff/employees under his/her supervision, shall be collectively known as the Educational Standards Division (the "ESD").

2. If Council staff determines that grounds appear to exist to impose discipline, deny approval, revoke approval, suspend approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall: i) hold all complete application packets from students who have submitted transcripts from the school if the school has applied for CAMTC school approval; ii) if the school is a CAMTC approved school, the school shall be placed under investigation and the Procedures identified in section 7.c.2. of this document shall be followed and iii) in all cases Council staff shall forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:

(a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.

(b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the proposed action against the school. Schools must request an oral telephonic conference or consideration of a written statement in writing (email is sufficient), and pay the appropriate hearing fee, a minimum of 21 days before the date scheduled for their matter to be considered in order for their request to be timely. Failure to request an oral hearing or consideration of a written

statement and pay the required hearing fee in a timely manner shall result in the proposed action against the school becoming final and effective on the date noted in the letter, unless appealed as provided herein. Any documentary evidence to be considered by the Hearing Officers must be received by CAMTC a minimum of 21 days before the hearing/consideration date in order for it to be considered. The telephonic hearing shall be held, or the written statement considered, by a minimum of two Hearing Officers, who shall be employees of CAMTC, who together are authorized to determine whether the proposed action against the school should occur. The ESD shall ensure that the Hearing Officers making final denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school. The decision of the Hearing Officers shall be final as of the date noted in the Final Decision Letter, unless appealed as provided herein. The fee for an oral telephone conference shall be $1,800.00 and the fee for consideration of a written statement shall be $1,400.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; impose lesser or more discipline; remand the matter back to ESD for further processing and consideration; or approve a school that has applied for CAMTC school approval or determine that the discipline not be imposed on a school that is a CAMTC approved school. The decision of the Board shall be final.

(d) Notice of a final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the imposition of the denial, suspension, revocation, or other discipline.

(f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices, shall not be allowed to re-apply for CAMTC school approval for a period of five years from the effective date of the denial or revocation. All other schools whose application for CAMTC approval is denied or whose CAMTC school approval is revoked shall not be allowed to re-apply for CAMTC school approval for a period of two years from the effective date of the denial or revocation.

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

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

c. Procedures Related to Students.

1. CAMTC will hold all complete individual application packets from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) whose application(s) for CAMTC school approval have been received on or before December 31, 2018, but for whom a final decision has not been rendered as to school approval.

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

(b) If the school is ultimately denied CAMTC school approval, a 90-day grace period from the effective date of denial will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they cannot use education from the school for certification purposes.

(1) An additional grace period for acceptance of individual certification applications will be instituted from January 1, 2019 through March 31, 2019 for schools whose application(s) for school approval have been denied effective January 1, 2017 through December 31, 2018. During this additional grace period, the schools' students who apply for certification, and any applications that are currently being held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the additional grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they cannot use education from one of the schools in this category for certification purposes.

(c) Students with otherwise complete application packets and transcripts from schools that have submitted applications for CAMTC school approval and the application for CAMTC school approval has been pending for one and a half years or more and the school is listed on CAMTC's website, may request, in writing, an education hearing to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. The request shall be in a written form as determined by CAMTC. Students requesting an education hearing must acknowledge and agree to be bound by the terms of that request, including but not limited to the outcome of the hearing regardless of whether the school is ultimately granted CAMTC school approval. For those students that do not request an education hearing, the provisions of Procedures section 7.c.1.(a) and (b) apply.

2. All complete individual application packets for CAMTC certification submitted with transcripts from CAMTC approved schools that are under investigation or CAMTC has proposed to revoke, suspend, deny re-approval or discipline, and that cannot be otherwise certified, will be placed on hold. CAMTC will make a determination within 60 days of notifying a school that it is under investigation whether the investigation will continue or not, and notify the school of this determination.

(a) If the decision is made not to pursue further investigation or that denial or disciplinary action is not necessary, the hold on the individual application packets will be lifted and the applications will be processed in accordance with CAMTC's standard procedures.

(b) If CAMTC determines that further investigation is necessary or that denial or disciplinary action against the school is necessary, CAMTC will lift the hold and process complete application packets from individuals with education from the school, but the individuals shall be required to provide additional proof of adequate education (beyond just a transcript) by passing a CAMTC education hearing. This requirement to provide additional proof of adequate

education will remain in place until one of the following occurs: 1) the investigation concludes and it is determined that no denial or disciplinary action will be taken; 2) a final decision to revoke, deny, or discipline the school is made (in which case the 90-day grace period shall apply); or 3) this requirement is lifted.

(c) If the school ultimately has its approval revoked, suspended, re-approval denied, or is otherwise disciplined, a 90-day grace period from the effective date of denial or discipline will be provided for individual certification applications received during this time. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they cannot use education from the school for certification purposes.

3. For schools whose initial applications for CAMTC school approval are received on or after January 1, 2019, students may only use education from the school for certification purposes if the school is ultimately granted CAMTC school approval. Students who have attended schools whose initial applications for CAMTC school approval are received on or after January 1, 2019 and are denied CAMTC school approval may not use education from the school for certification purposes.

POLICIES AND PROCEDURES FOR APPROVAL OF SCHOOLS

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

1. Eligibility for approval.

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

A. The school must offer at least one eligible program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.

B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours, including but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.

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

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

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

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

b. Approved by the California Department of Consumer Affairs.

c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(1) A public school.

(2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(3) A for-profit school.

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

d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

e. A school requiring equal or greater training than what is required pursuant to the Law and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

E. To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval and Re-Approval Process.

A. Complete either the application for school approval or application for school re-approval packet entirely and submit all requested documents.

B. Pay the initial application fee of $3,000 and any required background check fees. All fees are non-refundable. If approved, the initial application fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. A school that has been continuously approved for the full 2-year initial approval period, with no disciplinary action taken against it by CAMTC and no break in the approval period, may apply for re-approval. The re-approval fee shall be $3,000 and provides for 4 full years of CAMTC approval, so long

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

C. From the date an application for school approval is received by CAMTC, through and until the date that a decision on the application becomes final and effective, the school shall distribute Notice (in a form determined by CAMTC) to all prospective students before they enroll in the program and to all students currently enrolled in the program regarding the implications of attending a school that is not yet approved by CAMTC.

D. Schools applying for initial approval shall host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein. Schools applying for re-approval may also be required to host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein, at CAMTC's discretion. Unscheduled site visits may also occur at any time for both approved schools and applicants for approval or re-approval.

E. Within 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

   a. Provisional School Approval for New Schools and/or New Massage Programs. For new schools and new massage programs, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started the program to complete these items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

   b. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed.

3. Important Dates.

A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures. The 500 hours required for CAMTC Certification may be completed at more than one approved school and/or more than one approved massage program. Students do not have to register for or complete an entire CAMTC approved program for CAMTC to consider the education sufficient to meet the requirements in the Massage Therapy Act; CAMTC will consider hours from a partially completed program for certification so long as those hours are part of a CAMTC approved massage program.

a. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, with either no lawful custodian of records or a lawful custodian of records that is not a CAMTC approved school as long as all of the following conditions are met:

1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities;
3) The applicant for CAMTC certification provides verifiable proof that the education received at the closed school or program meets minimum standards for training and curriculum and the statutory education requirements for certification; and
4) The individual application for CAMTC CMT certification is received in the CAMTC office on or before December 31, 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 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 hpours, for programs longer than 500 hours, completed CAMTC requirements, if applicable.

(6) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet(s) (included with application).

(7) Total number of supervised clock hours completed for CAMTC approved program(s).

(8) At least one authorized, personally handwritten signature in ink with printed name, title, and date.

(9) Official school seal affixed, embossed, or otherwise attached to transcript.

(10) Sufficient security measures that uniquely identify the school's transcripts.

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

c. Only sealed transcripts sent directly from the school or an authorized transcript provider in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.

d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.

e. Clearly identify or DO NOT include unsupervised clock hours.

f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.

(1) CAMTC will consider up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a college or university of the state higher education system, as defined in Section 100850 of the Education Code, as meeting the definition of a CAMTC approved school.

(2) CAMTC reserves the right, in its sole discretion, to not accept any or all transfer hours.

h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.

i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.

j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters,

coursework, and grades.

k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

C. Enrollment Agreement

a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:

(1) School name, address, additional addresses where classes will be held, telephone number, and website.

(2) Student's full legal name, date of birth, address, email, telephone number, and signature.

(3) Copy of a current valid government issued photographic identification.

(4) Title of massage program and total scheduled number of supervised hours received upon completion.

(5) Program schedule with start date and scheduled completion date.

(6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.

(7) Scheduled payment terms.

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

(9) Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at: One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

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

regulations.

D. Course Catalog

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

a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).

b. Date printed/revised.

c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.

d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.

e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.

f. Transfer credit policy.

g. Attendance and leave of absence policies, including but not limited to:

(1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.

(2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

h. Hygiene, dress code, and draping policies.

i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.

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

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

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

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

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

l. Statement directing students to CAMTC for unanswered questions and for filing a complaint: “A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337.”

E. Curriculum

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

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

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

(2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.

(3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.

(4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles,

standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.

b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.

c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:

(1) Operate at all times under active and direct supervision of qualified instructors and on school premises.

(2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.

(3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.

(4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.

(5) Provide for written client feedback.

(6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.

(7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.

(8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.

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

d. Students may not be credited more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.

e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:

(1) Name of course or subject.

(2) Detailed description.

(3) Learning objectives.

(4) Prerequisites.

(5) Total number of hours.

(6) Instructional material(s) to be used.

(7) Required assessments and assignments for successful completion.

f. Maintain current daily lesson plans for each course that support syllabi. Daily lesson plans should include, at minimum: educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments with assessment criteria, if any, for each class.

g. Maintain policies for creating, reviewing, and updating curriculum.

F. Faculty

a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:

(1) Complete and submit the instructor qualification form, including supporting documents.

(2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.

(3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.

(4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.

(5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:

(a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.

(b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.

(c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.

(d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.

(e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of Certification or Discipline/Revocation.

b. Maintain policies and procedures for hiring, training, evaluating (including student and management evaluations of faculty), and disciplining faculty.

c. Maintain policies and procedures, minutes, and attendance records for regular massage program staff and faculty meetings and/or trainings.

d. For private post-secondary schools, student-teacher ratios for practical (hands-on) classes may not exceed 25 total students to 1 teacher. For public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education student-teacher ratios shall meet or exceed standards as determined by governing laws and regulations.

G. Facility

a. Appropriate in size and design for the number of students.

b. Sufficient reference materials and other resources to support educational objectives.

c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

H. Student/Graduate Passage Rates on CAMTC Approved Exams

Beginning with graduate passage rates on CAMTC approved exams for calendar year 2021, an approved school's graduate passage rates on CAMTC approved exams shall equal or exceed the required passage rates for the previous calendar year or CAMTC may place the program on probationary status and/or may require the school to appear before CAMTC to present a plan for remediation.

a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.

b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

I. Site Visits

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

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

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

a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes but is not limited to the following:

(1) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school;

(2) Failure to require students to attend all of the classes listed on the transcript;

(3) Failure to require students to attend all of the hours listed on the transcript;

(4) Engaging in fraudulent practices, including but not limited to, the creation of false documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices;

(5) Denial, suspension, revocation, or otherwise being acted against by the National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code;

(6) Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts;

(7) Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts;

(8) A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in this section 6;

(9) Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).b. Engaging in or has engaged in unprofessional business practices or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has engaged in or is engaging in unprofessional business practices;

c. Procuring or attempting to procure school approval by fraud, misrepresentation, or mistake or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has procured or attempted to procure school approval by fraud, misrepresentation, or mistake;

d. Violating or attempting to violate or has violated, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, or has assisted in or abetted the violation of, or conspired to violate, any provision of the Massage Therapy Act or any rule, regulation, policy, or procedure adopted by CAMTC by the actions of the school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer);

e. Conviction of an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability*;*

f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school;

g. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any act punishable as a sexually related crime or is or has been required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is or has been required to register as a sex offender in another state, or commits or has committed an act that is a violation of human trafficking laws or a violation of the education code or a violation of the Bureau of Private Postsecondary Education's rules, regulations, policies, or procedures;

h. Failure to fully disclose all information requested on the application or provide information upon request to an individual working on behalf of CAMTC;

i. Denial of licensure, permit or certificate, or revocation, suspension, restriction, citation, or any other disciplinary action against the school, an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by a state or territory of the United States, by a government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.

k. Failure to update CAMTC and notify of any changes that might affect a school's eligibility for approval or result in disciplinary action against the school.

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

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

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

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(s)), along with any staff/employees under his/her supervision, shall be collectively known as the Educational Standards Division (the "ESD").

2. If Council staff determines that grounds appear to exist to impose discipline, deny approval, revoke approval, suspend approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall: i) hold all complete application packets from students who have submitted transcripts from the school if the school has applied for CAMTC school approval; ii) if the school is a CAMTC approved school, the school shall be placed under investigation and the Procedures identified in section 7.c.2. of this document shall be followed and iii) in all cases Council staff shall forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:

(a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.

(b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the proposed action against the school. Schools must request an oral telephonic conference or consideration of a written statement in writing (email is sufficient), and pay the appropriate hearing fee, a minimum of 21 days before the date scheduled for their matter to be considered in order for their request to be timely. Failure to request an oral hearing or consideration of a written

statement and pay the required hearing fee in a timely manner shall result in the proposed action against the school becoming final and effective on the date noted in the letter, unless appealed as provided herein. Any documentary evidence to be considered by the Hearing Officers must be received by CAMTC a minimum of 21 days before the hearing/consideration date in order for it to be considered. The telephonic hearing shall be held, or the written statement considered, by a minimum of two Hearing Officers, who shall be employees of CAMTC, who together are authorized to determine whether the proposed action against the school should occur. The ESD shall ensure that the Hearing Officers making final denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school. The decision of the Hearing Officers shall be final as of the date noted in the Final Decision Letter, unless appealed as provided herein. The fee for an oral telephone conference shall be $1,800.00 and the fee for consideration of a written statement shall be $1,400.00.

Appeals

(1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.

(2) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable and supported by the evidence in the record.

(3) After considering a timely appeal, the Board shall either: uphold the decision previously made; impose lesser or more discipline; remand the matter back to ESD for further processing and consideration; or approve a school that has applied for CAMTC school approval or determine that the discipline not be imposed on a school that is a CAMTC approved school. The decision of the Board shall be final.

(d) Notice of a final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.

(e) Any action in superior court challenging CAMTC's action against a school, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the imposition of the denial, suspension, revocation, or other discipline.

(f) A school whose application for CAMTC approval is denied or whose CAMTC school approval is revoked pursuant to these procedures for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices, shall not be allowed to re-apply for CAMTC school approval for a period of five years from the effective date of the denial or revocation. All other schools whose application for CAMTC approval is denied or whose CAMTC school approval is revoked shall not be allowed to re-apply for CAMTC school approval for a period of two years from the effective date of the denial or revocation.

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

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

c. Procedures Related to Students.

1. CAMTC will hold all complete individual application packets from students who apply to CAMTC for certification on or after July 1, 2016 with education from school(s) whose application(s) for CAMTC school approval have been received on or before December 31, 2018, but for whom a final decision has not been rendered as to school approval.

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

(b) If the school is ultimately denied CAMTC school approval, a 90-day grace period from the effective date of denial will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they cannot use education from the school for certification purposes.

(1) An additional grace period for acceptance of individual certification applications will be instituted from January 1, 2019 through March 31, 2019 for schools whose application(s) for school approval have been denied effective January 1, 2017 through December 31, 2018. During this additional grace period, the schools' students who apply for certification, and any applications that are currently being held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the additional grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they cannot use education from one of the schools in this category for certification purposes.

(c) Students with otherwise complete application packets and transcripts from schools that have submitted applications for CAMTC school approval and the application for CAMTC school approval has been pending for one and a half years or more and the school is listed on CAMTC's website, may request, in writing, an education hearing to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. The request shall be in a written form as determined by CAMTC. Students requesting an education hearing must acknowledge and agree to be bound by the terms of that request, including but not limited to the outcome of the hearing regardless of whether the school is ultimately granted CAMTC school approval. For those students that do not request an education hearing, the provisions of Procedures section 7.c.1.(a) and (b) apply.

2. All complete individual application packets for CAMTC certification submitted with transcripts from CAMTC approved schools that are under investigation or CAMTC has proposed to revoke, suspend, deny re-approval or discipline, and that cannot be otherwise certified, will be placed on hold. CAMTC will make a determination within 60 days of notifying a school that it is under investigation whether the investigation will continue or not, and notify the school of this determination.

(a) If the decision is made not to pursue further investigation or that denial or disciplinary action is not necessary, the hold on the individual application packets will be lifted and the applications will be processed in accordance with CAMTC's standard procedures.

(b) If CAMTC determines that further investigation is necessary or that denial or disciplinary action against the school is necessary, CAMTC will lift the hold and process complete application packets from individuals with education from the school, but the individuals shall be required to provide additional proof of adequate education (beyond just a transcript) by passing a CAMTC education hearing. This requirement to provide additional proof of adequate

education will remain in place until one of the following occurs: 1) the investigation concludes and it is determined that no denial or disciplinary action will be taken; 2) a final decision to revoke, deny, or discipline the school is made (in which case the 90-day grace period shall apply); or 3) this requirement is lifted.

(c) If the school ultimately has its approval revoked, suspended, re-approval denied, or is otherwise disciplined, a 90-day grace period from the effective date of denial or discipline will be provided for individual certification applications received during this time. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they cannot use education from the school for certification purposes.

3. For schools whose initial applications for CAMTC school approval are received on or after January 1, 2019, students may only use education from the school for certification purposes if the school is ultimately granted CAMTC school approval. Students who have attended schools whose initial applications for CAMTC school approval are received on or after January 1, 2019 and are denied CAMTC school approval may not use education from the school for certification purposes.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

19. Procedures for Denial of Certification or Discipline/Revocation

19.a. Procedures for Denial of Certification or Discipline/ Revocation, Approved 11/10/16

19.b. Procedures for Denial of Certification or Discipline/ Revocation, Approved 2/22/18

19.c. Procedures for Denial of Certification or Discipline/ Revocation, Approved 4/4/19

19.d. Procedures for Denial of Certification or Discipline/ Revocation, Approved 5/29/19

Approved by the CAMTC Board November 10, 2016
Effective January 1, 2017

PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCATION

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

1. Reasons for denial or discipline/revocation. Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:

   a. Failure to meet and/or maintain the criteria for certification listed in sections 4604, 4604.1, or 4604.2.

   b. Failure to obtain a positive fitness determination after fingerprinting pursuant to section 4606.

   c. Unprofessional conduct, including, but not limited to, any of the following:

      1. Engaging in sexually suggestive advertising related to massage services;
      2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
      3. Engaging in sexual activity while providing massage services for compensation;
      4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
      5. Providing massage of the genitals or anal region; or
      6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

   d. Procuring or attempting to procure a certificate by fraud misrepresentation, or mistake.

   e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or any rule or bylaw adopted by the Council.

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

g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in the Massage Therapy Act for the issuance of a certificate.

h. Impersonating a certificate holder or permitting or allowing a non-certified person to use a certificate.

i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.

j. Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

k. Failure to fully disclose all information requested on the application.

l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:

1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
2. Swim attire, if not providing a water-based massage modality approved by the Council.
3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.

n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may "discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter or is an applicant for certification pursuant to this chapter for the

conduct of all individuals providing massage for compensation on the business premises."

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

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

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

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

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

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

(1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools

that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

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

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

3. Actions relative to applicants for certification. The Council may:

   a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.

   b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.

4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:

   a. Placing the certificate holder on probation, which may include limitations or conditions on practice.

   b. Suspending the certificate and the rights conferred by the Massage Therapy Act on a certificate holder for a period not to exceed one year.

   c. Revoking the certificate.

   d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.

   e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.

   f. Notwithstanding any other law, if the Council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of section 647 of the Penal Code or any offense

described in section 1.j. above, the Council shall take all of the following actions:

1. Immediately suspend, on an interim basis, the certificate of that certificate holder.

2. Notify the certificate holder within 10 business days, at the address last filed with the Council, that the certificate has been suspended and the reasons for the suspension.

3. Notify by email or first-class mail any establishment or employer that the Council has in its records as employing the certificate holder, that the certificate has been suspended, within 10 business days.

4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

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

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

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

accordance with this subdivision, the Council shall take all of the following additional actions:

1. Notify the certificate holder, at the address last filed with the Council, within 10 business days by a method providing delivery confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph 3 below.

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

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

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

All denials, suspensions, revocations, and other discipline required or allowed by the Massage Therapy Act and these Procedures shall be carried out by an employee of the Council known as the Division Director of the Professional Standards Division (hereinafter the “Division Director”). The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director, along with any staff/employees under his/her supervision, shall be collectively known as the Professional Standards Division (the “PSD”).

If Council staff determines that grounds appear to exist for denial of an application for certification or discipline of an existing certificate holder, staff shall forward the matter to

the Division Director, or a PSD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed (except in cases where the specific procedures in section 4.f. above apply):

a. The PSD shall be responsible for reviewing and making determinations regarding proposed denials and discipline, unless the Board acts in accordance with CAMTC's Procedures for Un-Approval of Schools, in which case the Board shall be responsible for making determinations regarding proposed denials. The PSD shall ensure that the PSD employees making denial and discipline decisions do not have a conflict of interest relative to the affected applicant or certificate holder subject to denial or discipline.

b. If after reviewing the matter, the PSD, or the Board when authorized by the Procedures for Un-Approval of Schools, determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

c. The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. The hearing shall be held, or the written statement considered, by the Division Director (or his or her designee) and at least one other PSD employee (Hearing Officers), who together are authorized to determine whether the denial of certification or proposed discipline should occur. The decision of the Division Director/PSD/Hearing Officers shall be final.

d. Notice of the PSD's final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

e. Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the certificate denial or certificate holder discipline. Certification issued by the Council is not a fundamental vested right and judicial review of denial and disciplinary decisions made by the Council shall be conducted using the substantial evidence standard of review. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

f. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to these procedures, except for permanent revocations as described in section 4.f. above, shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation.

Approved and Effective 2/22/18

PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCATION

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

1. Reasons for denial or discipline/revocation. Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:

    a. Failure to meet and/or maintain the criteria for certification listed in sections 4604, 4604.1, or 4604.2.

    b. Failure to obtain a positive fitness determination after fingerprinting pursuant to section 4606.

    c. Unprofessional conduct, including, but not limited to, any of the following:

        1. Engaging in sexually suggestive advertising related to massage services;
        2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
        3. Engaging in sexual activity while providing massage services for compensation;
        4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
        5. Providing massage of the genitals or anal region; or
        6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

    d. Procuring or attempting to procure a certificate by fraud misrepresentation, or mistake.

    e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or any rule or bylaw adopted by the Council.

    f. Conviction of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act

that is substantially related to the qualifications, functions, or duties of a certificate holder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.

g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in the Massage Therapy Act for the issuance of a certificate.

h. Impersonating a certificate holder or permitting or allowing a non-certified person to use a certificate.

i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.

j. Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

k. Failure to fully disclose all information requested on the application.

l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:

1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
2. Swim attire, if not providing a water-based massage modality approved by the Council.
3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.

n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may "discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter or is an applicant for certification pursuant to this chapter for the conduct of all individuals providing massage for compensation on the business premises."

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

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

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

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

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

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

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

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

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

3. Actions relative to applicants for certification. The Council may:

   a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.

   b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.

4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:

   a. Placing the certificate holder on probation, which may include limitations or conditions on practice.

   b. Suspending the certificate and the rights conferred by the Massage Therapy Act on a certificate holder for a period not to exceed one year.

   c. Revoking the certificate.

   d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.

   e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.

   f. Notwithstanding any other law, if the Council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of section 647 of the Penal Code or any offense described in section 1.j. above, the Council shall take all of the following actions:

      1. Immediately suspend, on an interim basis, the certificate of that certificate holder.

      2. Notify the certificate holder within 10 business days, at the address last filed with the Council, that the certificate has been suspended and the reasons for the suspension.

3. Notify by email or first-class mail any establishment or employer that the Council has in its records as employing the certificate holder, that the certificate has been suspended, within 10 business days.

4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

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

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

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

1. Notify the certificate holder, at the address last filed with the Council, within 10 business days by a method providing delivery confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph 3 below.

2. Notify by electronic mail or any other means consistent with the notice requirements of this chapter, within 10 business days, any business or employer that the Council has in its records as

employing or contracting with the certificate holder for massage services, and the California city or county that has jurisdiction over that establishment or employer, that the certificate has been suspended.

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

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

All denials, suspensions, revocations, and other discipline required or allowed by the Massage Therapy Act and these Procedures shall be carried out by an employee of the Council known as the Division Director of the Professional Standards Division (hereinafter the “Division Director”). The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director, along with any staff/employees under his/her supervision, shall be collectively known as the Professional Standards Division (the “PSD”).

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

a. The PSD shall be responsible for reviewing and making determinations regarding individual proposed denials and discipline. The PSD shall ensure that the PSD employees making proposed denial and discipline decisions and the hearing officers making final denial and discipline decisions do not have a conflict of interest relative to the affected applicant or certificate holder subject to denial or discipline.

b. If after reviewing the matter, the PSD determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days

prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

c. The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. Applicants and certificate holders may request a continuance of their oral telephonic hearing or consideration of a written statement hearing date. Reasonable continuance requests for applicants may be provided at the sole discretion of CAMTC. Reasonable continuance requests for certificate holders may be provided at the sole discretion of CAMTC only if ALL of the following conditions are met: 1) the certificate holder's certificate is already, and will remain, suspended during the continuance; and 2) the new proposed effective date of revocation or discipline, if the continuance is granted, will occur during the time period that the certificate holder is certified. The hearing shall be held, or the written statement considered, by the Division Director (or his or her designee) and at least one other employee (Hearing Officers), who together are authorized to determine whether the denial of certification or proposed discipline should occur. The decision of the Division Director/ Hearing Officers shall be final.

d. Notice of the PSD's final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

e. Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the certificate denial or certificate holder discipline. Certification issued by the Council is not a fundamental vested right and judicial review of denial and disciplinary decisions made by the Council shall be conducted using the substantial evidence standard of review. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

f. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to these procedures, except for permanent revocations as described in section 4.f. above, shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation.

Approved and Effective 4/4/19

PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCATION

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

1. Reasons for denial or discipline/revocation. Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:

   a. Failure to meet and/or maintain the criteria for certification listed in sections 4604, 4604.1, or 4604.2.

   b. Failure to obtain a positive fitness determination after fingerprinting pursuant to section 4606.

   c. Unprofessional conduct, including, but not limited to, any of the following:

      1. Engaging in sexually suggestive advertising related to massage services;
      2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
      3. Engaging in sexual activity while providing massage services for compensation;
      4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
      5. Providing massage of the genitals or anal region; or
      6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

   d. Procuring or attempting to procure a certificate by fraud, misrepresentation, or mistake.

   e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or any rule or bylaw adopted by the Council.

   f. Conviction of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act

that is substantially related to the qualifications, functions, or duties of a certificate holder. A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of the Massage Therapy Act. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.

g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in the Massage Therapy Act for the issuance of a certificate.

h. Impersonating a certificate holder or permitting or allowing a non-certified person to use a certificate.

i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.

j. Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

k. Failure to fully disclose all information requested on the application.

l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:

1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
2. Swim attire, if not providing a water-based massage modality approved by the Council.
3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.

n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may "discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter or is an applicant for certification pursuant to this chapter for the conduct of all individuals providing massage for compensation on the business premises."

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

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

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

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

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

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

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

(2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant and others or

conduct any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter."

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

3. Actions relative to applicants for certification. The Council may:

   a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.

   b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.

4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:

   a. Placing the certificate holder on probation, which may include limitations or conditions on practice.

   b. Suspending the certificate and the rights conferred by the Massage Therapy Act on a certificate holder for a period not to exceed one year.

   c. Revoking the certificate.

   d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.

   e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.

   f. Notwithstanding any other law, if the Council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of section 647 of the Penal Code or any offense described in section 1.j. above, the Council shall take all of the following actions:

      1. Immediately suspend, on an interim basis, the certificate of that certificate holder.

2. Notify the certificate holder within 10 business days, at the address last filed with the Council, that the certificate has been suspended and the reasons for the suspension.

3. Notify by email or first-class mail any establishment or employer that the Council has in its records as employing the certificate holder, that the certificate has been suspended, within 10 business days.

4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

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

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

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

1. Notify the certificate holder, at the address last filed with the Council, within 10 business days by a method providing delivery confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph 3 below.

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

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

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

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

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

a. The RD shall be responsible for reviewing and making determinations regarding individual proposed denials and discipline. CAMTC shall ensure that the RD employees making proposed denial and discipline decisions and the Hearing Officers making final denial and discipline decisions do not have a conflict of interest relative to the affected applicant or certificate holder subject to denial or discipline.

b. If after reviewing the matter, the RD determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

c. The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. Applicants and certificate holders may request a continuance of their oral telephonic hearing or consideration of a written statement hearing date. Reasonable continuance requests for applicants may be provided at the sole discretion of CAMTC. Reasonable continuance requests for certificate holders may be provided at the sole discretion of CAMTC only if ALL of the following conditions are met: 1) the certificate holder's certificate is already, and will remain, suspended during the continuance; and 2) the new proposed effective date of revocation or discipline, if the continuance is granted, will occur during the time period that the certificate holder is certified. The hearing shall be held, or the written statement considered, by at least two Hearing Officers, who together are authorized to determine whether the proposed denial of certification or proposed discipline should occur, should not be imposed, or whether some other form of discipline should be imposed. The decision of the Hearing Officers shall be final.

d. Notice of the Hearing Officers' final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

e. Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the certificate denial or certificate holder discipline. Certification issued by the Council is not a fundamental vested right and judicial review of denial and disciplinary decisions made by the Council shall be conducted using the substantial evidence standard of review. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

f. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to these procedures, except for permanent revocations as described in section 4.f. above, shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation.

Approved 5/29/19; Effective 6/1/19

PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCATION

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

1. Reasons for denial or discipline/revocation. Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:

   a. Failure to meet and/or maintain the criteria for certification listed in sections 4604, 4604.1, or 4604.2.

   b. Failure to obtain a positive fitness determination after fingerprinting pursuant to section 4606.

   c. Unprofessional conduct, including, but not limited to, any of the following:

      1. Engaging in sexually suggestive advertising related to massage services;
      2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
      3. Engaging in sexual activity while providing massage services for compensation;
      4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
      5. Providing massage of the genitals or anal region; or
      6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

   d. Procuring or attempting to procure a certificate by fraud, misrepresentation, or mistake.

   e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or any rule or bylaw adopted by the Council.

f. Conviction of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a certificate holder. A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of the Massage Therapy Act. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.

g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in the Massage Therapy Act for the issuance of a certificate.

h. Impersonating a certificate holder or permitting or allowing a non-certified person to use a certificate.

i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.

j. Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

k. Failure to fully disclose all information requested on the application.

l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:

1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
2. Swim attire, if not providing a water-based massage modality approved by the Council.
3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.

n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may "discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter or is an applicant for certification pursuant to this chapter for the conduct of

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

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

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

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

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

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

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

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

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

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

3. Actions relative to applicants for certification. The Council may:

   a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.

   b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.

4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:

   a. Placing the certificate holder on probation, which may include limitations or conditions on practice.

   b. Suspending the certificate and the rights conferred by the Massage Therapy Act on a certificate holder for a period not to exceed one year.

   c. Revoking the certificate.

   d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.

   e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.

   f. Notwithstanding any other law, if the Council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of section 647 of the Penal Code or any offense described in section 1.j. above, the Council shall take all of the following actions:

1. Immediately suspend, on an interim basis, the certificate of that certificate holder.

2. Notify the certificate holder within 10 business days, at the address last filed with the Council, that the certificate has been suspended and the reasons for the suspension.

3. Notify by email or first-class mail any establishment or employer that the Council has in its records as employing the certificate holder, that the certificate has been suspended, within 10 business days.

4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

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

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

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

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

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

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

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

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

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

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

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

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

b. If after reviewing the matter, the BRD determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

c. The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. Applicants and certificate holders may request a continuance of their oral telephonic hearing or consideration of a written statement hearing date. Reasonable continuance requests for applicants may be provided at the sole discretion of CAMTC. Reasonable continuance requests for certificate holders may be provided at the sole discretion of CAMTC only if ALL of the following conditions are met: 1) the certificate holder's certificate is already, and will remain, suspended during the continuance; and 2) the new proposed effective date of revocation or discipline, if the continuance is granted, will occur during the time period that the certificate holder is certified. The hearing shall be held, or the written statement considered, by at least two Hearing Officers, who together are authorized to determine whether the proposed denial of certification or proposed discipline should occur, should not be imposed, or whether some other form of discipline should be imposed. The decision of the Hearing Officers shall be final.

d. Notice of the Hearing Officers' final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.

e. Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within 90 days after the effective date of the certificate denial or certificate holder discipline. Certification issued by the Council is not a fundamental vested right and judicial review of denial and disciplinary decisions made by the Council shall be conducted using the substantial evidence standard of review. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

f. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to these procedures, except for permanent revocations as described in section 4.f. above, shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

20. Hearing Fee Waiver Form

California Massage Therapy Council (CAMTC)
Waiver of Filing Fee

Applicants or certificate holders with gross monthly income of less than the specified Indigence Guidelines below are entitled to a waiver of filing fees. If you believe that you meet these requirements, please complete this form and submit it, along with all supporting documentation, by scanning and emailing this signed form and all supporting documentation to camtc@amgroup.us or by mailing this signed form and all supporting documentation to One Capitol Mall, Suite 800, Sacramento, CA 95814.

Name:_____

Address:_____

Drivers License Number (or State ID):_____Date of Birth:_____

CAMTC ID or Certificate Number: _____

Number of Persons in Household:_____ Gross Monthly Income:_____

I hereby swear under penalty of perjury under the laws of the State of California that the forgoing is a true and correct statement.

_____

Signature of Applicant or Certificate Holder

Indigence Guidelines

Persons in household	Indigence guideline (per month)
1	$1,134.38
2	1,532.30
3	1,930.21
4	2,328.13
5	2,726.05
6	3,123.96
7	3,521.89
8	3,919.81
For families with more than 8 persons, contact CAMTC	

*Individuals evidencing total amount of income for waiver of filing fees will need to submit tax returns from the previous tax year. Please provide documents of government assistance if applicable.

CALIFORNIA MASSAGE THERAPY COUNCIL

21. Additional Materials Related to Law and Code Enforcement Outreach

21.a. CPCA Annual Board Installation Dinner

21.b. CAMTC-CPCA Partnership Announcement

21.c. Massage News Article on CAMTC-CPCA Partnership

21.d. Law Enforcement Comments on CAMTC Training

21.e. Anti-Human Trafficking Presentation Invite to CPCA

21.f. San Diego DA Commends CAMTC Press Release

21.g. CACEO 2018 Annual Seminar - CAMTC Platinum Exhibitor & Presenter

21.h. CAMTC Can Help - CACEO Flyer

21.i. 2018 RCLEAA Annual Conference Announcement

21.j. 2017 McElroy Law Enforcement Training Flyer

21.k. 2018 McElroy Law Enforcement Training Flyer


CALIFORNIA
POLICE
CHIEFS
THE GREAT SEAL OF THE STATE OF CALIFORNIA
EUREKA

California Police Chiefs and Massage Therapy Council Announce New Partnership To Protect California Consumers

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

– Gardena Police Chief Edward Medrano - Cal Chiefs President

California Massage Council Partners with Police Chiefs to Fight Human Trafficking

Karen Menehan



In California, the most populous state, thousands of massage therapists provide professional, therapeutic massage services to clients every day.

But the state's massage therapists are dogged by a big problem: criminals using massage as a front for sex crimes.

This situation isn't unique to California.

However, a new partnership between state law enforcement and the entity

that administers voluntary massage certification is a novel weapon in the fight against human trafficking.

The partnership between the California Police Chiefs Association and the California Massage Therapy Council (CAMTC) gives the council the opportunity to educate the association's 650 members about what constitutes legitimate massage therapy services and the Massage Therapy Act.

Those members—police chiefs and their sworn seconds-in-command throughout the state—may then in turn educate their staffs and communities.

CAMTC has also created a Sexually Suggestive Advertising Task Force as a tool to weed out criminals posing as massage therapists.

MASSAGE Magazine spoke with California Massage Therapy Council's CEO Ahmos Netanel, California Police Chiefs Association Executive Director Leslie McGill, CAE, and City of Vacaville Police Chief John Carli to learn more about the problems related to illegitimate massage practices, assess the scope of the partnership and the purpose of the task force, and report on how the work being done in California may benefit the state's professional massage therapists.

The Problem with Illicit Massage Establishments

According to the National Human Trafficking Hotline, illicit massage and spa businesses are the number-one cover for sex-related human trafficking in California, ahead of hotel/motel-based venues, escort services and online advertising.

Human trafficking and efforts to combat it are growing throughout the U.S., according to various governmental agencies.

In 2010, for example, human trafficking investigations by Immigration and Customs Enforcement numbered 651; in 2015, they numbered 1,034, according to the "Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons" for fiscal year 2015, the most recent report available.

According to McGill, police agencies throughout the state are especially concerned with sex traffickers using the massage industry as a cover.

"As the massage industry has grown and grown and increased in legitimacy, there's always a bad element out there," she said. "There's been an explosion from what it used to be, say, 10 to 15 years ago versus now."

People are trafficked throughout California in a variety of ways, not just through massage establishments, she added, often by organized crime syndicates.

In Vacaville, a city of 98,000 people about 50 miles northeast of San Francisco, traditional prostitution stings used to result in a handful of arrests of sex workers and johns, but didn't stem the tide of human trafficking-related sex crimes, according to Vacaville Police Chief John Carli.

He said that after a sting, the traffickers would simply change their business name and location, while arrested prostitutes were charged as the suspects in those crimes.

Now, with Vacaville having adopted a local ordinance that requires massage therapists obtain CAMTC certification, as well as having received CAMTC training for his force, Carli says his department has new tools for combatting human trafficking, and that members of the force understand that prostitutes are usually victims of sex crimes themselves.

"The success that we've seen with the clarification by CAMTC within our local

ordinance has been very successful, and appreciated by the well-meaning, law-abiding establishments that don't want the negative reputation that some of these illegitimate establishments bring to the industry," said Carli.



The Partnership

CAMTC entered into a strategic partnership relationship with the California Police Chiefs Association for one year, McGill said. The partnership was finalized in late February.

In exchange, CAMTC was the premier sponsor of the California Police Chiefs' annual training symposium held March 18–22 in Long Beach, attended by 300 association members, and may also publish information in the association's publication, *California Police Chief*.

The California Massage Therapy Council will also have a page on the association's website, and a message and link that will run in the association president's message.

CAMTC had a booth at the conference's exhibit hall, and Netanel and CAMTC's Director of Professional Standards Division Rick McElroy co-presented a workshop titled "Massage Establishments: Powerful Tools to Eradicate Illicit Conduct" to attendees.

The partnership helps foster better communication between CAMTC and the chiefs, said both Netanel and McGill.

"For the most part, most of our members weren't aware of the resources CAMTC offers [prior to the workshop]" McGill said. "As a strategic partner we can push information out to our membership about the services they offer—like information that can say, 'Here is someone to contact to set up training.'"

Since 2016, state law has stipulated that one member of CAMTC's board of directors be a representative of the California Police Chiefs Association, unless the association chooses not to exercise this right to appoint. Police Chief Sean Thuilliez of Beaumont (Riverside County) was appointed to the board in early April.

CAMTC's communication and cooperation with law enforcement have yielded "tremendous benefits" over the past few years, Netanel said.

"Now the partnership is more formal and we have a much more robust communication with police chiefs," he added.

There have been many situations where applicants or certificate holders engaged in unprofessional conduct or illegal conduct that CAMTC was able to discover through cooperation with local law enforcement agencies, Netanel said.

"Officers provided sworn declarations of what they witnessed and we were able to take action against that person with the input of officers," he explained.

"We are not a state agency [and] we have abilities that state agencies and

governmental agencies cannot use but we can, so it's important that law enforcement officers are aware of those protocols," Netanel said.

For example, he said, a person may have been arrested and charged for prostitution and then have a criminal trial and be found not guilty. CAMTC may still be able to revoke this person based on an officer's declaration, depending on the conduct engaged in, because CAMTC's standards of evidence are not the same as the higher criminal standards.

"We are a private entity and not required by law to meet the same requirements that law enforcement agencies are required to meet for criminal convictions," Netanel said. "If a person is found not guilty, we may still be able to revoke the person."

He said CAMTC can, in less than four months, act much more swiftly to revoke than can a state board, which might take up to three years to revoke.

"It's not that we are better or more talented, it's simply that state boards are bound to a completely different set of rules," said Netanel.

As of the beginning of 2018, the California Massage Therapy Council had revoked or denied more than 9,000 massage professionals who either violated the state's Massage Therapy Act or who did not meet its prescribed standards, said Netanel.

"These are people who allegedly went to massage school and met the requirements and graduated from massage school and applied for certification, and they were either denied or they engaged in conduct that does not meet our standards and we revoked, suspended or disciplined them," he said.

In California, certification is voluntary, meaning it is not required by the state; however, according to CAMTC's FAQs page, " ... many cities and counties have replaced their requirement for a city massage permit, usually

issued by the police or sheriff's "department, with a requirement for CAMTC certification."

CAMTC develops and offers training to local government officials, with a special focus on city attorneys, on CAMTC's certification, school approval program, and the use of revocable registration. CAMTC also performs outreach to city and county managers and elected officials. CAMTC also approves massage schools.

The exact number of massage therapists practicing in the state isn't known as there isn't a state agency tracking that number.

However, there are currently a little more than 51,000 CAMTC-certified massage therapists or practitioners in the state, said Netanel. (The latter credential wasn't offered after 2014, but those who earned that certification may still be re-certified as CMPs.)

More than 210 cities and counties now require that a massage therapist obtain certification, Netanel said, which requires 500 hours of education and passing a CAMTC-approved exam, in order to practice legally. There are 58 counties and 482 cities in the state.

The Task Force

The CAMTC has for nine years had protocols in place for certificate holders or applicants who engage in sexually suggestive adverting, which has been specifically prohibited by law in California since 2015.

The new Sexually Suggestive Advertising Task Force was created to establish protocols and budgets, as well as cooperation with local law enforcement agencies to move the process from a complaint-based system to a proactive protocol where CAMTC will actively seek to determine if any applicants or certificate holders engage in this activity, said Netanel.

“The protocol is if an applicant or certificate holder engages in massage-related advertising that is sexually suggestive they can be disciplined,” he said. “In most cases it means a denial for an applicant and a revocation for a certificate holder.”

Netanel said sexually suggestive advertising is “anything that suggests sex in advertising,” and the State of California’s Business Code for applicants and certificate holders for CAMTC certification states that “engaging in sexually suggestive advertising related to massage services” is one type of unprofessional conduct in violation of the state’s business and professions code for the healing arts.

The cooperation of law enforcement is imperative to the task force’s effectiveness because those agencies are “on the ground,” said Netanel.

“We have to make sure that a specific ad is specifically connected to a specific individual,” he explained.

“[CAMTC is] not the people who go into massage businesses and identify the massage provider with a specific ad—so to be effective it is very imperative that the work is done both on the local level on the ground and a state level, which is what we are doing,” Netanel added.

Benefits to Massage Therapists

The California Massage Therapy Council’s closer relationship with law enforcement will benefit the state’s massage therapists, said Netanel, because it will better educate the leaders of law enforcement about the legitimate massage professionals and “the more educated law enforcement is about the massage profession, the better it is for the public and the profession.”

He added, “It’s unfortunate that there are many situations in which this profession has been, for all intents and purposes, hijacked by unscrupulous individuals who use massage [with] subterfuge for illicit acts like prostitution

and human trafficking—[and] creating a partnership and working closely with law enforcement in minimizing or eradicating this phenomenon is better for the therapeutic massage profession."

The association's executive director agrees that the partnership is positive and could help in the battle against illicit massage establishments.

"It's been a great relationship," McGill said. "It's been a great educational opportunity to learn about the industry and regulations and everything CAMTC is trying to do and for them to understand what our chiefs are doing."

CAMTC protects the public by elevating the massage profession, Netanel added.

"Everything we do revolves around elevating the profession," he said, "so that legitimate practicing massage professionals are not penalized by illegitimate people who use their profession as a cover for illegal activity."

About the Author



Karen Menehan is *MASSAGE Magazine*'s editor in chief. Her recent articles for massagemag.com include "Texas Massage Therapists Reach Out After Hurricane Harvey," and "[Analysis]: Massage Therapy Has Grown in National Cancer Institute-Designated health Systems."

If you enjoyed reading this MASSAGE Magazine *online article, subscribe to the monthly print magazine for more articles about massage news, techniques, self-care, research, business and more, delivered monthly. Subscribe to our e-newsletter for additional unique content, including product announcements and special offers.*

Law Enforcement Comments on CAMTC Training

Concord Police Department

"The training allows officers to support legitimate massage businesses in our communities, while also helping them to recognize and address those businesses which operate outside the law."

– Lieutenant Russ Norris

Sunnyvale Police Department

"The Sunnyvale Department of Public Safety is pleased to offer this valuable training to combat prostitution and human trafficking occurring in the region. We feel that educating our officers provides us the most value in making sure our communities remain safe."

– Captain Jeffrey Hunter

Santa Cruz County District Attorney

"The training by the California Massage Therapy Council (CAMTC) provided valuable tools in addressing the proliferation of illicit massage parlor establishments. This on-going collaborative effort between local law enforcement agencies in Santa Cruz County and the CAMTC will ensure the public's safety and reduce human trafficking."

– Ed Delfin, Inspector II

Visalia Police Department

"The Visalia Police Department understands the importance of partnerships when it comes to combating human trafficking. Trainings such as these play a key role in strengthening these relationships."

– Captain Rick Haskill

Corona Police Department

"Everyone benefits when we're able to receive such detailed training; both in the realm of knowledge and cooperative working relationships with CAMTC."

– Chief, Michael E. Abel

Vacaville Police Department

"Our City ordinance requires massage therapists to be certified by CAMTC. With strict regulations and business requirements established by CAMTC, we will be able to ensure that the community will no longer be plagued with questionable massage parlors. Our officers are now equipped with the training and resources necessary to stop illegal activity that often lurks behind these business fronts,"

– Chief John Carli

Hawthorne Police Department

"The Hawthorne Police Department appreciates its partnership with the CAMTC, and looks forward to its continued training and support to ensure that only safe and compliant massage businesses are allowed to operate in the City of Hawthorne."

– Chief Robert Fager

Chula Vista Police Department

"The CAMTC training provided valuable insight to our police department members in order to strengthen our oversight of police regulated businesses. Our department looks forward to hosting additional future training with CAMTC in order to raise awareness and understanding on behalf of law enforcement."

– Captain Lon Turner

Porterville Police Department

"The training provided by Mr. McElroy was excellent and will certainly aid us in better understanding and being able to effectively monitor and enforce the laws that pertain to massage parlors."

– Sergeant Rick Carrillo

Montclair Police Department

"The City of Montclair looks forward to working closely with CAMTC to properly address criminal and licensing issues which tend to arise out of massage establishments. This will also benefit practitioners and business owners in the massage field who are conducting their business in a legitimate and lawful manner."

– Lieutenant Jason Reed

To date, CAMTC has established cooperative working relationships with 418 law enforcement agencies and trained 701 law enforcement officials. We respond to additional requests for assistance from various agencies on a weekly basis. CAMTC has received numerous accolades from law enforcement, some of which are included here.

Be Sure To Attend CAMTC's Training Session

Human Trafficking In Massage Stops Here!



These 4 days CAMTC will be focusing on a full range of action steps needed to ensure that human trafficking in massage is eliminated.

- Meet with CAMTC Leadership and senior staff in our booth on Thursday 4:00pm - 6:00pm and Friday 10:30am - 2:00pm or anytime this week to address your concerns
- While at our booth 226/228/325/327 pick up your special gift!
- Chat with us at the Hospitality Suite in the evenings
- Attend our Anti-Human Trafficking Presentation this Saturday at 9:45am by CAMTC Directors Beverly May & Rick McElroy
- CAMTC Board Chairman Mark Dixon to Speak at the Installation Banquet on Saturday, March 9th at 7:00pm
- Email rmcelroy@camtc.org for a CAMTC Free Training in your City

California Massage Therapy Council

Partners To Protect The Public

Strategic Partner — California Police Chiefs

www.camtc.org/cpca-strategic-partners

San Diego District Attorney's Office Commends California Massage Therapy Council For Its Role In Battling Human Trafficking

California Massage Therapy Council

News provided by

Feb 01, 2017, 13:16 ET

SAN DIEGO, Feb 1, 2017 /PRNewswire/ -- The San Diego District Attorney's office commended the California Massage Therapy Council's leadership in providing specialized training yesterday at a press conference that announced the results of a large-scale, multi-agency operation across Southern California to stop the sexual exploitation of young women and girls.



San Diego Chief Deputy District Attorney Summer Stephan and partner agencies speak with reporters at news conference.

"In our continuing effort to fight human trafficking in San Diego County, I am pleased to announce that the California Massage Therapy Council is conducting a specialized training in San Diego today which is an essential part of their continuous assistance to law enforcement in maintaining the highest standards of conduct and safety in massage establishments," said Chief Deputy District Attorney Summer Stephan. "I want to thank the Council for their work on addressing this aspect of human trafficking."

"The mission of California Massage Therapy Council is to protect the public by certifying massage professionals in California that meet the requirements in the law," said Ahmos Netanel, CEO of the CAMTC. "We are pleased that the Council's rigorous vetting and disciplinary protocols have been enormously effective in keeping individuals associated with human trafficking from getting certified."

The training was for the San Diego Human Trafficking Task Force, which the California Department of Justice (DOJ) leads, but the Task Force sponsored, for the Southern California Regional Human Trafficking Task Forces, which include Task Forces from San Diego, Orange, Riverside, San Bernardino and Los Angeles.

Contact:

Regina Wilson 951-823-7659

SOURCE California Massage Therapy Council

CACEO
California Association
Of Code Enforcement Officers

6939 Sunrise Blvd., Ste. 119
Citrus Heights, CA 95610

(916) 492-CACE Phone
(866) 508-3947 Fax



2018 Exhibitors and Sponsors

CACEO appreciates the support and continuing participation of its Sponsors and Exhibitors.

Platinum Exhibitors

CALIFORNIA MASSAGE THERAPY COUNCIL

California Massage Therapy Council

Wednesday, October 10, 2018
9:45 AM to 11:45 AM
Educational Sessions – Group 2

Strategies to Close Illicit Massage Establishments

Rick McElroy, CAMTC Director of Professional Standards Division
California Massage Therapy Council
CEUs **2.0**
Meeting Room: **Laguna Grande, Salons E, F, G**



Description

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

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

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

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



Sex Trafficking In Massage Stops Here!

CAMTC Can Help



Enforcing code at massage 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

California Massage Therapy Council

CACEO


HOSTED BY:
POLICE OFFICER
MURRIETA POLICE
MURRIETA POLICE DEPARTMENT
RCLEAA
ANNUAL CONFERENCE
2018
20th SEPTEMBER 8 AM
Pechanga Resort & Casino
45000 Pechanga Parkway, Temecula, CA. 92592
$50
Conference Fee
Guest Speakers
THURSDAY, SEP. 20 | 8:30 AM - 12:00 PM
0730 To 0800 Registration | Continental Breakfast
0800 To 0830 Flag Salute | Introductions
0830 To 0930 Richard McElroy | Division Director California Massage Therapy Council (CAMTC)
LUNCH PROVIDED
Courtesy of Motorola

California Massage Therapy Council
2017 LAW ENFORCEMENT TRAINING

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

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



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

California Massage Therapy Council

For more information contact:
Rick McElroy
Division Director
Professional Standards Division
rmcelroy@camtc.org
805-390-0397

California Massage Therapy Council
2018 LAW & CODE ENFORCEMENT TRAINING

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

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



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

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

California Massage Therapy Council

FREE 2-Hour Training by CAMTC

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

Rick McElroy: rmcelroy@camtc.org

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

CALIFORNIA MASSAGE THERAPY COUNCIL

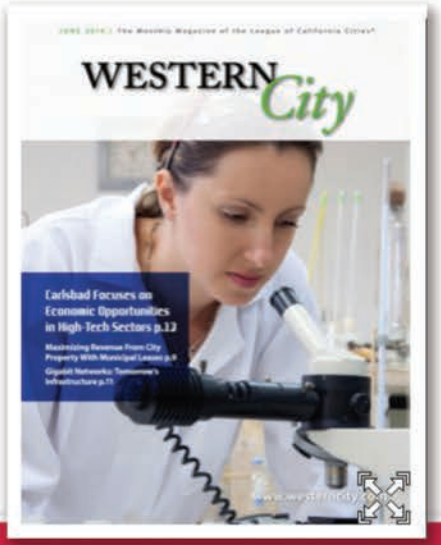
22. Additional Materials related to Local Government, City Attorneys, and City Managers Outreach

22.a. League of California Cities - Western City Magazine Article

22.b. CAMTC Letters to Various Government Officials

22.c. “CAMTC Can Help” Brochure

22.d. Massage Businesses Challenges Flyer



Collaboration With CAMTC Results in Safer Communities

by Ahmos Netanel

The California Massage Therapy Council (CAMTC) and cities share a common goal of protecting the public. In a world of ever-diminishing budgets, CAMTC is positioned to assist cities in meeting "their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders" (California Business and Professions Code Section 4600.5[a]). CAMTC helps cities meet this duty by providing no-cost training and up-to-date information about applicants and certificate holders and working cooperatively with local personnel to obtain evidence needed for CAMTC to deny applicants and discipline certificate holders who violate the Massage Therapy Act.

CAMTC is a private nonprofit corporation that certifies massage professionals who meet the Massage Therapy Act requirements. CAMTC is authorized to take action for both conduct-based violations *and* criminal convictions. CAMTC's authority is broad and far reaching, but without the cooperation of local agencies it doesn't have the evidence needed to take action. Cities play a key role in this process.

Taking Disciplinary Action

CAMTC may immediately suspend a certificate if it has evidence of an act punishable as a sexually related crime or a related felony. It may also revoke a certificate if it has evidence of unprofessional conduct or other violations of the Massage Therapy Act. Unprofessional conduct generally includes, but is not limited to:

- Sexually suggestive advertising;
- Sexual activity on the premises of a massage establishment;
- Sexual activity while providing a massage for compensation at any location;
- Massage of the genitals or anal region; and
- Massage of the female breast without the written consent of the client and referral from a licensed California health care provider.

CAMTC may also take action if it has evidence that a city has taken disciplinary action, such as issuing an administrative citation or revoking a business license.

Cities' Role in Providing Evidence

While CAMTC has the authority to take action based on a wide variety of violations, it relies on local personnel to provide evidence that these violations occurred. Cities have proof that an administrative citation was issued, that a business license was revoked, or that unprofessional statements were made to an undercover officer during a massage. It is only through the cooperation of local law enforcement personnel (who provide declarations signed under penalty of perjury), or cities (which provide certified copies of administrative citations and business license revocations), that CAMTC has the evidence needed to fully vet applicants and discipline certificate holders.

CAMTC also provides cities with up-to-date information about the status of certificate holders both by sending emails every time a certificate holder is suspended, revoked or disciplined and by providing access to CAMTC's secure site.

No-Cost Training Available

Cities have seen the value of CAMTC's no-cost training. "The training allows officers to support legitimate massage business in our communities, while also helping them to recognize and address businesses that operate outside the law," says Lieutenant Russ Norris of the Concord Police Department.

"CAMTC's no-cost training has been invaluable in developing an effective tool to combat illicit activity occurring under the guise of providing massage therapy," says Shana Faber, assistant city attorney of Vacaville and CAMTC board member. "Through partnering with CAMTC, we have been successful in curtailing unscrupulous and illegal businesses that seek to prey on our community." To date, CAMTC has provided no-cost training to 278 separate agencies and over 700 individuals.

By working together we can accomplish our common goals to rid cities of illicit massage establishments, stop the hijacking of an ancient therapeutic profession and support legitimate massage businesses. Contact Beverly May, CAMTC director of governmental affairs, at bmay@camtc.org for more information or if you are interested in CAMTC's no-cost training. ■

Ahmos Netanel is chief executive officer of the California Massage Therapy Council and can be reached at anetanel@camtc.org.

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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

December 5, 2017

John Maltbie
County Manager
400 County Center
Redwood City CA 94063

Re: Massage ordinance

Dear John Maltbie,

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

To that end, we are reaching out to your county to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at anetanel@camtc.org (310) 230-0052 if I can be of any help.

Respectfully,

Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

Liz Gibbons
Mayor
70 N. First St.
Campbell CA 95008

Re: Massage ordinance

Dear Mayor Liz Gibbons:

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

To that end, we are reaching out to your city to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at mdixon@camtc.org or (916) 669-5305 if I can be of any help.

Respectfully,

Mark W. Dixon, CMT, BCTMB, Chairman

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

David O. Livingston
Sheriff
651 Pine St., 10th Fl.
Martinez CA 94553

Re: Massage ordinance

Dear Sheriff David O. Livingston,

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

To that end, we are reaching out to your county to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at anetanel@camtc.org (310) 230-0052 if I can be of any help.

Respectfully,

Ahmos Netanel

Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

David Brandt
City Manager
10300 Torre Ave.
Cupertino CA 95014

Re: Massage ordinance

Dear David Brandt,

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

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Respectfully,

Ahmos Netanel

Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

Edgardo Garcia
Chief of Police
200 E. Santa Clara St.
San Jose CA 95113

Re: Massage ordinance

Dear Chief Edgardo Garcia,

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

To that end, we are reaching out to your city to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at anetanel@camtc.org (310) 230-0052 if I can be of any help.

Respectfully,

Ahmos Netanel

Ahmos Netanel, CEO

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

December 5, 2017

Joe Simitian
Supervisor
70 W. Hedding St.
San Jose CA 95110

Re: Massage ordinance

Dear Supervisor Joe Simitian:

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

To that end, we are reaching out to your county to offer support and encouragement for proactive improvements to your massage ordinance.

Please feel free to contact me directly at mdixon@camtc.org or (916) 669-5305 if I can be of any help.

Respectfully,

Mark W. Dixon, CMT, BCTMB, Chairman

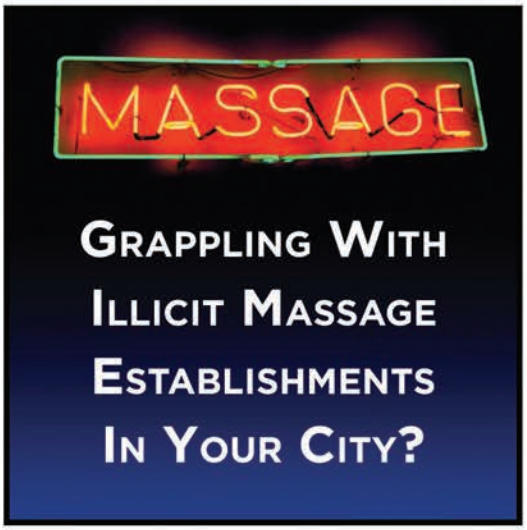
CALIFORNIA MASSAGE THERAPY COUNCIL

ELEVATE THE PROFESSION



One Capitol Mall
Suite 800
Sacramento, CA 95814

www.camtc.org
916.669.5336



CALIFORNIA MASSAGE THERAPY COUNCIL

PARTNERS TO PROTECT THE PUBLIC

CAMTC CAN HELP



Policing massage businesses that operate as a subterfuge for prostitution 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...and we employ every resource we have to ensure that happens.

REVOKED

As of the beginning of 2018, CAMTC has already revoked and denied close to 9,000 massage professionals who either did not meet the prescribed standards or who violated the Massage Therapy Act.

CAMTC does not regulate massage establishments. That authority is the exclusive jurisdiction of local government.

We have, however, provided critical support to police departments in their efforts to curtail illicit massage establishments in their communities.

More than 1,450 officers throughout California have already benefited from CAMTC's Law and Code Enforcement Training.

By coordinating your department's enforcement protocols with CAMTC's denial and disciplinary programs, you can help make a real impact on the safety and quality of life for residents in your community.



To find out more, or to schedule a training in your local area, please contact Rick McElroy, Retired LAPD, CAMTC's Director of Professional Standards Division (PSD), anytime at:

rmcelroy@camtc.org

Massage Businesses Challenges?



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

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

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

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

CALIFORNIA MASSAGE THERAPY COUNCIL

CALIFORNIA MASSAGE THERAPY COUNCIL

23. Additional Materials Related to Massage Schools Outreach

23.a. Quarterly School Newsletter Volume 1, Issue 1, September 2017

23.b. Quarterly School Newsletter Volume 1, Issue 2, November 2017

23.c. Quarterly School Newsletter Volume 2, Issue 1, April 2018

23.d. Quarterly School Newsletter Volume 2, Issue 2, June 2018

23.e. Quarterly School Newsletter Volume 2, Issue 3, October 2018

23.f. Quarterly School Newsletter Volume 2, Issue 4, December 2018

23.g. Quarterly School Newsletter Volume 3, Issue 1, April 2019

23.h. Quarterly School Newsletter Volume 3, Issue 2, June 2019

23.i. Quarterly School Newsletter Volume 3, Issue 3, October 2019

23.j. CAMTC eBlast - CA Massage School Assoc. Meeting & Expo

23.k. Comparison Chart - 2015-2017 Number of Graduates From CAMTC Approved Schools

23.l. A2Z Health Expo 2018 Announcement

CAMTC School Newsletter

Schools Advisory Committee Announced

CAMTC recognizes the importance of massage schools to the profession; and more specifically, to CAMTC itself and the certification process as a whole. For this reason, the CAMTC Board of Directors created a Schools Advisory Committee ("SAC"), which held its first meeting in March of this year. SAC has held two subsequent meetings in June and September.

SAC consists of 7 members representing massage programs of various types, sizes, and locations. This committee provides school perspective and knowledge on school-related issues. Dr. Jeffrey Forman is the SAC Chairman. The committee members are:

- **Dr. Jeffrey Forman** - CAMTC Vice Chair; Office of the Chancellor for the California Community Colleges; DeAnza College - retired
- **Allison Budlong** - CAMTC Board Secretary; California Association Private Postsecondary Schools; National Holistic Institute
- **Keith Grant** - Independent Massage School Association of California
- **Selena Lee** - Chair/Treasurer, Independent Massage School Association of California; Owner, McKinnon Body Therapy Center
- **Katie Mickey** - Director/Instructor, Santa Barbara Body Therapy Institute
- **Jan Noble** - Owner/Director, Holistic Life Institute
- **Deborah Reuss** - Dean of Holistic Health and Massage at Pacific College of Oriental Medicine

First School Newsletter
September 2017

Welcome to CAMTC's first school newsletter! You can expect these newsletters to arrive approximately once every quarter, a couple of weeks following the CAMTC Board Meeting. These newsletters will highlight recent changes, updates, and reminders regarding school policies and procedures. Additional communications may be sent as appropriate.

Please Note: Communications such as this newsletter are only intended to provide highlights and summaries of policies and requirements related to schools. Schools should refer to the Massage Therapy Act (**http://www.camtc.org/media/1317/massage-therapy-act-2017.pdf**) and the Policies and Procedures for Approval of Schools (**http://www.camtc.org/media/1395/schoolspolicies-and-procedures-for-approval-of-schools-final-9617clean.pdf**) for complete information.

Schools Advisory Committee Projects

At the committee's recommendation, staff has created a map of active approved schools that is linked on CAMTC's website. The map, in conjunction with the approved program list, should better help prospective massage school students find CAMTC approved programs near them.

To view individual CAMTC approved programs go to **http://www.camtc.org/schools/**, click the "Find a School" icon, then click on "Approved." For the map of active CAMTC approved schools, go to: **https://www.google.com/maps/d/viewer?mid=1vC3uE3fya-Q12NUMZZBeYBOnp2a0&ll=36.86724699017827%2C-120.260109849999999&z=6**.

CAMTC staff, including the newly hired Outreach Director, will implement new communications to schools to inform them of the most important changes and updates affecting schools, per the committee's recommendations.

The next SAC meeting will be held on November 1, 2017 and the next Board meeting will be held on November 2, 2017. The location for both is to-be-determined (expected to be in Northern California). The public is invited to attend and will be given an opportunity to make public comments to the Board.

Visit **https://www.camtc.org/information-about-camtc/** and click on the 'Meetings' icon for more information.

CAMTC School Newsletter
Vol. 1 Issue 1 • September 2017 • Page 2

Board Meeting School Policy and Procedures Summary

The CAMTC Board of Directors held its most recent quarterly meeting on September 6 & 7, 2017, in Redondo Beach. The Board took several actions affecting schools.

Summary of Amendments to the 'Policies and Procedures for Approval of Schools': (please refer to **http://www.camtc.org/media/1395/schoolspolicies-and-procedures-for-approval-of-schools-final-9617clean.pdf** for the relevant sections of the Policies and Procedures for exact language):

Section 2.B. – Changes the renewal period from 2 years to 4 years for schools that have completed the initial 2-year approval period with no disciplinary action taken against it by CAMTC and no break in the approval period. The fee remains unchanged at $750/year. This means that programs applying for initial approval will pay an application fee of $1500 and receive 2 years of approval, if approved. Schools applying for re-approval will pay a $3000 application fee and receive 4 years of approval, if re-approved.

Section 4. – Specifies that the electronic pdf version of the application submitted by schools should be organized in the same manner as the hard copy application submitted by schools. This corrects the occasions where some schools have submitted a confusing jumble of generically named pdf files.

Section 4.A.a. – Removes the application fee exemption for community colleges and other public schools. Now all schools must pay the same application fees.

Section 4.B. – Schools must now submit all site visit reports, compliance inspections reports, disciplinary actions and other related documents issued to the school by all other agencies approving and accrediting the school, not just the most recent.

Section 4.C.a.(3) – Improves consistency by listing the Administrator Qualification form, which has always been a requirement of the application, even though the form was not previously listed in this document.

Sections 4.E.c. and **5.G.b.** – Clarifies that both students and management should be evaluating faculty on a regular basis.

Section 4.G.a. – Provides that schools should submit all online and print advertisements and marketing materials related to the massage programs submitted for approval.

Section 5.A.f. – Clarifies that all classes must be taught and all business must be conducted at only CAMTC approved locations.

Section 5.C. (old) – Removes the Student/Graduate Eligibility List requirement.

Sections 5.C.a.(9) and **5.D.l.** – Updates the CAMTC mailing address Suite number to 800. **Please make sure your school uses this updated address for CAMTC:**

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

Sections 5.E. and 5.E.c.(1) – Clarifies that all 500 hours of education submitted for CAMTC certification must be under the active and direct supervision of qualified instructors.

Section 5.E.f. – Adds specifics to the requirement of daily lesson plans. At a minimum, included in those specifics are educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments with assessment criteria, if any, for each class.

Additional language changes do not have a major impact on policies and procedures.

CAMTC School Newsletter

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Schools Advisory Committee – Action Summary

SAC provides school perspectives and knowledge on school-related issues. Some of the recommendations made by SAC include:

• Recommend extending the deadline for applicants with education from closed schools to apply. The Board passed such a motion.

• Recommend changing the re-approval period from 2 years to 4 years. The Board passed such a motion.

• Recommend an email blast approximately 2 weeks after Board meetings and whenever urgent communication is necessary. This newsletter is part of increased efforts to communicate more frequently with schools.

• Recommend adding a map of approved schools on the website. Such a map was created and a link to it sits near the top of the approved schools list on CAMTC's website. The direct link is listed in this newsletter, near the top of page 2.

• Recommend removing the Student/Graduate Eligibility List requirement. The Board passed such a motion.

• Recommend reviewing application fees paid by schools. The Board voted to not raise the current application fee and will consider SAC's recommendations in the future as budgets are revised.

While the Board did not consider or pass a motion on every SAC recommendation, this committee has proven itself an important and reliable voice of schools when it comes to making decisions that affect massage therapy schools.

Re-Approval Process

Hard to believe that in 2018 the CAMTC massage program re-approval process begins. Seems like only yesterday (actually 2016) that we all went through the initial approval process together.

According to the Policies and Procedures for Approval of Schools (the "Procedures") section 1.E.:

"To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time."

While it is not an absolute deadline for CAMTC to receive a school's application for re-approval six months prior to the expiration of the school's approval (applications received later will be processed accordingly), it is strongly recommended. Applications will be processed on a first-come, first-served basis. None of us want to see a lapse in a school's approval period, as that could wreak havoc on processing individual applications for certification.

Around the first of November, CAMTC will inform schools regarding the details of the re-approval application process. This will give the first round of schools approximately 2 months to turn in the application so that CAMTC receives the application at least 6 months in advance of the expiration date.

Please check for your school's approval expiration date on the approval letter or certificate you were sent. You may also check for the approval expiration date on CAMTC's website at **https://www.camtc.org/schools/** under the "Find a School" icon.

California Massage Therapy Council

CAMTC School Newsletter

Vol 1 • Issue 2 • November 2017

Know Your Schools Advisory Committee

CAMTC recognizes the importance of massage schools to the profession; and more specifically, to CAMTC itself and the certification process as a whole. For this reason, the CAMTC Board of Directors created a Schools Advisory Committee ("SAC").

SAC consists of 7 members representing massage programs of various types, sizes, and locations. This committee provides school perspective and knowledge on school-related issues.

Dr. Jeffrey Forman is the SAC Chair. The committee members are:

DR. JEFFREY FORMAN - CAMTC Vice Chair, Appointed by the California Community Colleges Chancellors Office; De Anza College - Instructor and Massage Program Coordinator- retired

ALLISON BUDLONG - CAMTC Board Secretary; California Association Private Postsecondary Schools; National Holistic Institute

KEITH GRANT - Independent Massage School Association of California

SELENA LEE - Chair/Treasurer, Independent Massage School Association of California; Owner, McKinnon Body Therapy Center

KATIE MICKEY - Owner/Director/ Instructor, Santa Barbara Body Therapy Institute

JAN NOBLE - Owner/Director, Holistic Life Institute

DEBORAH REUSS - Dean of Holistic Health and Massage at Pacific College of Oriental Medicine

COMING SOON

CAMTC Application For Massage School Re-Approval

Yes we've been getting the news out in various forms, in order to be sure that each and every CAMTC Approved Massage School receives this critical update about their re-approval process. Since the initial program approvals are for 2 years, the first schools that received approval will expire on June 30, 2018. **To prevent a possible lapse of CAMTC School Program Approval, we recommend schools apply for re-approval a minimum of 6 months prior to their school's approval expiration date**.

CAMTC sent an email reminder on November 3rd as a courtesy. However, whether a school receives a reminder from CAMTC or not, it is the school's responsibility to submit the application for re-approval on time. Starting now and going through most of next year, Educational Standards Division ("ESD") will be working with the majority of approved schools on their re-approval process.

The *CAMTC Application for Massage School Re-Approval* is expected to be available for you to download from CAMTC's website by the end of November 2017 at:

https://www.camtc.org/schools/school-owneradministrator/

When the application becomes available, you will need to click the "School Login" icon even though no login information is required at this time. ESD is working to simplify the re-approval process as much as reasonably possible for these approved schools.

Please prepare now. The application for massage school re-approval and the accompanying materials must be submitted in a three-ring binder labeled with dividers in the order as specified on the *Application Checklist*. Also a copy of the entire application and accompanying materials must be provided in electronic PDF format on a flash drive, which is labeled and organized to match the hard copy application.

Each application will need to be accompanied by the re-approval application fee of $3,000 per campus (good for 4 years of approval, if re-approved). Additionally, you must submit the $41 fee for each background check, which is required for each massage program staff and faculty persons who are not currently CAMTC certified. Please note that this fee must be provided even if a background check was performed with the previous school application.

Please also review the September 6, 2017 *Policies and Procedures for Approval of Schools* on CAMTC's website to ensure that your school remains in compliance. That PDF document is at:

http://camtc.org/media/1395/schoolspolicies-and-procedures-for-approval-of-schools-final-9617clean.pdf

CAMTC School Newsletter
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CAMTC's Booth "We're Here To Help"

The AMTA 2017 National Convention was in Pasadena, CA September 14 -16. The Educational Standards Division enjoyed meeting school owners, administrators, instructors, and students at CAMTC's booth, which was well attended. Questions were answered for numerous approved, pending and prospective schools.



CAMTC booth with staff helping attendees.

Among school topics discussed were foreign education, starting a school, buying a school, timelines for schools on the pending list, qualifications for teaching massage in California, and receiving investigative information about school fraud.

Students and massage professionals had questions about applications, recertification, types of education, transcripts, background issues, PSD status updates, and some attendees just wanted to check their status or to actually start the application process (online and paper) for CAMTC Certification.



CAMTC's staff, leadership and board members... we're here to help!

CAMTC School Newsletter

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Schools Advisory Committee in 2018

The CAMTC Board approved the Schools Advisory Committee to continue its valued input to the Board through at least 2018. In fact the Board approved the following 2018 Strategic Priorities and Objectives that relate to CAMTC approved schools and school programs as follows:

- Continue the Schools Advisory Committee
- Continue close relationship with schools by enhancing communication and the accessibility of relevant information.
- Actively seek feedback from schools

All CAMTC meetings are open to the public. Dates and locations are listed on CAMTC's website at

https://www.camtc.org/information-about-camtc/

and then click on the 'Meetings' icon. The next meetings are as follows:

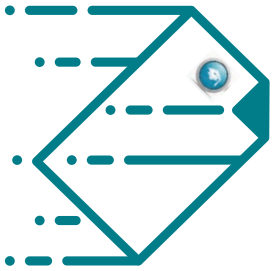
- CAMTC Board Meeting February 22, 2018 – Location TBD (likely Los Angeles)
- CAMTC Schools Advisory Committee May 30, 2018 – Location TBD
- CAMTC Board Meeting May 31, 2018 – Location TBD

Any schools that have suggestions for committee topics may direct their inquiries to the Schools Advisory Committee Chairman, Dr. Jeffrey Forman at:

jforman@camtc.org

Be sure to email your request at least 2 weeks prior to the meeting, in order for it to be considered as a possibility for the meeting's agenda.

Tips for *Faster* Certification Application Processing



A frequent question from schools is about application processing times for their students. Applicants for CAMTC certification undergo extensive education and background checks once their applications are complete. However, applicants should keep in mind that their application is not complete just because they submitted their portions of the application. We must also receive an official transcript from their school, passing exam results, and background information from the Department of Justice (DOJ) and Federal Bureau of Investigations (FBI). For the background check, it can take several weeks for the results to arrive once the Live Scan is completed.

Many applications get held up due to missing or incorrect information. This causes a lot of back and forth communication between the applicant and our office, which can add weeks and sometimes months to the processing time. To help prevent these delays, CAMTC has put together a list of the most common application mistakes so that schools can better help their students get certified more quickly and efficiently.

Please See Next Page...

We'd appreciate your sending an email to CAMTC's Outreach Director Roberta Rolnick at rrolnick@camtc.org with the following info:

- Please reply to let us know if your school received the CAMTC School Newsletter.
- If you have any other school staff that should receive the CAMTC School Newsletter, send the school name and email address to be added to our school contact list.

CALIFORNIA MASSAGE THERAPY COUNCIL

Tips for Faster CAMTC Application Processing

FOR APPLICANTS:

- All questions answered, to the best of your ability (if the question does not apply, write "N/A" or "NONE", rather than leave it blank).
- Use your legal name that is on your government issued ID. (If anything other than your legal name is provided and documents showing the name change is not, it will cause a delay.)
- Have all requirements met before submitting your application including, but not limited to:
    1. Live Scan
    2. 500-hours of education from a CAMTC approved massage program, including a minimum of 100 hours of core subjects (e.g., anatomy & physiology, contraindications, health & hygiene, and business & ethics)
    3. Exam passed and results electronically sent to CAMTC (and if you have not passed the exam, update CAMTC by email, mail, phone, or fax when you do pass)
- Provide any additional information needed, as applicable (e.g., non-expired government photo ID; non-expired EA/PR, if not a citizen; name change documents; explanation for any background questions where you answered 'yes'; etc.).
- Passport photos must meet US government standards (professional quality photos only; refer to: https://travel.state.gov/content/passports/en/passports/photos.html).
- If you are submitting the application online and having difficulty uploading documents, email, fax, or mail the documents to CAMTC with your Member ID# on each document.

FOR SCHOOLS:

When Mailing Transcripts

- Transcripts must be signed by an approved signer from the school as previously registered with CAMTC.
- Double-check that student information on each transcript is accurate (e.g., legal name, date of birth, social security number, etc.).
- If a student has had a legal name change since completing the program, please identify the current legal name on that student's transcript.
- Transcripts must be mailed directly from the school to CAMTC (students may not mail their own transcripts).

Education

- Advise students that, if they attended more than one school, CAMTC will require an official transcript to be sent from each school. (If the school is closed, then students may send copies of the transcripts themselves; these will be evaluated on a case-by-case basis.)
- Advise students that CAMTC will only accept hours from CAMTC approved massage programs. If students take courses outside of the program (e.g., continuing education, advanced courses, courses in non-approved programs, etc.), they will not be applied toward the 500-hour requirement.

CAMTC 09/2017

California Massage Therapy Council

CAMTC School Newsletter

Vol 2 • Issue 1 • April 2018

Who Can Sign An Official Transcript?



CAMTC only accepts transcripts signed by an authorized signer previously listed with CAMTC. A school that submits a transcript signed by someone other than an authorized signer previously listed with CAMTC must either: 1) re-submit the transcript with a proper signature; or 2) update the school's list of authorized signers.

Authorized signers must verify the accuracy of the information on every transcript before signing the transcript and submitting it to CAMTC. Schools may be denied approval or may have their school approval revoked, suspended, or otherwise acted against for engaging in any of the following conduct: selling or offering to sell transcripts; providing or offering to provide transcripts without requiring full attendance at the school; failing to require students to attend all of the classes listed on the transcript; failing to create, record, or maintain accurate records (including but not limited to student attendance records and student transcripts); and other violations of the Procedures. Therefore, a school should select only a limited number of reliable individuals as authorized transcript signers, as CAMTC will hold the school accountable for the conduct of these individuals.

Board Meeting School Policy and Procedures Summary

The CAMTC Board of Directors held its most recent quarterly meeting on February 22, 2018, in Los Angeles. The Board took several actions affecting schools.

Summary of Amendments to the Policies and Procedures for Approval of Schools
(please refer to https://www.camtc.org/media/1431/schoolspolicies-and-procedures-for-approval-of-schools-final-22218.pdf for the relevant sections of the Procedures for exact language):

Added Section 2.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."

Amended Section 5.B.a. – For private post-secondary school transcripts (public school transcripts exempted), added that 1) the CAMTC approved program must be listed on the transcript, 2) clarified that signatures must be personally written (no stamps, electronic signatures, or pre-printed signatures), and 3) rewrote language for consistency with other sections and the laws.

Below is the complete list of requirements for transcripts submitted to CAMTC. Any transcripts failing to meet all of the below requirements will not be accepted by CAMTC. In cases where transcripts cannot be formatted to include all of these requirements, an addendum attached to the transcript is acceptable.

1. School name, address, telephone number, website, and CAMTC School Approval Code (once approved), which shall exactly match information on file at CAMTC.
2. Heading entitled "Official Transcript."
3. Student's full legal name and date of birth.
4. Name of CAMTC approved program attended by student.
5. Date student started CAMTC approved program and date student completed CAMTC approved program or, for programs longer than 500 hours, completed CAMTC requirements, if applicable.
6. Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet (included with application).
7. Total number of supervised clock hours completed for CAMTC approved program.
8. At least one authorized, personally handwritten signature in ink with printed name, title, and date.
9. Official school seal affixed, embossed, or otherwise attached to transcript.
10. Sufficient security measures that uniquely identify the school's transcripts.

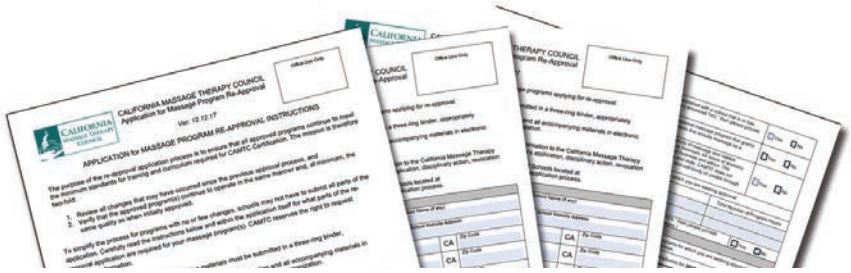
CAMTC School Newsletter

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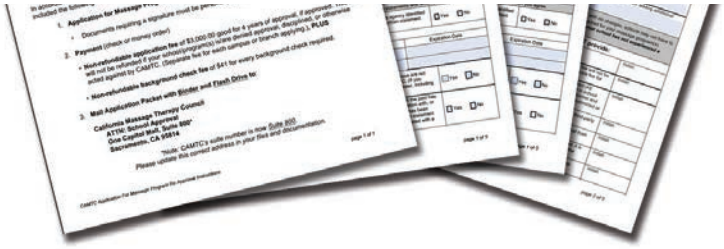
CAMTC No Longer Accepts Out-of-Country Education

In addition to the Amendments to the Policies and Procedures for Approval of Schools, the Board passed a motion stating that CAMTC will no longer accept education from schools outside the United States. This new policy brings CAMTC in compliance with California Business and Professions Code §4601(a)(5), which states, among other things, that an approved school must be "...recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education."

Schools that have students who may be planning to use out-of-country education to meet some of the requirements for CAMTC Certification should inform those students of this policy change.



Application for Re-Approval Available



To prevent a possible lapse of CAMTC School Approval, CAMTC needs to receive an application for re-approval at least 6 months (and no more than 8 months) prior to a school's approval expiration date. While 6 months in advance is not an absolute deadline, it is strongly recommended. Re-approval applications are processed on a first-come, first-served basis.

Schools can find their expiration date on their original approval letter or certificate. Schools may also check the approval expiration date on CAMTC's website at https://www.camtc.org/schools/ under the 'Find a School' icon, then click on 'Approved.'

The Application for Massage School Re-Approval Ver. 12.12.17 can be found on CAMTC's website at https://www.camtc.org/schools/

CAMTC School Newsletter

Vol 2 • Issue 1 • April 2018 • Page 3

Schools Advisory Committee Call For Members

CAMTC's Schools Advisory Committee (SAC) was created in 2017 to gather important feedback from massage schools regarding the issues that they face with the implementation of CAMTC's Policies and Procedures for Approval of Schools. SAC met four times last year and shared constructive recommendations with the Board that were considered, and many were adopted to improve the process.

With SAC's initial charge completed, the Board appreciated the valuable feedback provided by the schools and voted at its November meeting to continue with the committee in 2018. SAC meetings are scheduled for May 30, 2018 and November 14, 2018. In the interest of receiving feedback from different schools, we have decided to open up the Committee to new membership. If you are interested in applying, please send your resumé to:

jforman@camtc.org by April 23, 2018

All CAMTC meetings are open to the public. Dates and locations are listed on CAMTC's website at https://www.camtc.org/information-about-camtc/ and then click on the 'Meetings' icon. The next meetings are as follows:

- CAMTC Schools Advisory Committee May 30, 2018 – Location TBD
- CAMTC Board Meeting May 31, 2018 – Location TBD

Any schools that have suggestions of topics for the Committee may direct their inquiries to the SAC Chairman, Dr. Jeffrey Forman at: jforman@camtc.org. Be sure to email your request at least 2 weeks prior to the meeting, in order for it to be considered as a possibility for the meeting's agenda.

Joe Bob Smith in Action 3/10/18 at A2Z Health Expo



California Massage Therapy Council

We're Here To Help

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

jbsmith@camtc.org

Missed a CAMTC School Newsletter?

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

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

www.camtc.org

California Massage Therapy Council

CAMTC School Newsletter

Vol 2 • Issue 2 • June 2018

Schools Advisory Committee - May 30, 2018

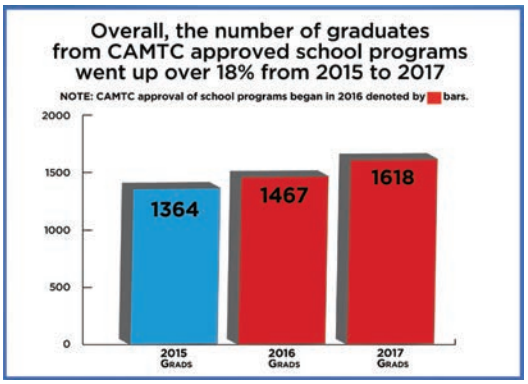
CAMTC's Board of Directors highly values the input of schools. Thus, it has continued the Schools Advisory Committee that began last year. The Committee convened for its first meeting of 2018 on May 30th. To add a fresh perspective, three previous Committee Members rotated off and three new Members were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

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

NOTE FROM THE DIRECTOR

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

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



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

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

Sincerely,
Joe Bob Smith
Director of Educational Standards Division

CAMTC School Newsletter
Vol 2 • Issue 2 • June 2018 • Page 2

Board Meeting May 31, 2018

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

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

(Approved May 31, 2018)

The following fees will become effective October 1, 2018

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

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

Description	Fee
School Reapplication (Four Years)	$6000

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

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

Board Meeting... continued on Page 3

Board Meeting May 31, 2018 continued...

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

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

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

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

We're Here To Help

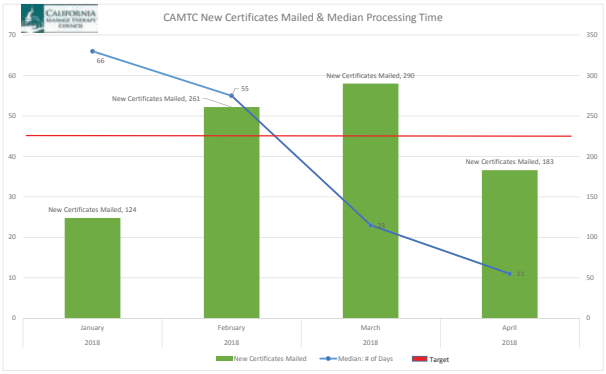
For School Questions or Comments:
Joe Bob Smith, CAMTC Director of Educational Standards Division, can be reached at:
jbsmith@camtc.org

CAMTC School Newsletter

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Returned Transcripts

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



MBLEx Scores

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

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

Applications For Change

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

Missed a CAMTC School Newsletter?

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

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

www.camtc.org

California Massage Therapy Council

CAMTC School Newsletter

Vol 2 • Issue 3 • October 2018

Schools Advisory Committee (SAC)

The CAMTC Schools Advisory Committee held its most recent meeting on September 26, 2018 in Redondo Beach. Here is a summary of the Committee's actions:

- Reviewed proposed amendments to the Policies and Procedures for Approval of Schools and recommended Board approve with the minor technical changes noted.
- Reviewed and discussed results from the CAMTC Approved School Programs Survey sent June 30, 2018. Thirteen schools responded: 62% of respondents rated CAMTC's school-related policies and program "excellent" or "good" with 38% rating "fair" or "poor." The common theme was "communication". To that end, the Committee supports CAMTC hosting a Monthly Schools Conference Call in addition to the quarterly CAMTC School Newsletter. The Committee is determined to see more schools respond and to receive even more favorable numbers when the survey is repeated next year.
- Passed a motion requesting schools to provide CAMTC with feedback regarding challenges students are facing when completing the CAMTC Application for Certification. These identified issues will be reviewed for possible inclusion in an updated version of the application. If your school has any comments or suggestions for the individual CAMTC Application for Certification, please email Beverly May at bmay@camtc.org.

New Monthly Schools Conference Call 1st Wednesday of Every Month



To provide faster and more direct communication between CAMTC and California massage schools, CAMTC will host a Monthly Schools Conference Call the first Wednesday of every month at 2:00 p.m. beginning November 7, 2018. To participate in the upcoming November 7, 2018 conference call at 2:00 p.m., simply call the phone number below and when prompted, enter the passcode below followed by the # sign:

Phone number: 877-366-0711
Passcode: 82373574 #

CAMTC's Director of Educational Standards Division, Joe Bob Smith, will facilitate the calls. A special guest on the first conference call will be a Staff Member of FSMTB to address recent issues related to MBLEx as a result of the passage of Senate Bill 1480.

The easy accessibility and frequency of these monthly conference calls will allow schools to receive current CAMTC/ESD information, ask questions, and make recommendations in a timely and direct manner. These monthly conference calls work in conjunction with our quarterly CAMTC School Newsletter and Schools Advisory Committee to foster closer relationships with schools by enhancing communication and the accessibility of relevant information.

An email reminder will be sent to CAMTC Approved Schools, with the phone number and passcode approximately 3 weeks before the conference calls each month. We welcome everyone to participate in the new Monthly Schools Conference Calls.

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Reminder – New Schools Fee Schedule as of October 1, 2018

As stated in the June newsletter, the Board updated the school fees at the May 31, 2018 meeting. Many of these fee changes took effect on October 1, 2018. When submitting applications, credit card authorizations, or other forms for schools, please make sure to use only forms updated on or after October 1, 2018. Please see the Fee Schedule for Schools below:

California Massage Therapy Council (CAMTC)
Fee Schedule for Schools

(Approved May 31, 2018)

The following fees will become effective October 1, 2018

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

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

Description	Fee
School Reapplication (Four Years)	$6000

Additionally, many fee changes affecting applicants for certification will go into effect on January 1, 2019. Please see the Fee Schedule for Applicants & Certificate Holders below:

California Massage Therapy Council (CAMTC)
Fee Schedule for Applicants & Certificate Holders

(Approved May 31, 2018)

The following fees will become effective January 1, 2019

Description	Fee
Additional CAMTC ID Card	$30
Additional Certificate	$30
Conversion/Upgrade from CMP to CMT	$60
Hearing - Recording	$50
Name Change	$60
New Application Processing (Two Years)	$200
Out-of-State Verification	$30
PSD Hearing – Telephonic/Oral	$270
PSD Hearing – Written Statement	$180
Returned Check/Chargeback	$50

The following fees will be applicable to certificates expiring on or after January 1, 2019

Description	Fee
Late Fee: 1 to 10 Days After Expiration	$50
Late Fee: 11 to 29 Days After Expiration	$80
Late Fee: 30 to 180 Days After Expiration	$180
Recertification Processing (Two Years)	$200

CAMTC School Newsletter

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Test Requirement for Certification Suspended

On September 19, 2018, the Governor signed SB 1480 into Law. Among other things, this bill changes the Massage Therapy Act so that starting on January 1, 2019 through December 31, 2020, passage of a CAMTC approved exam will not be required for CAMTC Certification. Passage of a CAMTC approved exam will again be required for CAMTC Certification beginning January 1, 2021.

Those seeking CAMTC Certification now or in the near future have three options:



1. Apply now or any time before January 1, 2019, take and pass a CAMTC approved exam, and meet all of the other requirements for certification. This option allows you to be certified the fastest, but also requires that you take and pass a CAMTC approved exam.
2. Apply now or any time before January 1, 2019, DON'T take or pass a CAMTC approved exam, but meet all of the other requirements for certification. If you choose this option, CAMTC will hold your application until the Law becomes effective on January 1, 2019, and it will then be processed after that time.
3. WAIT to apply until on or after January 1, 2019. If you choose this option, no exam requirement will apply.

Schools and students should take note that, if an individual obtains CAMTC Certification between January 1, 2019, and December 31, 2020 when passage of a CAMTC approved exam is not required, and then allows his or her certification to lapse and must re-apply for certification on or after January 1, 2021 once the requirement is reinstated, that individual will need to meet all current requirements. This could include passing a CAMTC approved exam at the time of the re-application. Additionally, most other states require the passage of an exam. Schools should consider these scenarios when counseling students and modifying curriculum related to passing a standardized exam.

Applications For Change

All approved schools and those applying for re-approval should submit an application for change preferably before the change goes into effect or, at maximum, within 30 days after the change has gone into effect. To submit these changes, schools should use the forms in the new CAMTC Application for Massage Program Re-Approval. That re-approval application will be available soon at www.camtc.org/schools/ on CAMTC's webpage for Schools.

We're Here To Help

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

jbsmith@camtc.org

CAMTC School Newsletter

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Updated Policies and Procedures for Approval of Schools

The CAMTC Board of Directors held its most recent quarterly meeting on September 26 & 27, 2018 in Redondo Beach. The Board took several actions affecting schools. Here is a summary of the most pertinent amendments to the 'Policies and Procedures for Approval of Schools': (please refer to http://www.camtc.org/media/1559/schoolspolicies-and-procedures-for-approval-of-schools-92618-final.pdf for the exact language):

1. Section 2.B. Updates fee to correspond with the Fee Schedule adopted by the Board on May 31, 2018.
2. Section 3.A. Clarifies that CAMTC will consider accepting hours for individual certification from partially completed programs so long as those hours are a part of a CAMTC Approved School Program.
3. Section 3.A.d. Reiterates that any applicant for CAMTC Certification may be required to pass an education hearing to provide additional proof of adequate education.
4. Section 3.D. Clarifies that CAMTC may accept hours completed at a school that submitted an application for school approval and was ultimately approved, if those hours were completed on or after the date of submission of the application and if the date of submission of the application is on or after July 1, 2016.
5. Section 7. Clarifies actions to be taken in relation to students when CAMTC decides to impose discipline, deny approval, revoke approval, suspend approval, place a school under investigation, or otherwise act against a school that has applied for CAMTC Approval or is a CAMTC Approved School.

Note from Joe Bob Smith, Director of Educational Standards Division (ESD)

The past few months saw a big shift as ESD transitioned out of its start-up phase in which all schools were newly approved, to its current phase in which the majority of schools are subject to re-approval or have been re-approved. Here is an update of all initial applications for approval received since May 1, 2015:

171 Total Applications Received

94 Total Approved

- 21 Still Under Initial Approval
- 2 Still Under Initial Approval (disciplinary action)
- 51 Re-Approved
- 2 Re-Approved (disciplinary action)
- 18 Closed/Expired While Approved
- 7 Denied
- 4 Ineligible (Un-approved)
- 31 Pending
- 35 Purged*

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

I am looking forward to our Monthly Schools Conference Calls. Please come with questions as these calls are for YOU, to get the information that you want to know. Of course, you can always reach me in the interim at jbsmith@camtc.org.

Missed a CAMTC School Newsletter?

Digital versions of all previous CAMTC School Newsletters can always be found here: https://www.camtc.org/information-about-camtc/ and then click on "Publications".

California Massage Therapy Council

CAMTC School Newsletter

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Conference Call Reminder and Summary



The next Monthly Schools Conference Call will be on **Wednesday, December 5th at 2:00pm**. To participate, simply call the phone number below and, when prompted, enter the passcode below followed by the # sign:

Phone number: 877-366-0711
Passcode: 82373574 #

The November call had approximately 30 schools in attendance, along with Kevin Snedden and Mary O'Reilly from FSMTB to discuss the MBLEx and the impact of recent legislation suspending the test requirement for CAMTC Certificate Holders for two years. Other topics included CAMTC's acceptance of partial hours from an approved program and current fee schedules.

We invite you to come to these calls with questions and topics important to you and your school. CAMTC's Director of Educational Standards Division, Joe Bob Smith, facilitates these conference calls the first Wednesday of every month at 2:00 p.m.



'Tis The Season

We at CAMTC wish all of you a joyful Season's Greetings, plus a successful and Happy New Year throughout 2019!

CAMTC School Newsletter
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Updated Policies and Procedures For Approval of Schools



The CAMTC Board of Directors held its most recent quarterly meeting on November 15, 2018, in Los Angeles. The Board took several actions affecting schools, including amending the Policies and Procedures for Approval of Schools. Please refer to: http://www.camtc.org/media/1570/schools policies-and-procedures-for-approval-of-schools-amendments-111518.pdf for the exact language.

Here is a summary of the most pertinent amendments:

1. **Section 4** amendments eliminate the need to submit a written binder of information when submitting an application for approval or re-approval. The requirement to submit documents electronically remains.

2. **Section 5.H**. has been amended to reflect changes to CAMTC approved exam requirements. Since passage of a CAMTC approved exam will not be required in 2019 and 2020, school exam passage rates will not be tracked during this time.

3. **Sections 7.c.1 and 7.c.3** amendments end the acceptance of education from schools that are denied CAMTC School Approval for those schools whose applications for school approval are received on or after January 1, 2019.

4. **Section 7.c.1.(b)(1)** adds an additional grace period from January 1, 2019, through March 31, 2019, for students from schools currently denied CAMTC School Approval. This provision is to address the hardship faced by students who were given the opportunity to participate in education hearings, but who could not complete their applications because they were unable to sit for the MBLEx during that time.

5. **Section 7.c.1.(c)** adds a provision allowing students who attended a school with a pending application for CAMTC school approval that has been pending for 1.5 years or more and is listed on CAMTC's website to request an education hearing upon their written request. This provision is intended to alleviate the hardship experienced by students when school applications for school approval are pending for long periods of time.

We're Here To Help

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

jbsmith@camtc.org

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- SB 1480 was signed into law by the Governor on September 19, 2018. Among other amendments, it suspends the test requirement for CAMTC Certification for 2 years, from January 1, 2019 through December 31, 2020.
- On May 31, 2018, the Board updated many of CAMTC's fees. Most new school fees took effect on October 1, 2018. Most fees for certificate holders and individual applicants change effective January 1, 2019.

For additional information on these two subjects, please see the previous newsletter or CAMTC's website at:

http://www.camtc.org/schools/ and at
http://www.camtc.org/massage-professionals/

for additional information about these two subjects.

Schools Advisory Committee Extended



The Board has extended the Schools Advisory Committee into 2019.

Applications For Change



All approved schools and those applying for re-approval should submit an application for change preferably before the change goes into effect or, at maximum, within 30 days after the change has gone into effect. To submit these changes, schools should use the forms found in the new CAMTC Application for Massage Program Re-Approval.

Missed a CAMTC School Newsletter?

Digital versions of all previous CAMTC School Newsletters can always be found here: https://www.camtc.org/information-about-camtc/ and then click on "Publications".

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

www.camtc.org

California Massage Therapy Council

CAMTC School Newsletter

Vol 3 • Issue 1 • April 2019

CAMTC Celebrates 10th Anniversary

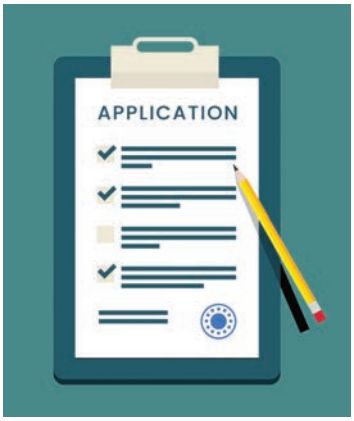


Prior to 2009, most massage therapists in California were subject to onerous local permitting processes that required paying annually for multiple city permits, often subjected therapists to health exams, and unfairly targeted legitimate therapists. Few thought the unusual approach of voluntary certification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

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

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

Application For Change of Staff



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

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

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

jbsmith@camtc.org

CAMTC School Newsletter

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Monthly Schools Conference Call



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

Phone number: 877-366-0711
Passcode: 82373574 #

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

Schools Advisory Committee

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

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

We're Here To Help

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

jbsmith@camtc.org

CAMTC School Newsletter

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??????????Question of the Month ??????????

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

A It is up to each school to establish its own attendance policy. What CAMTC looks for is that the school is following its own stated policy. The only requirement of CAMTC is that students successfully complete 500 hours of in-class education supervised by a qualified instructor, including 100 hours of core curriculum as outlined in the Procedures. Under no circumstances should a student receive credit for hours not attended. For example, if a student attends 80 of 100 hours under a school's 80% attendance policy, the student may pass and complete the course but only receives credit for the 80 hours. This means that schools offering the minimum 500 hours of education must have 100% attendance policies. All schools should accurately track and record detailed attendance, absences, make-up hours, leaves of absences, and any other information necessary to verify that a student has successfully completed the number of hours stated on the student's transcript.



American Massage Therapy Association of California (AMTA-CA) 2019 Annual Conference

CAMTC leadership and senior staff had a well-attended booth at the AMTA-CA Annual Conference. We were all ears for listening to massage professionals, business owners and school owners. Our #1 goal was to listen and problem-solve in real time at our booth and to follow-up when needed.

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

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Foreign Education

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

jbsmith@camtc.org



Upcoming Meetings

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

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



CAMTC Website Update

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

Missed a CAMTC School Newsletter?

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

California Massage Therapy Council

CAMTC School Newsletter

Vol 3 • Issue 2 • June 2019



Stop Fraudulent Schools

Since its inception 10 years ago, CAMTC has unapproved 78 schools, denied approval for 6 schools, and taken disciplinary action against others. Many of these "schools" were fraudulent and provided little to none of the education listed on their transcripts – modern day diploma mills. These fraudulent schools steal students from legitimate schools, artificially devalue tuition rates, rob students of an actual education, put massage clients in harm's way, and make it easier for human trafficking to proliferate.

Many of our investigations start with tips. If you suspect a school may be fraudulent, don't assume that CAMTC knows or has the evidence to prove it. You can help us crack down on fraudulent schools by:

- Reporting suspicious behavior from other schools, such as:
  - i. Calls asking you to list hours from their school on your transcript
  - ii. Other schools' transcripts with inconsistencies or misinformation
  - iii. False or questionable advertising (e.g., "CAMTC Approved" when they are not)
  - iv. Unsolicited calls about buying your school
- Reporting suspicious information received from students, such as:
  - i. Students stating another school offered to sell them a transcript
  - ii. Students stating they came to your school because they weren't receiving the education promised at another school

If you suspect something, get as much information as you can (e.g., first and last names, phone numbers, Caller ID information, dates, times, etc.) and send an email to: **complaints@camtc.org**. In order for us to determine whether the complaint may warrant investigation, you must:

- Identify yourself by name and contact information. CAMTC DOES NOT INVESTIGATE ANONYMOUS COMPLAINTS
- Identify the name and location of the massage school, individuals involved, and provide as much other information as possible
- Describe the suspicious behavior in detail. If CAMTC decides to investigate the complaint, you (or the student, if that is the case) may be asked and must be willing to:
  - Provide a signed declaration under penalty of perjury
  - Possibly testify to the allegations
  - Explain your relationship with the massage school and/or individuals
  - Provide any other evidence in your possession

CAMTC IS NOT A LAW ENFORCEMENT AGENCY NOR GOVERNMENT AGENCY. IT IS WITHIN THE SOLE DISCRETION OF CAMTC WHETHER OR NOT TO INVESTIGATE OR PURSUE ANY COMPLAINT AGAINST A MASSAGE SCHOOL OR PROFESSIONAL.

CAMTC School Newsletter
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Get Your Students Certified Faster



CAMTC understands that massage professionals who apply with us want to become certified quickly and that CAMTC Approved Schools have a responsibility to place their graduates soon after completion. To that effect, CAMTC's April 2019 median processing times for a new CAMTC Application for Certification with no background or education issues was 11 days (593 new CAMTC Certificates were mailed in April 2019) and for CAMTC Recertification Applications with no background issues was 7 days.

To improve processing times even further, CAMTC recently conducted a study of new paper application forms and the most common causes for them to be returned to the applicant and thus delayed, indicating that fewer delays occur with electronically submitted applications. Educating your students about these pitfalls will improve application processing times and help applicants obtain CAMTC Certification even more quickly. Please note that totals may exceed 100% because some applications have more than one issue.

New Certification Application Delays

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

Recertification Application Delays

- 40% had affidavit issues (e.g., boxes not checked; no name; no signature; incorrect dates, etc.)
- 20% applied too early
- 17% payment issues (e.g., declined credit card, incomplete information, missing late fee, etc.)
- 11% wrong version of the form
- 9% did not provide date of birth
- 7% missing or modified pages
- 6% missing work status

Where To Find School Applications

Find the Application for School Re-Approval and Application for Change of Staff on our website at: **www.camtc.org/schools/school-owneradministrator/school-login/**.

To inquire about Applications for School Approval for new schools or other change applications, please email Joe Bob Smith at: **jbsmith@camtc.org**.

As a reminder, schools must inform CAMTC of all changes affecting their massage program(s) including, but not limited to, changes to ownership, officers, school name, school address, BPPE approval, curriculum, instructors, authorized transcript signers and administrators.

CAMTC School Newsletter

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Q. **CAMTC Approved Massage Programs must meet the following minimum hours of core requirements:**

64 hours Anatomy & Physiology, 13 hours Contraindications, 5 hours Health & Hygiene, and 18 hours Business & Ethics (total hours = 100).

If a student has education from more than one school, does he or she have to meet those same core hour requirements?

A. While applicants for CAMTC Certification must have a total minimum of 100 hours of core requirements (Anatomy & Physiology, Contraindications, Health & Hygiene, and Business & Ethics), it is not required that they have the exact same breakdown as CAMTC Approved Massage Programs. That said, when an applicant completed education at multiple schools, CAMTC reviews the education to ensure that it closely resembles that of an approved program. For example, a student may have only completed 62 hours of Anatomy & Physiology, rather than the 64 hours required for CAMTC Approved Massage Programs. This would likely be acceptable. However, if a student only completed 20 hours of Anatomy & Physiology, even though he or she may have 80 hours of the other core subjects, it would likely not be accepted as it is too far from what an approved program would offer. Keep in mind that all education submitted from multiple schools is reviewed as a whole for each individual. Depending on the exact hours and subjects submitted, acceptance of hours may vary from applicant to applicant. CAMTC reserves the right, in its sole discretion, to not accept any or all submitted hours.

Closed School Education Deadline Moved

Based on feedback from schools and certification applicants, the CAMTC Board amended the closed schools policy at the May 2019 Board meeting. Previously, effective January 1, 2019, applicants for CAMTC Certification with education from schools closed prior to July 1, 2016, and that did not have a CAMTC Approved School as the custodian of records, had the additional requirement of either: 1) providing proof of current and continuous city and/or county permit(s) to provide massage for compensation, or 2) passing a CAMTC Education Hearing. The date for imposing these requirements has been pushed forward to January 1, 2021. This amendment is being applied retroactively starting on January 1, 2019. This means that all applicants who previously received notice to comply with these additional requirements have been told they are no longer required to do so.



The CAMTC Monthly Schools Call occurs the **1st Wednesday of every month at 2pm. The next call is: July 3rd.** 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 in advance to **jbsmith@camtc.org.**

CAMTC School Newsletter

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Attend a SAC Meeting

The next CAMTC Schools Advisory Committee (SAC) meeting is scheduled for the morning of Wednesday, September 11th, 2019. The next CAMTC Board meeting is scheduled for the afternoon of Wednesday, September 11th, and all day Thursday, September, 12th, 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/ and scroll down.

We're Here To Help

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

jbsmith@camtc.org


Cliff Korn and Joe Bob Smith

Massage Therapy Hall of Fame Induction

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

Missed a CAMTC School Newsletter?

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

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

www.camtc.org

California Massage Therapy Council

CAMTC School Newsletter

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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.

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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

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.

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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!

CAMTC School Newsletter

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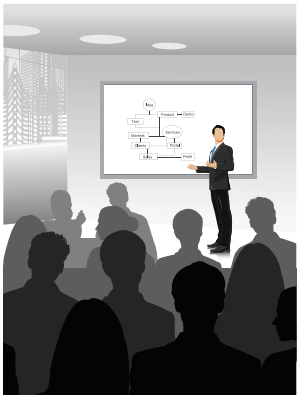
Monthly Schools Conference Call

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.**

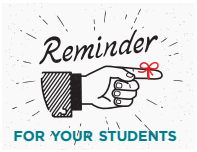
Attend A Meeting



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 Massage 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

CALIFORNIA MASSAGE THERAPY COUNCIL

Appearing in March 2017 Southern California Event!

Southern California

CALIFORNIA MASSAGE SCHOOL ASSOCIATION
Meeting & Expo - 3/18/17

School Owners, Massage/Spa Business Owners & Massage Therapists are Welcome

Saturday, March 18, 2017
9am to 12pm - Session by CAMTC
12pm to 6pm - A2Z Health Expo & Programs

Location:
Airtel Plaza Hotel
7277 Valjean Ave., Van Nuys, 91406

For Expo registration please go to:
http://www.camtc.org/media/1330/camsa-event-hosted-by-a2zhealth-expo.jpg

FEATURED CAMTC PRESENTATIONS ARE FREE

9am - Opening Remarks
- Dr. Ben Drillings

9:15am - CAMTC Approved Massage Schools
Presentation by Joe Bob Smith
Director of CAMTC Educational Standards Division

Schools

Joe Bob will update schools owners on:
- the current status of the new school approval process
- what CAMTC approval can do for your school
- how school approval protects the public
- learn best practices to help students get CAMTC certified

10:30am - Future of Massage in California
Presentation by Mark W. Dixon, CMT, BCTMB - CAMTC's Chairman

Massage Professionals

Massage Business Owners

Consumers

Whether you're a Massage Therapist, Educator, or a Massage/Spa Business Owner, the field of massage in California is currently going through many changes that create both challenges and opportunities.

Mark W. Dixon, CAMTC's Chairman has been in the field of massage for 29 years as a therapist and educator. He's held multiple leadership positions in California and Nationally. He will lead a discussion about:
- How CAMTC is raising professional standards
- Consumers' increasing demand for massage
- How the shortage of qualified massage professionals is impacting the industry
- Pricing and competitive pressures
- How to best position your career, school and or business to thrive in the new California massage ecosystem

If you are serious about success in the massage profession, this is one presentation you do not want to miss.

11:30am - Q&A

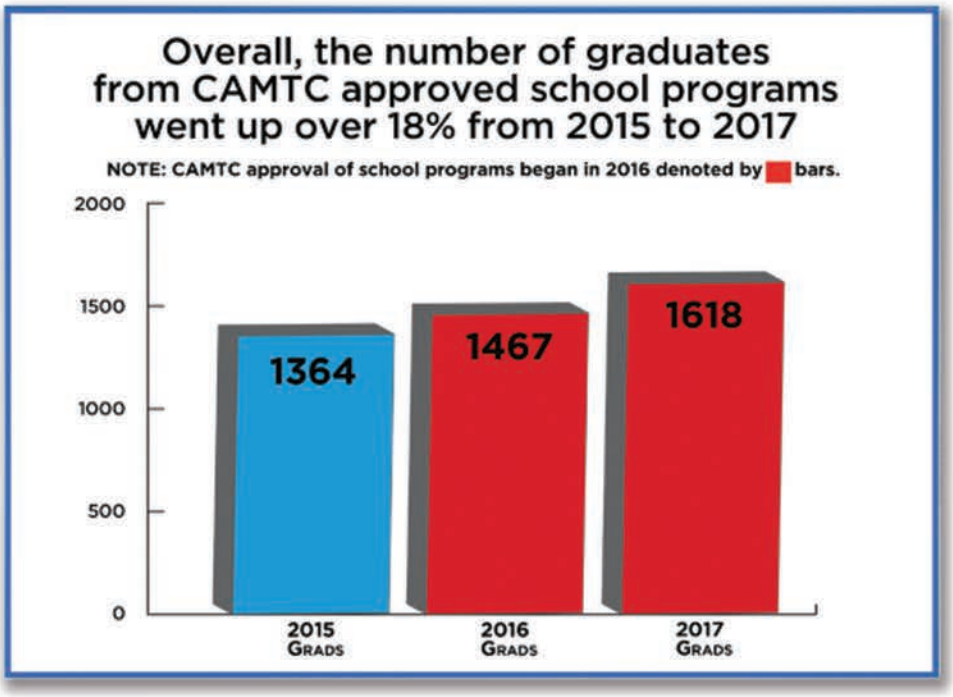
Governmental Affairs

- Mark W. Dixon - CAMTC's Chairman
- Joe Bob Smith - Director of CAMTC Educational Standards Division
- Beverly May - Director of CAMTC Governmental Affairs

CAMTC certification processing staff will be onsite to help you with any issues regarding your application or certification status.

CALIFORNIA MASSAGE THERAPY COUNCIL

www.camtc.org


Overall, the number of graduates from CAMTC approved school programs went up over 18% from 2015 to 2017
NOTE: CAMTC approval of school programs began in 2016 denoted by bars.
2000
1500
1000
500
0
1364
1467
1618
2015 GRADS
2016 GRADS
2017 GRADS

CALIFORNIA
MASSAGE THERAPY
COUNCIL

www.camtc.org

A2Z HEALTH EXPO
Share Your Passion!

Saturday, March 10, 2018 - 9am-5pm
Airtel Plaza Hotel
7277 Valjean Ave. Van Nuys, CA 91406

MASSAGE SCHOOLS AND STUDENTS

HOW THEY BENEFIT FROM CAMTC SCHOOL APPROVAL

PRESENTED BY JOE BOB SMITH - CAMTC DIRECTOR, EDUCATIONAL STANDARDS DIVISION



- Using CAMTC Approval to Your School's Advantage
- Why Students Should Choose a CAMTC Approved Massage Program
- Massage Schools are the First Line of Defense in Protecting the Public

CALIFORNIA MASSAGE THERAPY COUNCIL

24. Additional Materials Related to Massage Professionals Outreach

24.a. We're All Ears For You Flyer

24.b. 2018 AMTA Southern California Chapter Annual Meeting/ Conference Flyer

24.c. Massage Professionals Brochure

24.d. Stay Out of Trouble Flyer

24.e. Understand Violations of CAMTC Law Flyer

24.f. 2017 AMTA National Convention Flyer

24.g. CAMTC Certificate and ID Card Requirements

24.h. 2017 AMTA Northern California Chapter Annual Educational Conference Flyer

24.i. Massage Magazine Article, "Changes To California Massage Law Are Now In Effect"

24.j. Expired Certificate Holders Recertification Postcard



We're All Ears... For You!

CAMTC's Leadership Team wants to hear your questions, your concerns, and whatever else we might be able to assist you with. Please visit our booth at the:

2019 AMTA-CA Annual Meeting & Conference
Hilton Sacramento Arden West
2200 Harvard St., Sacramento, CA 95815

Friday March 15th - 6:00PM to
Saturday March 16th - 6:30PM

Take advantage of this great opportunity to have your voice heard loud and clear by CAMTC's dedicated team of professionals.

We look forward to ~~seeing~~ hearing you there.

CALIFORNIA MASSAGE THERAPY COUNCIL

ATTENDING MARCH 2018 SOUTHERN CALIFORNIA EVENT!



2018 AMTA-California Chapter Annual Meeting + Conference

Massage For The Ages • March 17-18

Location: **Wyndham Irvine - Orange County Airport**
17941 Von Karman Avenue • Irvine, CA 92614

FREE ACCESS to CAMTC's BOOTH

For Registration please go to:

https://www.eventbrite.com/e/2018-amta-california-education-conference-tickets-38462411107

CAMTC leadership and staff will be in attendance at the conference and will be available to address any CAMTC related concerns you may have.

CAMTC will have a booth both days of the conference. Stop by for help with local government challenges, school issues, start the application process, check your certification status, or to simply say "hi" anytime.

CALIFORNIA MASSAGE THERAPY COUNCIL

Massage Professionals | Massage Business Owners | Consumers | Schools | Governmental Affairs

www.camtc.org

The consequences of enrolling in a massage program that is not approved by the California Massage Therapy Council (CAMTC)

One of the requirements in order to obtain CAMTC Certification as a massage therapist is to submit evidence of successful completion of the curricula in massage and related subjects totaling a minimum of 500 hours, all of which must be from CAMTC Approved Schools.

CAMTC cannot accept or certify education from programs that are not approved by CAMTC.

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

www.camtc.org

Phone (916) 669-5336
Fax (916) 669-5337

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.

v12/2017



Are You Considering Enrolling In A Massage Program That Is Not Approved By CAMTC?

CAMTC Certification

According to California State Law, CAMTC Certification is voluntary. However, many massage professionals choose to apply to become a Certified Massage Therapist for reasons that may include, but are not limited to the following:

- Only CAMTC is authorized by California State Law to provide the freedom to practice massage statewide without the need to obtain individual permits from each city and county in which they may work.
- Some California cities, counties, employers, and consumers require it.
- Only professionals with CAMTC Certification can legally call themselves a 'Certified Massage Therapist' and use 'CMT' after their name in the State of California.

Find a list and map

... of all CAMTC Approved Massage School Programs by clicking on the 'Find a School' icon at:

http://www.camtc.org/schools/

Only education from CAMTC Approved Schools meets the professional standards to be accepted by MBLEx (the national massage exam) and most of the other 45 states that regulate massage.

FAQs

Q: Does attending a CAMTC Approved Program guarantee that I will become certified by CAMTC?

A: No. In addition to CAMTC verifying that the school transcript is accurate and complete, all applicants must submit a completed application, pay the application fee, pass a CAMTC approved exam, and pass a background check.

Q: If my program is longer than 500 hours, do I have to graduate before applying to CAMTC?

A: Check your school's policy. You must complete a minimum 500 hours of massage education, including 100 hours of core requirements, from a CAMTC Approved Program in order to obtain CAMTC Certification. However, it is up to the school to define 'complete' and 'graduate.'

Q: Can CAMTC require a CAMTC Approved School to release my transcripts?

A: No. Schools may withhold transcripts for a variety of reasons including, but not limited to, failure to attend all hours/classes, failure to pass any tests/exams, or failure to pay all fees. Check your school's policy.

FAQs (continued)

Q: Can I attend more than one Approved Program?

A: Yes, as long as you complete a minimum of 500 hours, with a minimum of 100 hours in core subjects, from one or more CAMTC Approved Programs. Sealed transcripts directly mailed to CAMTC from each school must be submitted. CAMTC will evaluate all transcripts to ensure that the total education received reflects the well-rounded curriculum of a singular approved program.

Q: What happens if my school's approval expires or is revoked?

A: CAMTC Approved Programs meet the minimum requirements at the time of approval. However, CAMTC cannot control school actions that might jeopardize its approval. While CAMTC makes every effort to ensure that students from CAMTC Approved Programs receive credit for actual education received, students should report directly to CAMTC any behavior on the part of the school that seems questionable and unreported to CAMTC.

Send any questions or concerns regarding questionable school behaviors to **students@camtc.org**.

CALIFORNIA MASSAGE THERAPY COUNCIL

www.camtc.org

A2Z HEALTH EXPO
Share Your Passion!

Saturday, March 10, 2018 - 9am-5pm
Airtel Plaza Hotel
7277 Valjean Ave. Van Nuys, CA 91406

STAY OUT OF TROUBLE

TOP 10 WAYS TO LOSE YOUR CAMTC CERTIFICATE





You worked hard to become a CMP or CMT, you don't want to get your CAMTC Certificate revoked or suspended.

In following its legislative mandate to protect the public, CAMTC has already revoked, suspended, denied, or disciplined close to 9,000 massage professionals in California and continues to act against massage professionals who disregard California State Law and CAMTC's policies.

Do not get caught by surprise and find out too late that you engaged in conduct that could put your CAMTC Certificate in jeopardy.

This easy to understand presentation will provide a summary that will help give you the knowledge as to what constitutes a violation of CAMTC's statute.





FOR CAMTC'S CERTIFICATE HOLDERS EXCLUSIVE FREE TICKET:

Go to https://www.eventbrite.com/e/a2z-health-expo-2018-health-and-longevity-in-the-21st-century-tickets-41103236888

FROM THERE YOU MUST:

- CLICK ON 'TICKETS'
- CLICK ON 'ENTER PROMOTIONAL CODE'
- ENTER THE CODE 'CAMTC100'

WITH THAT CODE, ALL DAY ACCESS IS FREE.



Presented By
Rick McElroy,
CAMTC Director
of Professional
Standards
Division (PSD)

Rick is a 32-year veteran with LAPD and spent 28 of those years working illegal massage parlors with the Organized Crime and Vice Division (OCVD). Rick is in charge of PSD day-to-day operations at CAMTC, as well as the presenter for CAMTC trainings to law enforcement officers throughout the State. This is a rare opportunity to ask Rick questions about completing background questions on CAMTC Applications or about on-the-job work experiences, etc. Don't miss this talk with plenty of Q&A time!

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 MASSAGE 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.

CALIFORNIA MASSAGE THERAPY COUNCIL



CAMTC will be in Pasadena, September 14-16, Thursday-Saturday

for

American Massage Therapy Association's 2017 National Convention

Meet CAMTC leadership and staff at the CAMTC Booth throughout the convention to address in person any CAMTC related concerns you may have.

- Check on your CAMTC application OR recertification status
- Update your work address(es) and contact info
- Receive help with local government challenges
- Address any current school issues
- Simply stop by our booth to say "hi" anytime

CAMTC negotiated an exclusive offer for CAMTC Certificate Holders and Applicants to attend this important convention:

• FREE Convention Exhibit Hall 3-Day Pass ($25 value)

• $100 OFF Full Registration for the Entire 3-Day Convention

LEARN MORE

Please be advised that the last event CAMTC participated in was sold out and hundreds of massage professionals weren't able to attend. To benefit from this national convention coming to California, EARLY REGISTRATION IS ADVISED.

You Must Register by July 27th to receive this special:
Call toll free at 1-877-905-2700, mention AMTA100, and take advantage of CAMTC's exclusive offer!

Join your peers at this highly prestigious and largest event in the massage therapy community, featuring knowledgeable/engaging speakers, continuing education, networking and cool new products.

Come By To Visit Us at the Convention... We're Here To Help!

www.amtamassage.org/education/AMTA-2017-National-Convention/AMTA100-CAMTC.html

Please help spread this valuable information by forwarding our email to fellow colleagues, or print and post the attached eblast.

CALIFORNIA MASSAGE THERAPY COUNCIL



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

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





DOCUMENT 11.20

CALIFORNIA MASSAGE THERAPY COUNCIL

Attending March 2017 Northern California Event!

Northern California

AMTA CALIFORNIA CHAPTER
ANNUAL MASSAGE & BODYWORK EDUCATIONAL CONFERENCE
WEEKEND OF MARCH 24-26

Location: DOLCE HAYES MANSION – Conference Center
200 Edenvale Avenue • San Jose 95136

For Conference Registration please go to:
https://www.eventbrite.com/e/2017-amta-ca-annual-education-conference-tickets-29586091797

Early Bird Registration is available through February 28th

For Hotel Reservations please go to:
https://aws.passkey.com/event/16381147/owner/20668/home

CAMTC leadership and staff will be in attendance throughout the conference and will be available to address any CAMTC related concerns you may have.

CAMTC will have a booth all 3 days of the conference. Stop by for help with local government challenges, school issues, start the application process, check your certification status, or to simply say "hi" anytime.

CALIFORNIA MASSAGE THERAPY COUNCIL


Massage Professionals


Massage Business Owners


Consumers


Schools


Governmental Affairs

CALIFORNIA MASSAGE THERAPY COUNCIL

www.camtc.org



In Response to Local Regulations

During the sunset hearing, the California State Legislature heard from many massage business owners, a good portion of whom were sole proprietors, about the devastating impact of oppressive local regulations, excessive fees and overlapping permitting requirements on their small businesses.

After negotiations with local government representatives and industry representatives, the legislature amended the law with a focus on trying to protect legitimate massage businesses and providers.

The new amendments accomplish the following:

• Limit local government's ability to impose oppressive fees and regulations on massage businesses by stating 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."

• Showed the Legislature's support for local regulation of massage businesses through revocable registration programs by stating that, "Local governments should give strong consideration to establishing a registration program that grants local governments the ability to either suspend or revoke a registration of massage business for specific violations."

• Prohibit local governments from requiring that a massage business or establishment have a shower or a bath. While this prohibition might sound minor, requiring showers or baths under the old law was one way that some local governments made it harder for small massage businesses to operate.

• Clarified the provision prohibiting local governments from requiring CAMTC certificate holders to pass a background check to clearly state that local governments can't require a CAMTC certificate holder to submit to a criminal background check or submit fingerprints for a state or federal background check.

Changes to the California Massage Law

AB 2194 also made some clarifying and technical changes to the California massage law and changed some provisions applicable to denial and disciplinary decisions. The provisions applicable to denials and discipline were amended in the following ways:

• The existing provision that allows a certificate holder to request a hearing on a suspension based on evidence has been clarified to state that the referenced hearing is an "oral hearing or consideration of a written statement." This makes it clear that "hearing" doesn't mean an in person hearing.

• Written statements and declarations signed under penalty of perjury can currently be used to "determine the basis" of a denial or disciplinary decision. This provision has been clarified to state that this also includes using those statements and declarations to make a final decision on denial or discipline.

• The procedures set forth in CAMTC's law are deemed to meet the requirements for fair procedure.

• Lawsuits against CAMTC must now be brought within 90 days of the effective date of denial or discipline.

• Final decisions to deny or impose discipline are specifically authorized to be made based solely on written statements or declarations made under penalty of perjury, and those providing the statements or declarations cannot be required to appear at an oral hearing or provide additional documents.

• It has been clarified that certification is not a fundamental vested right, and the legal standard on review has been defined as the substantial evidence test.
In a recent meeting with the author of AB2194, Rudy Salas (D-Bakersfield), CAMTC Chairman Mark Dixon, C.M.T., B.C.T.M.B., thanked Salas for his diligent work "to protect consumers, local communities and the profession."



For More Information

If you have any questions about the new California massage law and how it applies to you, please contact CAMTC Director of Governmental Affairs Beverly May, C.M.T., at bmay@camtc.org.

A full version of AB 2194 can be found **here**.

Ahmos Netanel is chief executive officer of the **California Massage Therapy Council**.

EXPIRED CERTIFICATE HOLDERS YOU CAN STILL RECERTIFY!



No additional education or exam required!

Please see reverse side for more information on this limited time program.

CALIFORNIA MASSAGE THERAPY COUNCIL

CALIFORNIA MASSAGE THERAPY COUNCIL

25. Additional Materials Related to Sex and Labor Trafficking Outreach

25.a. CAMTC “Help Combat Human Trafficking” Brochure

25.b. Massage Magazine Article, “CAMTC Helps Fight Human Trafficking”

What Exactly Is Human Trafficking?

Human trafficking involves both labor and sex, and is defined as the following:

• Labor trafficking is defined by the California Penal Code as the "recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of...involuntary servitude, peonage, debt bondage, or slavery."



• Sex trafficking is defined under federal law as a commercial sex act induced by force, fraud, or coercion, or in which the person induced is under 18 years of age.

• According to Polaris Project, there are an estimated 6,000-9,000 brothels in the U.S. that are disguised as massage parlors. This provides a form of cover, allowing for a criminal enterprise to operate lawfully while harming victims and communities, Some of these may involve human trafficking.

You may play a vital role in helping to stop this tragic condition that affects so many, some under the guise of massage.

Additional Organizations In The Forefront Of Fighting Human Trafficking

CAMTC is not alone in the fight against human trafficking. The organizations below are focused on ending this global dilemma that is truly a nightmare for all its victims.

Polaris Project
polarisproject.org

Journey Out
Formerly The Mary Magdalene Project
journeyout.org

San Francisco Collaborative Against Human Trafficking
www.sfcaht.org/index.html

CAST
Coalition To Abolish Slavery & Trafficking
www.castla.org

CALIFORNIA MASSAGE THERAPY COUNCIL
One Capitol Mall, Suite 800
Sacramento, CA 95814
Phone: (916) 669-5336
Email: info@camtc.org

HELP COMBAT HUMAN TRAFFICKING IN CALIFORNIA



CALIFORNIA MASSAGE THERAPY COUNCIL

Know The Signs
Persons May Be Trafficked If They:

- Cannot leave their work environment or cannot quit to find another job
- Do not have control over their wages, money, or finances
- Show signs of physical abuse or injury
- Are accompanied everywhere by someone who speaks for them or allow others to speak for them when addressed directly
- Owe money to an employer or another person whom they feel bound to repay
- Moves or changes jobs suddenly and often
- Are not working in the job originally promised to them
- Lack identification, passport or other travel documents or don't have control over their documentation
- Provide sexual services in a strip club, massage parlor, brothel or other locations and have a manager or pimp
- Live illegally in the massage establishment
- Have restricted freedom of movement
- Are a juvenile engaged in a commercial sex act
- Are forced to work under deplorable conditions
- Work excessively long hours

Trafficked Persons
May Be Reluctant To Report Or Seek Services Because They:

- Do not know or understand that they are being exploited, or "trafficked"
- Are threatened that if they tell anyone, they or their families will be hurt
- Are unfamiliar with their surroundings and do not know whom to trust
- Do not know help exists, how to access it, or where to go for it
- Are unfamiliar with the laws, cultures, and languages of the destination location or country
- Fear retribution and forcible removal or deportation
- Fear law enforcement and other authorities
- Are in debt to their traffickers
- Are sending much needed money back 'home' and worry about not being able to do this.

STOP HUMAN TRAFFICKING

If you believe someone may be a potential victim, you may report an anonymous tip.

Call or text the CAMTC Tip-Line

916-589-7638

or email

tipline@camtc.org



California Massage Council Partners with Police Chiefs to Fight Human Trafficking

Karen Menehan



In California, the most populous state, thousands of massage therapists provide professional, therapeutic massage services to clients every day.

But the state's massage therapists are dogged by a big problem: criminals using massage as a front for sex crimes.

This situation isn't unique to California.

However, a new partnership between state law enforcement and the entity

that administers voluntary massage certification is a novel weapon in the fight against human trafficking.

The partnership between the California Police Chiefs Association and the California Massage Therapy Council (CAMTC) gives the council the opportunity to educate the association's 650 members about what constitutes legitimate massage therapy services and the Massage Therapy Act.

Those members—police chiefs and their sworn seconds-in-command throughout the state—may then in turn educate their staffs and communities.

CAMTC has also created a Sexually Suggestive Advertising Task Force as a tool to weed out criminals posing as massage therapists.

MASSAGE Magazine spoke with California Massage Therapy Council's CEO Ahmos Netanel, California Police Chiefs Association Executive Director Leslie McGill, CAE, and City of Vacaville Police Chief John Carli to learn more about the problems related to illegitimate massage practices, assess the scope of the partnership and the purpose of the task force, and report on how the work being done in California may benefit the state's professional massage therapists.

The Problem with Illicit Massage Establishments

According to the National Human Trafficking Hotline, illicit massage and spa businesses are the number-one cover for sex-related human trafficking in California, ahead of hotel/motel-based venues, escort services and online advertising.

Human trafficking and efforts to combat it are growing throughout the U.S., according to various governmental agencies.

In 2010, for example, human trafficking investigations by Immigration and Customs Enforcement numbered 651; in 2015, they numbered 1,034, according to the "Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons" for fiscal year 2015, the most recent report available.

According to McGill, police agencies throughout the state are especially concerned with sex traffickers using the massage industry as a cover.

"As the massage industry has grown and grown and increased in legitimacy, there's always a bad element out there," she said. "There's been an explosion from what it used to be, say, 10 to 15 years ago versus now."

People are trafficked throughout California in a variety of ways, not just through massage establishments, she added, often by organized crime syndicates.

In Vacaville, a city of 98,000 people about 50 miles northeast of San Francisco, traditional prostitution stings used to result in a handful of arrests of sex workers and johns, but didn't stem the tide of human trafficking-related sex crimes, according to Vacaville Police Chief John Carli.

He said that after a sting, the traffickers would simply change their business name and location, while arrested prostitutes were charged as the suspects in those crimes.

Now, with Vacaville having adopted a local ordinance that requires massage therapists obtain CAMTC certification, as well as having received CAMTC training for his force, Carli says his department has new tools for combatting human trafficking, and that members of the force understand that prostitutes are usually victims of sex crimes themselves.

"The success that we've seen with the clarification by CAMTC within our local

ordinance has been very successful, and appreciated by the well-meaning, law-abiding establishments that don't want the negative reputation that some of these illegitimate establishments bring to the industry," said Carli.



The Partnership

CAMTC entered into a strategic partnership relationship with the California Police Chiefs Association for one year, McGill said. The partnership was finalized in late February.

In exchange, CAMTC was the premier sponsor of the California Police Chiefs' annual training symposium held March 18–22 in Long Beach, attended by 300 association members, and may also publish information in the association's publication, *California Police Chief*.

The California Massage Therapy Council will also have a page on the association's website, and a message and link that will run in the association president's message.

CAMTC had a booth at the conference's exhibit hall, and Netanel and CAMTC's Director of Professional Standards Division Rick McElroy co-presented a workshop titled **"**Massage Establishments: Powerful Tools to Eradicate Illicit Conduct" to attendees.

The partnership helps foster better communication between CAMTC and the chiefs, said both Netanel and McGill.

"For the most part, most of our members weren't aware of the resources CAMTC offers [prior to the workshop]" McGill said. "As a strategic partner we can push information out to our membership about the services they offer—like information that can say, 'Here is someone to contact to set up training.'"

Since 2016, state law has stipulated that one member of CAMTC's board of directors be a representative of the California Police Chiefs Association, unless the association chooses not to exercise this right to appoint. Police Chief Sean Thuilliez of Beaumont (Riverside County) was appointed to the board in early April.

CAMTC's communication and cooperation with law enforcement have yielded "tremendous benefits" over the past few years, Netanel said.

"Now the partnership is more formal and we have a much more robust communication with police chiefs," he added.

There have been many situations where applicants or certificate holders engaged in unprofessional conduct or illegal conduct that CAMTC was able to discover through cooperation with local law enforcement agencies, Netanel said.

"Officers provided sworn declarations of what they witnessed and we were able to take action against that person with the input of officers," he explained.

"We are not a state agency [and] we have abilities that state agencies and

governmental agencies cannot use but we can, so it's important that law enforcement officers are aware of those protocols," Netanel said.

For example, he said, a person may have been arrested and charged for prostitution and then have a criminal trial and be found not guilty. CAMTC may still be able to revoke this person based on an officer's declaration, depending on the conduct engaged in, because CAMTC's standards of evidence are not the same as the higher criminal standards.

"We are a private entity and not required by law to meet the same requirements that law enforcement agencies are required to meet for criminal convictions," Netanel said. "If a person is found not guilty, we may still be able to revoke the person."

He said CAMTC can, in less than four months, act much more swiftly to revoke than can a state board, which might take up to three years to revoke.

"It's not that we are better or more talented, it's simply that state boards are bound to a completely different set of rules," said Netanel.

As of the beginning of 2018, the California Massage Therapy Council had revoked or denied more than 9,000 massage professionals who either violated the state's Massage Therapy Act or who did not meet its prescribed standards, said Netanel.

"These are people who allegedly went to massage school and met the requirements and graduated from massage school and applied for certification, and they were either denied or they engaged in conduct that does not meet our standards and we revoked, suspended or disciplined them," he said.

In California, certification is voluntary, meaning it is not required by the state; however, according to CAMTC's FAQs page, " ... many cities and counties have replaced their requirement for a city massage permit, usually

issued by the police or sheriff's "department, with a requirement for CAMTC certification."

CAMTC develops and offers training to local government officials, with a special focus on city attorneys, on CAMTC's certification, school approval program, and the use of revocable registration. CAMTC also performs outreach to city and county managers and elected officials. CAMTC also approves massage schools.

The exact number of massage therapists practicing in the state isn't known as there isn't a state agency tracking that number.

However, there are currently a little more than 51,000 CAMTC-certified massage therapists or practitioners in the state, said Netanel. (The latter credential wasn't offered after 2014, but those who earned that certification may still be re-certified as CMPs.)

More than 210 cities and counties now require that a massage therapist obtain certification, Netanel said, which requires 500 hours of education and passing a CAMTC-approved exam, in order to practice legally. There are 58 counties and 482 cities in the state.

The Task Force

The CAMTC has for nine years had protocols in place for certificate holders or applicants who engage in sexually suggestive adverting, which has been specifically prohibited by law in California since 2015.

The new Sexually Suggestive Advertising Task Force was created to establish protocols and budgets, as well as cooperation with local law enforcement agencies to move the process from a complaint-based system to a proactive protocol where CAMTC will actively seek to determine if any applicants or certificate holders engage in this activity, said Netanel.

“The protocol is if an applicant or certificate holder engages in massage-related advertising that is sexually suggestive they can be disciplined,” he said. “In most cases it means a denial for an applicant and a revocation for a certificate holder.”

Netanel said sexually suggestive advertising is “anything that suggests sex in advertising,” and the State of California’s Business Code for applicants and certificate holders for CAMTC certification states that “engaging in sexually suggestive advertising related to massage services” is one type of unprofessional conduct in violation of the state’s business and professions code for the healing arts.

The cooperation of law enforcement is imperative to the task force’s effectiveness because those agencies are “on the ground,” said Netanel.

“We have to make sure that a specific ad is specifically connected to a specific individual,” he explained.

“[CAMTC is] not the people who go into massage businesses and identify the massage provider with a specific ad—so to be effective it is very imperative that the work is done both on the local level on the ground and a state level, which is what we are doing,” Netanel added.

Benefits to Massage Therapists

The California Massage Therapy Council’s closer relationship with law enforcement will benefit the state’s massage therapists, said Netanel, because it will better educate the leaders of law enforcement about the legitimate massage professionals and “the more educated law enforcement is about the massage profession, the better it is for the public and the profession.”

He added, “It’s unfortunate that there are many situations in which this profession has been, for all intents and purposes, hijacked by unscrupulous individuals who use massage [with] subterfuge for illicit acts like prostitution

and human trafficking—[and] creating a partnership and working closely with law enforcement in minimizing or eradicating this phenomenon is better for the therapeutic massage profession."

The association's executive director agrees that the partnership is positive and could help in the battle against illicit massage establishments.

"It's been a great relationship," McGill said. "It's been a great educational opportunity to learn about the industry and regulations and everything CAMTC is trying to do and for them to understand what our chiefs are doing."

CAMTC protects the public by elevating the massage profession, Netanel added.

"Everything we do revolves around elevating the profession," he said, "so that legitimate practicing massage professionals are not penalized by illegitimate people who use their profession as a cover for illegal activity."

About the Author



Karen Menehan is *MASSAGE Magazine*'s editor in chief. Her recent articles for massagemag.com include "Texas Massage Therapists Reach Out After Hurricane Harvey," and "[Analysis]: Massage Therapy Has Grown in National Cancer Institute-Designated health Systems."

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CALIFORNIA MASSAGE THERAPY COUNCIL

26. Additional Materials Related to Consumer Outreach

26.a. Consumer Brochure

26.b. How To File A Complaint With CAMTC Flyer

26.c. CAMTC Diverse Media Exposure

The California Massage Therapy Council (CAMTC) is a non-profit organization established in 2009 to protect the public by certifying qualified massage professionals in California.

Report Questionable and/or Unprofessional Conduct of Massage Providers:

www.camtc.org/Complaints.aspx

California Massage Therapy Council
One Capitol Mall, Suite 320
Sacramento, CA. 95814

www.camtc.org

Phone (916) 669-5336
Fax (916) 669-5337



Is your massage provider certified?

Ver. 8/13

What is the law?

California law provides for the voluntary certification of massage professionals by CAMTC. It is against the law for a massage provider to hold themselves out as, or otherwise imply, that they are certified when they are not certified by CAMTC.



Certificate holders found to have engaged in unprofessional or illegal conduct may have their certificates suspended or revoked, or may be subject to other discipline by CAMTC.

Local Regulations

A growing number of California cities and counties are requiring CAMTC certification for massage professionals. If CAMTC certification is not required in a specific city or county, and a massage provider practicing in that city or county may require massage providers to obtain and maintain a local permit or license.

What Is a CMT, CMP or CCMP?



In order to be certified as a massage professional by CAMTC, an applicant must pass a background check that includes review by the California Department of Justice and FBI, and meet the educational standards established by California State Law. Massage professionals may be certified as either:

CMT - Certified Massage Therapist
- 500 hours of approved education or 250 hours of approved education and passage of a CAMTC approved exam; or

CMP - Certified Massage Practitioner
- 250 hours of approved education; or

CCMP - Conditional Certified Massage Practitioner
- Applied on or before January 1 of 2012, with 100 hours of approved education, and completed a minimum of 30 hours per year of approved continuing education until 250 hours are reached within 5 years.

Beware of massage providers who...

- Do not display their CAMTC certificate number in their advertising
- Are not listed as holders of a valid CAMTC certificate at: www.CAMTC.org/VerifyCertification.aspx
- Fail to provide you with their true legal name
- Fail to display their CAMTC certificate at their place of work
- Refuse to provide you with their CAMTC identification card when requested to do so
- Use the phrases "certified massage therapist" or "certified massage practitioner" or hold themselves out as CAMTC certified when they are not CAMTC certified
- Do not provide you with a clean, safe, and comfortable environment before, during, and after the massage
- Fail to treat you with respect, courtesy, confidentiality, and dignity
- Do not provide you with privacy while changing and do not provide you with the right to remove your clothing only to your own level of comfort for the massage
- Do not drape you appropriately with a sheet, towel or blanket that leaves only the area being massaged exposed
- Do not provide an explanation of the nature of the massage and techniques to be used in advance of starting the massage
- Do not provide you with the opportunity to consent to the massage techniques and approaches, including pressure, used in the massage
- Behave unprofessionally and commit sexual misconduct

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

CALIFORNIA MASSAGE THERAPY COUNCIL


CEO
California
CALIFORNIA
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Requirements to Certify
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CLOSED
Sex Trafficking In Massage Stops Here!
CAMTC Can Help
HOME
NEWS
GALLERY
CONTACT

CALIFORNIA MASSAGE THERAPY COUNCIL

27. Procedures for Un-Approval of Schools

27.a. Procedures for Un-Approval of Schools, Approved 2/25/16

27.b. Procedures for Un-Approval of Schools, Approved 3/9/17

Approved by the CAMTC Board February 25, 2016

PROCEDURES FOR UN-APPROVAL OF SCHOOLS

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the un-approval of schools and the requirement to provide additional proof of adequate education (beyond merely a transcript). These procedures do not apply to decisions made to deny an application for school approval or to impose discipline on a CAMTC approved school:

1. Reasons for un-approval or action against a school.

   Schools may be un-approved or otherwise acted against for any of the following reasons:

   a. Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school.

   b. Failure to require students to attend all of the classes listed on the transcript.

   c. Failure to require students to attend all of the hours listed on the transcript.

   d. Engaging in fraudulent practices, including but not limited to, the creation of fake documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices.

   e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of law or any rule or bylaw of CAMTC.

   f. Denial, suspension, revocation, or otherwise being acted against by National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code.

g. Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts.

h. Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts.

i. A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in these sections 1. a. - h.

j. Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).

2. Investigations.

Section 4615 of the Business and Professions Code provides:

> (a) The council[1] shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.
>
> (1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.
>
> (2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant and others or conduct any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter.

If CAMTC receives information that a school has violated a provision of section 1 of these procedures, it will make a determination (in its sole discretion based on the nature of the information received) whether to investigate that claim or not. If CAMTC decides to investigate the claim and, after investigation, has credible evidence that a violation of a provision of section 1 of these procedures has occurred, CAMTC will then make a determination whether or not to propose un-approval of a school, or propose to otherwise take action against the school. If CAMTC decides to propose un-approval or to take action against a school, the procedures listed in section 3 below shall be followed.

[1] "Council" as used in the Law means CAMTC.

Any school about which there is a concern will be evaluated and investigated on a case–by-case basis. CAMTC will consider all of the evidence before it when making a proposed or a final decision.

With respect to investigations and/or actions against schools, including but not limited to final decisions about un-approval or action against a school, CAMTC may delegate its authority under these procedures to a committee or to staff, in CAMTC's sole discretion.

3. Procedure for Notifying School of Concern and Chance to Respond.

Once the initial investigation is completed and CAMTC has made a decision to propose un-approval or to take action against a school, it shall notify the school of its intent to take such action, including placing it on the un-approved list. It shall also take all of the following steps:

a. Send the school a letter notifying it of CAMTC's proposed decision to un-approve the school or take action against the school and identifying the reasons for that decision (this letter shall be called a "Proposed Un-Approval Letter" regardless of the action proposed to be taken);

b. Notify the school that it will be given 30 days from the date of the Proposed Un-approval Letter to respond in writing, including submission of any documents, evidence, and written statements, and/or to request the opportunity to make an oral statement before the CAMTC Board of not more than 20 minutes;

c. Notify the school that if an oral statement is timely requested, the school will have the opportunity to make that statement to the Board before its matter is considered;

d. Notify the school of the outcome in writing within 90 days after the Board renders its decision; and

e. Inform the school that all applications submitted with transcripts from their school that cannot be otherwise certified will be placed on hold until a final decision as to whether to un-approve or otherwise take action against the school is made.

4. Action Against a School.

If CAMTC makes a final determination that a school has engaged in any of the conduct identified in paragraph 1 of these procedures, it may take any or all of the following actions, in its sole discretion:

a. Un-approve the school or otherwise take action against the school, including but not limited to imposing probationary conditions.

b. Un-approve the school and list the school as an un-approved school. If the school is listed as un-approved, a grace period of no longer than 90-days may follow, however in no case shall CAMTC allow an applicant that has submitted an application for certification on or after July 1 of 2016, to use education from a school that has not been approved by CAMTC for CAMTC certification purposes. During the grace period, the school's students who apply for certification on or before June 30, 2016, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students who apply after the grace period has expired or on or after July 1, 2016, will be told 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. List the school as a school for which students will have to provide additional proof of education beyond just a transcript, rather than listing the school as "un-approved";

c. Place the school on probation, with the specific probationary terms and conditions identified in the final decision letter, including but not limited to further inspection of school premises and documents.

If the school submits no information in response to the Proposed Un-approval Letter, the school will become un-approved and it will be listed on CAMTC's website as an un-approved school after the time for response to the Proposed Un-approval Letter has expired.

5. Rehabilitation.

A. Consideration of Rehabilitative Factors

Consideration of a school's rehabilitation will be evaluated on a case-by-case basis. CAMTC will consider all available information, including the totality, weight, and reliability of the evidence when making a determination.

Factors that will be considered when determining whether a school has been rehabilitated may include, but are not necessarily limited to, the following:

a. The seriousness of the conduct that resulted in CAMTC action against the school;
b. The number and nature of complaints CAMTC has received about the school, both before and after CAMTC action against the school;
c. The length of time between complaints against the school;
d. The number and nature of disciplinary action by CAMTC or other organizations against the school;

e. The length of time the school has been operating and approved by one of the organizations listed in 4600(a)(1)-(5);
f. The effect CAMTC action against the school has had on the school;
g. Safeguards instituted by the school to prevent recurrence;
h. Actual knowledge by current school owners of the bad acts engaged in at the time the conduct that led to CAMTC action against the school occurred;
i. Change in status with other agencies that regulate schools, such as NCBTMB (e.g. restoration of a school's NCBTMB "school code" after suspension or revocation or change from suspension to revocation);
j. Approval or re-approval of the school by the Bureau for Private Postsecondary Education (BPPE);
k. Ongoing rehabilitation efforts by the school and how realistic such efforts are; and
l. All other relevant information related to rehabilitation.

B. Procedures

When a school requests that it be taken off the list of un-approved schools or the list of schools from which students have to provide additional proof of education beyond just a transcript (collectively "the list"), CAMTC will make the decision, in its sole discretion, based on its consideration of rehabilitative factors as described in Section A.

All such requests by schools must be:

1. in writing, and
2. sent to the CAMTC offices at One Capital Mall, Suite 800, Sacramento, CA 95814 OR via email to SLaFlamme@amgroup.us

CAMTC will review the information presented by the school and has the authority to investigate the evidence, including but not limited to oral interviews with a school's management, staff, students and graduates and any other relevant witnesses, whether affiliated with the school or with other organizations.

If CAMTC determines that a school should be removed from the un-approved list (or may be eligible to be removed from the list), CAMTC may impose conditions on the school, including but not necessarily limited to the following:

a. Requiring a school to submit periodic written progress reports identifying steps being taken to correct the unacceptable issues.

b. Requiring a school to submit to unannounced CAMTC staff visits to the school for inspection, including but not limited to inspection of facilities, personnel, classes, and records, and to monitor the school's activities.

Once a final decision is made by CAMTC, the school will be notified in writing of that decision.

Any school that has been un-approved or has been placed on the list for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the

transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices may not request removal from the list of un-approved schools for a period of five (5) years from the date the school was un-approved or added to the list. All other schools may request removal from the list after a period of two (2) years from the date the school was un-approved, acted against, or added to the list. Schools must be removed from the un-approved list before they can apply for CAMTC approval.

The burden of proof is on the school to prove that it has been sufficiently rehabilitated to allow removal from the list or re-application to CAMTC as an approved school. Whether a school that claims rehabilitation and requests removal from the list will be removed from the list is in CAMTC's sole discretion.

Approved 3/9/17

PROCEDURES FOR UN-APPROVAL OF SCHOOLS

Pursuant to California Business and Professions Code sections 4600 et. seq., the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the un-approval of schools and the requirement to provide additional proof of adequate education (beyond merely a transcript). These procedures do not apply to decisions made to deny an application for school approval or to impose discipline on a CAMTC approved school:

1. Reasons for un-approval or action against a school.

   Schools may be un-approved or otherwise acted against for any of the following reasons:

   a. Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school.

   b. Failure to require students to attend all of the classes listed on the transcript.

   c. Failure to require students to attend all of the hours listed on the transcript.

   d. Engaging in fraudulent practices, including but not limited to, the creation of fake documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices.

   e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of law or any rule or bylaw of CAMTC.

   f. Denial, suspension, revocation, or otherwise being acted against by National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code.

g. Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts.

h. Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts.

i. A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in these sections 1. a. - h.

j. Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).

2. Investigations.

Section 4615 of the Business and Professions Code provides:

> (a) The council[1] shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.
>
> (1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.
>
> (2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant and others or conduct any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter.

If CAMTC receives information that a school has violated a provision of section 1 of these procedures, it will make a determination (in its sole discretion based on the nature of the information received) whether to investigate that claim or not. If CAMTC decides to investigate the claim and, after investigation, has credible evidence that a violation of a provision of section 1 of these procedures has occurred, CAMTC will then make a determination whether or not to propose un-approval of a school, or propose to otherwise take action against the school. If CAMTC decides to propose un-approval or to take action against a school, the procedures listed in section 3 below shall be followed.

[1] "Council" as used in the Law means CAMTC.

Any school about which there is a concern will be evaluated and investigated on a case–by-case basis. CAMTC will consider all of the evidence before it when making a proposed or a final decision.

With respect to investigations and/or actions against schools, including but not limited to final decisions about un-approval or action against a school, CAMTC may delegate its authority under these procedures to a committee or to staff, in CAMTC's sole discretion.

3. Procedure for Notifying School of Concern and Chance to Respond.

Once the initial investigation is completed and CAMTC has made a decision to propose un-approval or to take action against a school, it shall notify the school of its intent to take such action, including placing it on the un-approved list. It shall also take all of the following steps:

a. Send the school a letter notifying it of CAMTC's proposed decision to un-approve the school or take action against the school and identifying the reasons for that decision (this letter shall be called a "Proposed Un-Approval Letter" regardless of the action proposed to be taken);

b. Notify the school that it will be given 30 days from the date of the Proposed Un-approval Letter to respond in writing, including submission of any documents, evidence, and written statements, and/or to request the opportunity to make an oral statement before the CAMTC Board of not more than 20 minutes;

c. Notify the school that if an oral statement is timely requested, the school will have the opportunity to make that statement to the Board before its matter is considered;

d. Notify the school of the outcome in writing within 90 days after the Board renders its decision; and

e. Inform the school that all applications submitted with transcripts from their school that cannot be otherwise certified will be placed on hold until a final decision as to whether to un-approve or otherwise take action against the school is made.

4. Action Against a School.

If CAMTC makes a final determination that a school has engaged in any of the conduct identified in paragraph 1 of these procedures, it may take any or all of the following actions, in its sole discretion:

a. Un-approve the school or otherwise take action against the school, including but not limited to imposing probationary conditions.

b. Un-approve the school and list the school as an un-approved school. If the school is listed as un-approved, a grace period of 90-days may follow. During the grace period, the school's students whose applications for certification are received before or during this time period will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students who apply after the 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 they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged;

1. For schools that have been un-approved by CAMTC and who had an effective un-approval date on or after April 2, 2016 but before March 10, 2017, a 90-day grace period from the date of the adoption of this provision (March 9, 2017) will be provided for acceptance of individual certification applications. During this 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 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.

c. List the school as a school for which students will have to provide additional proof of education beyond just a transcript, rather than listing the school as "un-approved";

d. Place the school on probation, with the specific probationary terms and conditions identified in the final decision letter, including but not limited to further inspection of school premises and documents.

If the school submits no information in response to the Proposed Un-approval Letter, the school will become un-approved and it will be listed on CAMTC's website as an un-approved school after the time for response to the Proposed Un-approval Letter has expired.

5. Rehabilitation.

A. Consideration of Rehabilitative Factors

Consideration of a school's rehabilitation will be evaluated on a case-by-case basis. CAMTC will consider all available information, including the totality, weight, and reliability of the evidence when making a determination.

Factors that will be considered when determining whether a school has been rehabilitated may include, but are not necessarily limited to, the following:

a. The seriousness of the conduct that resulted in CAMTC action against the school;
b. The number and nature of complaints CAMTC has received about the school, both before and after CAMTC action against the school;
c. The length of time between complaints against the school;
d. The number and nature of disciplinary action by CAMTC or other organizations against the school;
e. The length of time the school has been operating and approved by one of the organizations listed in 4600(a)(1)-(5);
f. The effect CAMTC action against the school has had on the school;
g. Safeguards instituted by the school to prevent recurrence;
h. Actual knowledge by current school owners of the bad acts engaged in at the time the conduct that led to CAMTC action against the school occurred;
i. Change in status with other agencies that regulate schools, such as NCBTMB (e.g. restoration of a school's NCBTMB "school code" after suspension or revocation or change from suspension to revocation);
j. Approval or re-approval of the school by the Bureau for Private Postsecondary Education (BPPE);
k. Ongoing rehabilitation efforts by the school and how realistic such efforts are; and
l. All other relevant information related to rehabilitation.

B. Procedures

When a school requests that it be taken off the list of un-approved schools or the list of schools from which students have to provide additional proof of education beyond just a transcript (collectively "the list"), CAMTC will make the decision, in its sole discretion, based on its consideration of rehabilitative factors as described in Section A.

All such requests by schools must be:

1. in writing, and
2. sent to the CAMTC offices at One Capital Mall, Suite 800, Sacramento, CA 95814 OR via email to SLaFlamme@amgroup.us

CAMTC will review the information presented by the school and has the authority to investigate the evidence, including but not limited to oral interviews with a school's management, staff, students and graduates and any other relevant witnesses, whether affiliated with the school or with other organizations.

If CAMTC determines that a school should be removed from the un-approved list (or may be eligible to be removed from the list), CAMTC may impose conditions on the school, including but not necessarily limited to the following:

a. Requiring a school to submit periodic written progress reports identifying steps being taken to correct the unacceptable issues.

b. Requiring a school to submit to unannounced CAMTC staff visits to the school for inspection, including but not limited to inspection of facilities, personnel, classes, and records, and to monitor the school's activities.

Once a final decision is made by CAMTC, the school will be notified in writing of that decision.

Any school that has been un-approved or has been placed on the list for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices may not request removal from the list of un-approved schools for a period of five (5) years from the date the school was un-approved or added to the list. All other schools may request removal from the list after a period of two (2) years from the date the school was un-approved, acted against, or added to the list. Schools must be removed from the un-approved list before they can apply for CAMTC approval.

The burden of proof is on the school to prove that it has been sufficiently rehabilitated to allow removal from the list or re-application to CAMTC as an approved school. Whether a school that claims rehabilitation and requests removal from the list will be removed from the list is in CAMTC's sole discretion.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

28. Criteria for Proof of Rehabilitation

Approved 12/11/14

CALIFORNIA MASSAGE THERAPY COUNCIL

CRITERIA FOR PROOF OF REHABILITATION

Effective January 1, 2015

Pursuant to California Business and Professions Code sections 480(b), 482, and 4610, the California Massage Therapy Council (the "Council") hereby adopts the following criteria for applicants and certificate holders to prove rehabilitation under California Business and Professions Code sections 4600 et. seq.

The Council evaluates each application or disciplinary action against a certificate holder on a case-by-case basis considering the totality, weight, and reliability of the evidence provided and uses the following criteria to determine satisfactory rehabilitation:

1. The nature and severity of the act(s) or crime(s);
2. Additional subsequent act(s) or crime(s);
3. The number of act(s) or crime(s);
4. How recent the act(s) or crime(s) were;
5. Compliance with terms of parole, probation, restitution, or other sanctions;
6. Credibility of the applicant or certificate holder;
7. Assessment of the overall propensity of the applicant or certificate holder to engage in the conduct again;
8. Applicant or certificate holder's acceptance of responsibility for the conduct;
9. Applicant or certificate holder's demonstrated remorse for the conduct;
10. Identification of changes made by the applicant or certificate holder to ensure that the conduct will not occur again; and
11. Other evidence of rehabilitation submitted by the applicant or certificate holder.

The burden of proof lies with the applicant or certificate holder to provide sufficient evidence of rehabilitation to allow for certification. The Council shall take into account all reliable evidence of rehabilitation furnished by the applicant or certificate holder.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

29. Implications of Attending a Massage Program That is Not CAMTC Approved

29.a. Tri fold Brochure

29.b. Pending School letter for Students with FAQs

The consequences of enrolling in a massage program that is not approved by the California Massage Therapy Council (CAMTC)

One of the requirements in order to obtain CAMTC Certification as a massage therapist is to submit evidence of successful completion of the curricula in massage and related subjects totaling a minimum of 500 hours, all of which must be from CAMTC Approved Schools.

CAMTC cannot accept or certify education from programs that are not approved by CAMTC.

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

www.camtc.org

Phone (916) 669-5336
Fax (916) 669-5337

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.

v12/2017



Are You Considering Enrolling In A Massage Program That Is Not Approved By CAMTC?

CAMTC Certification

According to California State Law, CAMTC Certification is voluntary. However, many massage professionals choose to apply to become a Certified Massage Therapist for reasons that may include, but are not limited to the following:

- Only CAMTC is authorized by California State Law to provide the freedom to practice massage statewide without the need to obtain individual permits from each city and county in which they may work.
- Some California cities, counties, employers, and consumers require it.
- Only professionals with CAMTC Certification can legally call themselves a 'Certified Massage Therapist' and use 'CMT' after their name in the State of California.

Find a list and map

… of all CAMTC Approved Massage School Programs by clicking on the 'Find a School' icon at:

http://www.camtc.org/schools/



Only education from CAMTC Approved Schools meets the professional standards to be accepted by MBLEx (the national massage exam) and most of the other 45 states that regulate massage.

FAQs

Q: Does attending a CAMTC Approved Program guarantee that I will become certified by CAMTC?

A: No. In addition to CAMTC verifying that the school transcript is accurate and complete, all applicants must submit a completed application, pay the application fee, pass a CAMTC approved exam, and pass a background check.

Q: If my program is longer than 500 hours, do I have to graduate before applying to CAMTC?

A: Check your school's policy. You must complete a minimum 500 hours of massage education, including 100 hours of core requirements, from a CAMTC Approved Program in order to obtain CAMTC Certification. However, it is up to the school to define 'complete' and 'graduate.'

Q: Can CAMTC require a CAMTC Approved School to release my transcripts?

A: No. Schools may withhold transcripts for a variety of reasons including, but not limited to, failure to attend all hours/classes, failure to pass any tests/exams, or failure to pay all fees. Check your school's policy.

FAQs (continued)

Q: Can I attend more than one Approved Program?

A: Yes, as long as you complete a minimum of 500 hours, with a minimum of 100 hours in core subjects, from one or more CAMTC Approved Programs. Sealed transcripts directly mailed to CAMTC from each school must be submitted. CAMTC will evaluate all transcripts to ensure that the total education received reflects the well-rounded curriculum of a singular approved program.

Q: What happens if my school's approval expires or is revoked?

A: CAMTC Approved Programs meet the minimum requirements at the time of approval. However, CAMTC cannot control school actions that might jeopardize its approval. While CAMTC makes every effort to ensure that students from CAMTC Approved Programs receive credit for actual education received, students should report directly to CAMTC any behavior on the part of the school that seems questionable and unreported to CAMTC.

Send any questions or concerns regarding questionable school behaviors to **students@camtc.org**.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

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

To: ALL Prospective and Current Massage Students
From: California Massage Therapy Council (CAMTC)
RE: Notice To Those Attending a CAMTC "Application Received" or "Provisionally Approved" Massage Program

As of July 1, 2016, CAMTC only accepts education from CAMTC approved massage programs for purposes of CAMTC certification. CAMTC does not accept education from massage programs at schools listed on its website as "Application Received" or "Provisionally Approved" until those programs have been fully approved. You may check your program's status at www.camtc.org.

Q: How long will it take for my program to get approved or denied?
A: The program approval process may take anywhere from three months to a few years. Most new programs take a minimum of a year or more to obtain a final decision on their application for approval.

Q: Can I apply for CAMTC certification while my program is listed as "Application Received" or "Provisionally Approved"?
A: Yes. However, applicants who apply for CAMTC certification with education from an "Application Received" or "Provisionally Approved" program will have their applications held until a final decision regarding the program is made.

Q: What happens if my program is ultimately denied?
A: If the program is ultimately denied, CAMTC will continue to accept applications with education from the program that are received within 90 days from the effective date of program denial. All applicants from the program will be given the opportunity to provide proof of education at an education hearing.

Q: What happens if my program is ultimately approved?
A: If the program is ultimately approved, applicants held from that program will be processed as usual at that time.

Q: Why can the approval process take so long?
A: CAMTC thoroughly reviews all components of massage programs to ensure that they meet minimum standards for training and curriculum. This review includes, but is not limited to, curriculum, instructors, physical space, student interviews, and record keeping practices. CAMTC depends on the school itself, as well as outside sources, to provide all of the information needed to properly assess the massage programs. The school application process may involve additional review, investigation, corrective actions, and, if proposed for denial, a chance for the school to respond and have a hearing. The length of the process can be affected by how quickly the school and others provide information.

Q: Can I work as a massage therapist while my "Application Received" or "Provisionally Approved" program is waiting for a decision, or if my program is denied?
A: CAMTC certification is voluntary. Therefore, you may be able to work in areas where the city or county offers its own local massage permit. However, some cities and counties now require CAMTC certification; so you should check the requirements for the city or county where you plan to work.

CALIFORNIA
MASSAGE THERAPY
COUNCIL

30. Current Bylaws

Approved September 14, 2015
Effective 12:00 p.m. PST (noon) on September 15, 2015

BYLAWS

OF

CALIFORNIA MASSAGE THERAPY COUNCIL

(a nonprofit public benefit corporation)

ARTICLE I.

NAME

Section 1. Name. The name of this corporation is CALIFORNIA MASSAGE THERAPY COUNCIL (hereinafter “Council” or “corporation”).

ARTICLE II.

LOCATION OF PRINCIPAL OFFICE

Section 1. Principal Office. The principal office for the transaction of the activities and affairs of the corporation shall be located in California. The Board of Directors ("Board") may change the principal office from one location to another so long as the principal office remains in California.

Section 2. Other Offices. The Board may establish branch or subordinate offices at any place or places where the corporation is qualified to conduct its activities.

ARTICLE III.

PURPOSES AND LIMITATIONS

Section 1. General Purposes. This corporation is a California Nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes and to carry out the obligations described in California Business and Professions Code Sections 4600 et seq. (hereinafter "the Code").

Section 2. Specific Purposes. The specific purpose of this corporation is: to enable consumers and local governments to more easily identify certified massage professionals; to provide for consistent statewide certification and oversight of certified massage professionals; to ensure that schools approved by the Council that are teaching massage provide a high level of training; and to assist local governments and law enforcement in meeting their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders.

Section 3. Limitations. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this corporation is irrevocably dedicated to public and charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director or officer, or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit foundation, fund or corporation which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

ARTICLE IV.

NO MEMBERS

Section 1. Members. This corporation shall have no members. To the extent any person is referred to as a "member" in any corporate materials, it shall be understood that such person is not a statutory member as contemplated by the California Nonprofit Public Benefit law, and has no voting or other rights in the corporation.

ARTICLE V.

BOARD OF DIRECTORS

Section 1. Powers.

(a) General Corporate Powers. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and the Code, the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board.

(b) Specific Powers. Without prejudice to the general powers set forth in subsection (a) above, but subject to the same limitations, the directors shall have the right to do the following:

(1) Policies. Adopt policies, rules and procedures for the management and operation of the corporation.

(2) Certificates. Issue certificates as described in the Code. The Board may also discipline certificate holders and suspend or rescind certificates as authorized in the Code.

(3) Fees. Annually establish initial and renewal fees for certificates which are reasonably related to the cost of providing services and carrying out the ongoing responsibilities and duties of the Council.

(4) Administration. Retain an individual employee or consultant, or a management firm, or contract with another entity, to administer the day-to-day activities of the corporation. An individual retained pursuant to this authority, if any, shall be known as the Chief Executive Officer (“CEO”). The Board may also employ, retain, or authorize the employment of such other employees, independent contractors, agents, accountants, and legal counsel as it from time to time deems necessary or advisable in the interest of the corporation, prescribe their duties and fix their compensation.

(5) Bonds. The Board may require officers, agents, and employees charged by the corporation with responsibility for the custody of any of its funds or negotiable instruments to give adequate bond.

(6) Borrowing money. Borrow money and incur indebtedness on behalf of the corporation and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, liens, and other evidences of debt and securities.

(7) Gifts. Receive and accept gifts, devises, bequests, donations, annuities, and endorsements of real and personal property, and use, hold and enjoy the same, both as to principal and income, and to invest and re-invest the same or any part thereof for the furtherance of any objects, interests or purposes of this corporation.

(8) Contributions. Make such contributions as the Board determines are necessary and advisable in furtherance of the interests and purposes of this corporation.

(9) Fiscal Year. Establish and change the fiscal year of the corporation.

(10) Contracts. Enter into contracts and agreements with individuals and with public and private entities for the advancement of the purposes for which the corporation is organized.

(11) Property. Acquire, construct and possess real, personal, and intellectual property.

(12) Bank Accounts and Special Funds. Establish one or more bank accounts and/or special funds in order to accomplish and further the purposes of the corporation.

(13) Committees. Appoint committees as provided in these bylaws.

(14) Other. Do and perform all acts and exercise all powers incidental to, or in connection with, or deemed reasonably necessary for the proper implementation of the purposes of the corporation.

Section 2. Number and Qualification of Directors.

(a) Number. The Board shall consist of thirteen (13) directors, as follows:

(1) One member shall be a representative of the League of California Cities, unless that entity chooses not to exercise this right to appoint.

(2) One member shall be a representative of the California Police Chiefs Association, unless that entity chooses not to exercise this right to appoint.

(3) One member shall be a representative of the California State Association of Counties, unless that entity chooses not to exercise this right to appoint.

(4) One member shall be a representative of an "anti-human trafficking" organization to be determined by the Council. This organization shall appoint one member, unless the organization chooses not to exercise this right to appoint.

(5) One member shall be appointed by the Office of the Chancellor of the California Community Colleges, unless that office chooses not to exercise this right to appoint.

(6) One member shall be a member of the public appointed by the Director of the Department of Consumer Affairs, unless the director chooses not to exercise this right to appoint.

(7) One member shall be appointed by the California Association of Private Postsecondary Schools, unless that entity chooses not to exercise this right to appoint.

(8) One member shall be appointed by the American Massage Therapy Association, California Chapter, who shall be a California-certified massage therapist or massage practitioner who is a California resident and who has been practicing massage for at least three years, unless that entity chooses not to exercise this right to appoint.

(9) One member shall be a public health official representing a city, county, city and county, or state health department, to be determined by the Council. The city, county, city and county, or state health department chosen, shall appoint one member unless that entity chooses not to exercise this right to appoint.

(10) (A) One member shall be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least three years prior to the appointment, selected by a professional society, association, or other entity which membership is comprised of massage therapist professionals, and that chooses to participate in the Council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals, have been established since 2000, and shall have bylaws that require its members to comply with a code of ethics.

(B) If there is more than one professional society, association, or other entity that meets the requirements of subparagraph (A), the appointment shall rotate based on

a four-year term between each of the qualifying entities. The qualifying entity shall maintain its appointment authority during the entirety of the four-year term during which it holds the appointment authority. The order in which a qualifying professional society, association, or other entity has the authority to appoint shall be determined by alphabetical order based on the full legal name of the entity as of January 1, 2014.

(11) The members appointed to the Board in accordance with subsections (1) to (10) above shall appoint three additional members at any duly held Board meeting in accordance with the following. One of the appointees shall be an attorney licensed by the State Bar of California, who has been practicing law for at least three years and who at the time of appointment represents a city in the state. One of the appointees shall represent a massage business entity that has been operating in the state for at least three years. One of the appointees shall be an individual who has knowledge of the massage industry or can bring needed expertise to the operation of the Council for purposes of complying with Section 4603 of the Code.

(b) Qualifications. All directors must be individuals who are dedicated to the purposes of this corporation as set forth above.

(c) Restriction on Interested Persons as Directors. No more than 49% of the persons serving on the Board may be "interested persons". An "interested person" is:

(1) any person compensated by the Council for services rendered to it within the previous twelve months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable reimbursement paid to an officer or director; and

(2) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of the provisions of this paragraph shall not affect the validity or enforceability of any transaction entered into by the corporation.

Section 3. Term of Office; Term limits. The term of office of each director shall be four (4) years and until a successor has been appointed and qualified. There shall be no limit on the number of terms a director may serve if he or she remains qualified and appointed to the Board.

Section 4. Removal of Directors. A director may be removed from the Board at any time, with or without cause, by the entity that appointed the director, or by a two-thirds (2/3) vote of all the other directors on the Board.

Section 5. Vacancies on Board.

(a) Events Causing Vacancy. The vacancy or vacancies on the Board shall exist on the occurrence of the following:

(1) The death or resignation of any director;

(2) The removal of a director by its appointing entity or the Board;

(3) The declaration by resolution of the Board of a vacancy in the office of a director who has been declared of unsound mind by an order of court, convicted of a felony, or found by final order or judgment of any court to have breached a duty under Article 3 of Chapter 2 of the California Nonprofit Public Benefit Corporation Law; or

(4) The increase of the authorized number of directors.

(b) Resignations. Except as provided below, any director may resign by giving written notice to the Chairperson of the Board, the CEO (if any), or the Secretary of the Board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. Except on notice to the Attorney General of California, no director may resign if the corporation would be left without a duly appointed director or directors.

(c) Filling Vacancies. Vacancies on the Board may be filled by the entity entitled to fill the seat, or by the Board, depending on how the seat was filled originally. The individual filling a vacant director position shall serve until the end of the term of the director whose vacancy he or she is filling.

(d) No Vacancy on Reduction of Number of Directors. No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

Section 6. Board Meetings.

(a) Annual Meeting. The Board shall hold an annual meeting at a time and location determined by the Board for purposes of organization, election of officers, and transaction of other business. Notice of the annual meeting shall be given in accordance with subsection (d) below.

(b) Special Meetings. Special meetings of the Board for any purpose may be called at any time by the Chairperson, the CEO, if any, or any two directors. Notice of any special meeting shall be given in accordance with subsection (d) below.

(c) Bagley-Keene Open Meeting Act. Board meetings shall be subject to the rules of the Bagley-Keene Open Meeting Act ("Act") (California Government Code Section 11120 et seq.). Specifically, notice of meetings shall comply with subsection (d) below and all meetings shall be open to the public unless specifically noticed as a "closed session" in compliance with the Act.

(d) Notice. Notice of Board meetings, specifying the time and place of the meeting and a specific agenda for the meeting, shall be given to each director (and any other person who has requested, in writing, notice of meetings), at least ten (10) days before the meeting. The notice and agenda must also be posted on the Council's website at least 10 days before the meeting. Any notice/agenda sent on less than 10 days notice must be in accordance with the exceptions provided by the Act.

(e) Place of Meetings. Meetings of the Board shall be held at any place within California that has been designated in the notice of the meeting.

(f) Meetings by Telephone or Video Conference. Directors may participate in a meeting of the Board through use of conference telephone or electronic video screen communication but only if such meetings also comply with the Bagley-Keene Open Meeting Act.

Participation in a meeting through use of conference telephone or electronic video screen communication constitutes presence in person at that meeting as long as all directors participating in the meeting are able to hear one another.

(g) Quorum/Act of the Board. A majority of the voting directors shall constitute a quorum for the transaction of business, except to adjourn. Except as specifically provided in these bylaws or in the California Nonprofit Public Benefit Corporation Law, every action taken or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be the act of the Board. A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of directors, if any action taken or decision made is approved by at least a majority of the required quorum for that meeting.

(h) Voting Power. For all purposes, the voting power of each voting director shall be one vote.

(i) Attendance. Any director who misses three (3) consecutive Board meetings for any reason automatically loses his or her seat on the Council. Staff will immediately notify the director and the appointing entity via email regarding the removal after the third missed Board meeting. Special or emergency meetings held on less than 10 days' notice pursuant to Government Code Sections 11125.4 or 11125.5 do not count for purposes of this attendance rule.

The Board may waive this provision as to a particular director by majority vote. The Board's waiver of the automatic removal provision can be based on an excuse acceptable to the Board or any other justification deemed appropriate by the Board. Any vacancy created by this provision shall be filled in accordance with Article V, Section 5(c) above.

Section 7. Compensation and Reimbursement. Directors shall not receive compensation from the Council for their services on the Board. Directors may receive such reimbursement of expenses as the Board may determine by resolution to be fair and reasonable at the time that the resolution is adopted.

Section 8. Property Rights. No director shall have any property rights in any assets of the corporation.

ARTICLE VI.

OFFICERS

Section 1. Officers of the Corporation. The elected officers of the corporation shall be a Chairperson, Vice-Chairperson, Secretary, and Treasurer. The offices of Secretary and

Treasurer may be combined and held by one director in the discretion of the Board. If combined, the office shall be known as the "Secretary/Treasurer". All officers must be directors. The CEO, if any, shall be an officer but not an elected officer.

Section 2. Election of Officers. The elected officers of the corporation shall be elected annually by the Board from among its directors.

Section 3. Terms of Office; Term Limits. Officers shall serve at the pleasure of the Board for one-year terms. There is no limit on the number of terms an officer may serve if he or she is a director and continues to be elected to an officer position by the Board.

Section 4. Removal of Officers. Any elected officer may be removed at any time, with or without cause, by a majority vote of the Board at any properly called meeting where a quorum is present.

Section 5. Resignation of Officers. An officer may resign at any time by giving written notice to the Chairperson or the Secretary. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective.

Section 6. Vacancies in Office. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled by a majority vote of the directors present at any annual or special meeting of the Board where a quorum is present. The individual filling a vacant officer position shall serve until the end of the term of the officer whose vacancy he or she is filling.

Section 7. Responsibilities of Officers.

(a) Chairperson. The Chairperson of the Board shall preside at meetings of the Board and shall exercise and perform such other powers and duties as the Board may assign from time to time. If there is no CEO, the Chairperson of the Board shall also be the Chief Executive Officer and shall have the powers and duties of the CEO of the corporation prescribed by these Bylaws.

(b) Vice-Chairperson. If the Chairperson is absent or disabled, the Vice-Chairperson shall perform all duties of the Chairperson. When so acting, the Vice-Chairperson shall have all powers of and be subject to all restrictions on the Chairperson. The Vice-Chairperson shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(c) Secretary.

(i) Book of Minutes. The Secretary shall keep or cause to be kept, at the corporation's principal office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, and committees of the Board. The minutes of meetings shall include the time and place that the meeting was held, whether the meeting was annual or special, and, if special, how authorized, the notice given, and the names of those present at the Board and committee meetings. The Secretary shall keep or

cause to be kept, at the principal office in California, a copy of the Articles of Incorporation and the Bylaws, as amended to date.

(ii) Notices, Seal, and Other Duties. The Secretary shall give, or cause to be given, notice of all meetings of the Board and of its committees required by these Bylaws. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(iii) If the Chairperson and Vice-Chairperson are both absent or unable to serve, the Secretary shall perform all the duties of the Chairperson. When so acting, the Secretary shall have all powers of and be subject to all restrictions on the Chairperson.

(d) Treasurer.

(i) Books of Account. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's properties and transactions. The Treasurer shall send or cause to be given to the directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

(ii) Deposit and Disbursement of Money and Valuables. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board may designate, shall disperse the corporation's funds as the Board may order, shall render to the Chairperson, the CEO, if any, and the Board, when requested, an account of all transactions as Treasurer and of the financial condition of the corporation, and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(e) Chief Executive Officer. The CEO, if any, may be either an independent contractor/consultant or an at-will employee, as appropriate under law. The CEO, if any, shall be the chief executive officer and general manager of the Council and shall manage the corporation's day-to-day activities, affairs, and administration under the supervision of the Board. The CEO shall keep the Board apprised of significant matters relating to the operation of the corporation, its activities, employees, contractors, and financial condition. The CEO shall have such other powers and duties as the Board or the Bylaws may prescribe.

ARTICLE VII.

COMMITTEES

Section 1. Committees of the Board. The Board, by resolution, may create committees of the Board, each consisting of two or more directors *and no persons who are not directors*, to serve at the pleasure of the Board. The Board shall appoint a Chair for each committee of the Board from among the directors. The Chair of each committee shall appoint the members of the committee from among the directors. Any such committee, to the extent provided in the Board resolution, shall have all the authority of the Board, except that no committee, regardless of Board resolution, may:

(a) Fill vacancies on the Board or on any committee that has the authority of the Board;

(b) Authorize reimbursement of the directors for serving on the Board or on any committee;

(c) Amend or repeal Bylaws or adopt new Bylaws;

(d) Amend or repeal any resolution of the Board that by its express terms is not so amendable or repealable;

(e) Create any other committees of the Board or appoint the members of committees of the Board; or

(f) Approve any contract or transaction to which the corporation is a party and in which one or more of its directors has a material financial interest, except as special approval is provided for in Section 5233(d)(3) of the California Corporations Code.

Section 2. Executive Committee.

The Executive Committee shall be a "standing advisory committee". The Executive Committee shall be subject to the rules applicable to "advisory committees" described below except that the Executive Committee shall consist of the elected officers of the corporation – Chairperson, Vice-Chairperson, Secretary, and Treasurer – and the Chairperson of the Council shall be the Chair of the Executive Committee.

The Executive Committee may develop policies for Board approval, and may review and recommend to the Board changes to the bylaws and to other operating policies. The Executive Committee shall also have such authority as is delegated to it by the Board.

Section 3. Advisory Committees. The Board may also establish advisory committees composed of at least one director and any number of other interested persons who are not directors. The Board shall appoint a Chair for each advisory committee. The Chair of each advisory committee shall appoint the members of the committee. Advisory committees shall provide advice and recommendations to the Board but shall not have the authority of the Board or any final decision making authority, except as provided above in Section 2 of this Article.

Section 4. Notice Requirements for Committees. Committees shall comply with the Bagley-Keene Open Meeting Act. Written notice and agenda requirements for committee meetings shall be the same as for Board meetings. Committee meetings may be called by the Chairperson of the Council, the Chair of the committee, or by a majority of the members of the committee.

Section 5. Quorum for Committees. A majority of the voting members of any committee shall constitute a quorum, and the acts of a majority of the voting members present at a meeting at which a quorum is present shall constitute the act or recommendation of the committee.

Section 6. Meetings by Telephone or Video Conference. Any meeting of a committee may be held by telephone or video conference in the same manner provided for in Article V of these bylaws.

ARTICLE VIII.

LIABILITY, INDEMNIFICATION, AND INSURANCE

Section 1. Liability. No volunteer director or officer shall be liable to third parties if the volunteer director or officer has met the requirements for good faith performance of his or her duties prescribed by the California Nonprofit Public Benefit Corporation Law and the corporation has met its duties relative to insurance required by the California Nonprofit Public Benefit Corporation Law.

Section 2. Right of Indemnity. To the fullest extent permitted by law, this corporation shall indemnify its directors, officers, employees, and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding", as that term is used in that section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this Bylaw, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

Section 3. Approval of Indemnity. On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the Board shall authorize indemnification.

Section 4. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification pursuant to these Bylaws in defending any proceeding covered by such indemnification shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person, that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 5. Insurance. The Board shall authorize the purchase and maintenance of an insurance policy or policies on behalf of its directors, officers, and employees against any liabilities, other than for violating provisions against self-dealing, incurred by the director, officer, or employee in such capacity or arising out of their status as such. Such policy shall meet the requirements set forth in Corporations Code Section 5239.

ARTICLE IX.

RECORDS AND REPORTS

Section 1. Maintenance of Corporate Records. The corporation shall keep:

(a) Adequate corporate books and records of account;

(b) Written minutes of the proceeding of its Board and committees of the Board; and

(c) A record of each director's name, address, telephone number, facsimile number, and electronic mail address, if any.

Section 2. Maintenance of Articles and Bylaws. The corporation shall keep at its principal office the original or a copy of the Articles of Incorporation and Bylaws, as amended to date.

Section 3. Inspection by Directors. Every director shall have the right to inspect the corporation's books, records, and documents to the extent allowed by the California Nonprofit Public Benefit Corporation Law.

Section 4. Annual Report. The Board shall cause an annual report to be sent to directors within 120 days after the end of the corporation's fiscal year. That report should contain the following information, in appropriate detail, for the fiscal year:

(a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.

(b) The principal changes in assets and liabilities, including trust funds.

(c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes.

(d) The expenses or disbursements of the corporation for both general and restricted purposes.

(e) Any information required by Section 5 of this article.

The annual report shall be accompanied by any report of independent accountants or, if there is no such report, by the certificate of an authorized officer of the corporation that such statement were prepared without audit from the corporation's books and records.

This requirement of an annual report shall not apply if the corporation receives less than $25,000 in gross receipts during the fiscal year, provided, however, that the information specified above for inclusion in an annual report must be furnished annually to all directors who request it in writing.

Section 5. Annual Statement of Certain Transactions and Indemnifications.

If any of the following types of transactions or indemnifications occurred during the previous fiscal year, then as part of the annual report to all directors, or as a separate document if no annual report is issued, the corporation shall prepare and mail or deliver to each director a statement of any such transaction or indemnification within 120 days after the end of the corporation's fiscal year:

(a) Any transaction:

(i) in which the corporation, its parent or its subsidiary was a party,

(ii) in which an "interested person" had a direct or indirect material financial interest, and

(iii) which involved more than $50,000, or was one of a number of transactions with the same "interested person" involving, in the aggregate, more than $50,000.

The statement shall include a brief description of the transaction, the names of "interested persons" involved, their relationship to the corporation, the nature of their interest in the transaction and, if practicable, the amount of that interest, provided that if the transaction was with a partnership in which the "interested person" is a partner, only the interest of the partnership need be stated.

(b) Any indemnifications or advances aggregating more than $10,000 which were paid during the fiscal year to any officer or director of the corporation.

ARTICLE X.

MISCELLANEOUS

Section 1. Fiscal Year. Unless changed by the Board, the fiscal year of the corporation shall begin on the first day of January and end on the last day of December of each year.

Section 2. Conflicts of Interest. Board members and committee members must actively seek to avoid situations and activities that create an actual or potential conflict between the individual's personal interests and the interests of the corporation. If a Board member or committee member believes that a conflict exists relative to a particular issue being considered by the Board or any committee, he or she shall disclose the conflict to the Board or committee, as appropriate, and abstain from discussion or voting on the issue.

For purposes of this section and these bylaws, a "conflict of interest" means a situation in which a board or committee member is part of a discussion or decision by the board or a committee which has the potential to financially benefit that board or committee member or a member of that board or committee member's immediate family. "Immediate family" means, spouse or same-sex/domestic partner, children, parents, siblings, parents-in-law, or siblings-in-law.

Both the fact and the appearance of a conflict of interest should be avoided. Board members or committee members who are unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with the Chairperson, who will determine whether disclosure to the Board or the assistance of legal counsel is required.

Section 3. Intellectual Property. All intellectual property prepared or purchased by or on behalf of the corporation, including but not limited to newsletters, educational, promotional, and training materials, contracts, trade names, logos, service marks, and lists of certificate

holders, shall be the exclusive property of the corporation and Board members agree to deal with it as such. Board members agree that they will not sell, transfer, publish, modify, distribute, or use for their own purposes, the intellectual property belonging to the corporation without the prior approval of the Board memorialized in a writing signed by the Chairperson.

Section 4. Required Filings and Disclosures. The Board shall ensure that the required filings are made at applicable state and federal agencies, including but not necessarily limited to filings required by the Secretary of State, the Attorney General's office, the Internal Revenue Service, and the Franchise Tax Board.

The Council shall also comply with the disclosure requirements of federal and state agencies to which it is subject. Requirements which are applicable to the Council include but are not necessarily limited to making the corporation's annual exempt organization filing (IRS Form 990) available to the public, and registering with the Attorney General's office in California.

Section 5. Construction and Definitions. Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of this provision, the singular includes the plural, the plural includes the singular, the masculine includes the feminine and neuter, and the term "person" includes both an individual and an entity.

ARTICLE XI.

AMENDMENTS

Section 1. Amendments. Subject to any limitations in the law, these Bylaws may be initially adopted, and thereafter amended, or repealed and new bylaws adopted, by a majority vote of the Board at any properly called meeting where a quorum is present, so long as the amendments, proposed repeal, or new bylaws are provided to each director at least ten (10) days prior to the meeting at which such amendments, repeal, or new bylaws will be discussed and voted on.

ARTICLE XII.

DISSOLUTION

Section 1. Remaining Assets. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit organization which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

Approved September 14, 2015
Effective 12:00 p.m. PST (noon) on September 15, 2015

BYLAWS

OF

CALIFORNIA MASSAGE THERAPY COUNCIL

(a nonprofit public benefit corporation)

ARTICLE I.

NAME

Section 1. Name. The name of this corporation is CALIFORNIA MASSAGE THERAPY COUNCIL (hereinafter “Council” or “corporation”).

ARTICLE II.

LOCATION OF PRINCIPAL OFFICE

Section 1. Principal Office. The principal office for the transaction of the activities and affairs of the corporation shall be located in California. The Board of Directors ("Board") may change the principal office from one location to another so long as the principal office remains in California.

Section 2. Other Offices. The Board may establish branch or subordinate offices at any place or places where the corporation is qualified to conduct its activities.

ARTICLE III.

PURPOSES AND LIMITATIONS

Section 1. General Purposes. This corporation is a California Nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes and to carry out the obligations described in California Business and Professions Code Sections 4600 et seq. (hereinafter "the Code").

Section 2. Specific Purposes. The specific purpose of this corporation is: to enable consumers and local governments to more easily identify certified massage professionals; to provide for consistent statewide certification and oversight of certified massage professionals; to ensure that schools approved by the Council that are teaching massage provide a high level of training; and to assist local governments and law enforcement in meeting their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders.

Section 3. Limitations. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this corporation is irrevocably dedicated to public and charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director or officer, or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit foundation, fund or corporation which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

ARTICLE IV.

NO MEMBERS

Section 1. Members. This corporation shall have no members. To the extent any person is referred to as a "member" in any corporate materials, it shall be understood that such person is not a statutory member as contemplated by the California Nonprofit Public Benefit law, and has no voting or other rights in the corporation.

ARTICLE V.

BOARD OF DIRECTORS

Section 1. Powers.

(a) General Corporate Powers. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and the Code, the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board.

(b) Specific Powers. Without prejudice to the general powers set forth in subsection (a) above, but subject to the same limitations, the directors shall have the right to do the following:

(1) Policies. Adopt policies, rules and procedures for the management and operation of the corporation.

(2) Certificates. Issue certificates as described in the Code. The Board may also discipline certificate holders and suspend or rescind certificates as authorized in the Code.

(3) Fees. Annually establish initial and renewal fees for certificates which are reasonably related to the cost of providing services and carrying out the ongoing responsibilities and duties of the Council.

(4) Administration. Retain an individual employee or consultant, or a management firm, or contract with another entity, to administer the day-to-day activities of the corporation. An individual retained pursuant to this authority, if any, shall be known as the Chief Executive Officer (“CEO”). The Board may also employ, retain, or authorize the employment of such other employees, independent contractors, agents, accountants, and legal counsel as it from time to time deems necessary or advisable in the interest of the corporation, prescribe their duties and fix their compensation.

(5) Bonds. The Board may require officers, agents, and employees charged by the corporation with responsibility for the custody of any of its funds or negotiable instruments to give adequate bond.

(6) Borrowing money. Borrow money and incur indebtedness on behalf of the corporation and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, liens, and other evidences of debt and securities.

(7) Gifts. Receive and accept gifts, devises, bequests, donations, annuities, and endorsements of real and personal property, and use, hold and enjoy the same, both as to principal and income, and to invest and re-invest the same or any part thereof for the furtherance of any objects, interests or purposes of this corporation.

(8) Contributions. Make such contributions as the Board determines are necessary and advisable in furtherance of the interests and purposes of this corporation.

(9) Fiscal Year. Establish and change the fiscal year of the corporation.

(10) Contracts. Enter into contracts and agreements with individuals and with public and private entities for the advancement of the purposes for which the corporation is organized.

(11) Property. Acquire, construct and possess real, personal, and intellectual property.

(12) Bank Accounts and Special Funds. Establish one or more bank accounts and/or special funds in order to accomplish and further the purposes of the corporation.

(13) Committees. Appoint committees as provided in these bylaws.

(14) Other. Do and perform all acts and exercise all powers incidental to, or in connection with, or deemed reasonably necessary for the proper implementation of the purposes of the corporation.

Section 2. Number and Qualification of Directors.

(a) Number. The Board shall consist of thirteen (13) directors, as follows:

(1) One member shall be a representative of the League of California Cities, unless that entity chooses not to exercise this right to appoint.

(2) One member shall be a representative of the California Police Chiefs Association, unless that entity chooses not to exercise this right to appoint.

(3) One member shall be a representative of the California State Association of Counties, unless that entity chooses not to exercise this right to appoint.

(4) One member shall be a representative of an "anti-human trafficking" organization to be determined by the Council. This organization shall appoint one member, unless the organization chooses not to exercise this right to appoint.

(5) One member shall be appointed by the Office of the Chancellor of the California Community Colleges, unless that office chooses not to exercise this right to appoint.

(6) One member shall be a member of the public appointed by the Director of the Department of Consumer Affairs, unless the director chooses not to exercise this right to appoint.

(7) One member shall be appointed by the California Association of Private Postsecondary Schools, unless that entity chooses not to exercise this right to appoint.

(8) One member shall be appointed by the American Massage Therapy Association, California Chapter, who shall be a California-certified massage therapist or massage practitioner who is a California resident and who has been practicing massage for at least three years, unless that entity chooses not to exercise this right to appoint.

(9) One member shall be a public health official representing a city, county, city and county, or state health department, to be determined by the Council. The city, county, city and county, or state health department chosen, shall appoint one member unless that entity chooses not to exercise this right to appoint.

(10) (A) One member shall be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least three years prior to the appointment, selected by a professional society, association, or other entity which membership is comprised of massage therapist professionals, and that chooses to participate in the Council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals, have been established since 2000, and shall have bylaws that require its members to comply with a code of ethics.

(B) If there is more than one professional society, association, or other entity that meets the requirements of subparagraph (A), the appointment shall rotate based on

a four-year term between each of the qualifying entities. The qualifying entity shall maintain its appointment authority during the entirety of the four-year term during which it holds the appointment authority. The order in which a qualifying professional society, association, or other entity has the authority to appoint shall be determined by alphabetical order based on the full legal name of the entity as of January 1, 2014.

(11) The members appointed to the Board in accordance with subsections (1) to (10) above shall appoint three additional members at any duly held Board meeting in accordance with the following. One of the appointees shall be an attorney licensed by the State Bar of California, who has been practicing law for at least three years and who at the time of appointment represents a city in the state. One of the appointees shall represent a massage business entity that has been operating in the state for at least three years. One of the appointees shall be an individual who has knowledge of the massage industry or can bring needed expertise to the operation of the Council for purposes of complying with Section 4603 of the Code.

(b) Qualifications. All directors must be individuals who are dedicated to the purposes of this corporation as set forth above.

(c) Restriction on Interested Persons as Directors. No more than 49% of the persons serving on the Board may be "interested persons". An "interested person" is:

(1) any person compensated by the Council for services rendered to it within the previous twelve months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable reimbursement paid to an officer or director; and

(2) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of the provisions of this paragraph shall not affect the validity or enforceability of any transaction entered into by the corporation.

Section 3. Term of Office; Term limits. The term of office of each director shall be four (4) years and until a successor has been appointed and qualified. There shall be no limit on the number of terms a director may serve if he or she remains qualified and appointed to the Board.

Section 4. Removal of Directors. A director may be removed from the Board at any time, with or without cause, by the entity that appointed the director, or by a two-thirds (2/3) vote of all the other directors on the Board.

Section 5. Vacancies on Board.

(a) Events Causing Vacancy. The vacancy or vacancies on the Board shall exist on the occurrence of the following:

(1) The death or resignation of any director;

(2) The removal of a director by its appointing entity or the Board;

(3) The declaration by resolution of the Board of a vacancy in the office of a director who has been declared of unsound mind by an order of court, convicted of a felony, or found by final order or judgment of any court to have breached a duty under Article 3 of Chapter 2 of the California Nonprofit Public Benefit Corporation Law; or

(4) The increase of the authorized number of directors.

(b) Resignations. Except as provided below, any director may resign by giving written notice to the Chairperson of the Board, the CEO (if any), or the Secretary of the Board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. Except on notice to the Attorney General of California, no director may resign if the corporation would be left without a duly appointed director or directors.

(c) Filling Vacancies. Vacancies on the Board may be filled by the entity entitled to fill the seat, or by the Board, depending on how the seat was filled originally. The individual filling a vacant director position shall serve until the end of the term of the director whose vacancy he or she is filling.

(d) No Vacancy on Reduction of Number of Directors. No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

Section 6. Board Meetings.

(a) Annual Meeting. The Board shall hold an annual meeting at a time and location determined by the Board for purposes of organization, election of officers, and transaction of other business. Notice of the annual meeting shall be given in accordance with subsection (d) below.

(b) Special Meetings. Special meetings of the Board for any purpose may be called at any time by the Chairperson, the CEO, if any, or any two directors. Notice of any special meeting shall be given in accordance with subsection (d) below.

(c) Bagley-Keene Open Meeting Act. Board meetings shall be subject to the rules of the Bagley-Keene Open Meeting Act ("Act") (California Government Code Section 11120 et seq.). Specifically, notice of meetings shall comply with subsection (d) below and all meetings shall be open to the public unless specifically noticed as a "closed session" in compliance with the Act.

(d) Notice. Notice of Board meetings, specifying the time and place of the meeting and a specific agenda for the meeting, shall be given to each director (and any other person who has requested, in writing, notice of meetings), at least ten (10) days before the meeting. The notice and agenda must also be posted on the Council's website at least 10 days before the meeting. Any notice/agenda sent on less than 10 days notice must be in accordance with the exceptions provided by the Act.

(e) Place of Meetings. Meetings of the Board shall be held at any place within California that has been designated in the notice of the meeting.

(f) Meetings by Telephone or Video Conference. Directors may participate in a meeting of the Board through use of conference telephone or electronic video screen communication but only if such meetings also comply with the Bagley-Keene Open Meeting Act.

Participation in a meeting through use of conference telephone or electronic video screen communication constitutes presence in person at that meeting as long as all directors participating in the meeting are able to hear one another.

(g) Quorum/Act of the Board. A majority of the voting directors shall constitute a quorum for the transaction of business, except to adjourn. Except as specifically provided in these bylaws or in the California Nonprofit Public Benefit Corporation Law, every action taken or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be the act of the Board. A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of directors, if any action taken or decision made is approved by at least a majority of the required quorum for that meeting.

(h) Voting Power. For all purposes, the voting power of each voting director shall be one vote.

(i) Attendance. Any director who misses three (3) consecutive Board meetings for any reason automatically loses his or her seat on the Council. Staff will immediately notify the director and the appointing entity via email regarding the removal after the third missed Board meeting. Special or emergency meetings held on less than 10 days' notice pursuant to Government Code Sections 11125.4 or 11125.5 do not count for purposes of this attendance rule.

The Board may waive this provision as to a particular director by majority vote. The Board's waiver of the automatic removal provision can be based on an excuse acceptable to the Board or any other justification deemed appropriate by the Board. Any vacancy created by this provision shall be filled in accordance with Article V, Section 5(c) above.

Section 7. Compensation and Reimbursement. Directors shall not receive compensation from the Council for their services on the Board. Directors may receive such reimbursement of expenses as the Board may determine by resolution to be fair and reasonable at the time that the resolution is adopted.

Section 8. Property Rights. No director shall have any property rights in any assets of the corporation.

ARTICLE VI.

OFFICERS

Section 1. Officers of the Corporation. The elected officers of the corporation shall be a Chairperson, Vice-Chairperson, Secretary, and Treasurer. The offices of Secretary and

Treasurer may be combined and held by one director in the discretion of the Board. If combined, the office shall be known as the "Secretary/Treasurer". All officers must be directors. The CEO, if any, shall be an officer but not an elected officer.

Section 2. Election of Officers. The elected officers of the corporation shall be elected annually by the Board from among its directors.

Section 3. Terms of Office; Term Limits. Officers shall serve at the pleasure of the Board for one-year terms. There is no limit on the number of terms an officer may serve if he or she is a director and continues to be elected to an officer position by the Board.

Section 4. Removal of Officers. Any elected officer may be removed at any time, with or without cause, by a majority vote of the Board at any properly called meeting where a quorum is present.

Section 5. Resignation of Officers. An officer may resign at any time by giving written notice to the Chairperson or the Secretary. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective.

Section 6. Vacancies in Office. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled by a majority vote of the directors present at any annual or special meeting of the Board where a quorum is present. The individual filling a vacant officer position shall serve until the end of the term of the officer whose vacancy he or she is filling.

Section 7. Responsibilities of Officers.

(a) Chairperson. The Chairperson of the Board shall preside at meetings of the Board and shall exercise and perform such other powers and duties as the Board may assign from time to time. If there is no CEO, the Chairperson of the Board shall also be the Chief Executive Officer and shall have the powers and duties of the CEO of the corporation prescribed by these Bylaws.

(b) Vice-Chairperson. If the Chairperson is absent or disabled, the Vice-Chairperson shall perform all duties of the Chairperson. When so acting, the Vice-Chairperson shall have all powers of and be subject to all restrictions on the Chairperson. The Vice-Chairperson shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(c) Secretary.

(i) Book of Minutes. The Secretary shall keep or cause to be kept, at the corporation's principal office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, and committees of the Board. The minutes of meetings shall include the time and place that the meeting was held, whether the meeting was annual or special, and, if special, how authorized, the notice given, and the names of those present at the Board and committee meetings. The Secretary shall keep or

cause to be kept, at the principal office in California, a copy of the Articles of Incorporation and the Bylaws, as amended to date.

(ii) Notices, Seal, and Other Duties. The Secretary shall give, or cause to be given, notice of all meetings of the Board and of its committees required by these Bylaws. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(iii) If the Chairperson and Vice-Chairperson are both absent or unable to serve, the Secretary shall perform all the duties of the Chairperson. When so acting, the Secretary shall have all powers of and be subject to all restrictions on the Chairperson.

(d) Treasurer.

(i) Books of Account. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's properties and transactions. The Treasurer shall send or cause to be given to the directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

(ii) Deposit and Disbursement of Money and Valuables. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board may designate, shall disperse the corporation's funds as the Board may order, shall render to the Chairperson, the CEO, if any, and the Board, when requested, an account of all transactions as Treasurer and of the financial condition of the corporation, and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(e) Chief Executive Officer. The CEO, if any, may be either an independent contractor/consultant or an at-will employee, as appropriate under law. The CEO, if any, shall be the chief executive officer and general manager of the Council and shall manage the corporation's day-to-day activities, affairs, and administration under the supervision of the Board. The CEO shall keep the Board apprised of significant matters relating to the operation of the corporation, its activities, employees, contractors, and financial condition. The CEO shall have such other powers and duties as the Board or the Bylaws may prescribe.

ARTICLE VII.

COMMITTEES

Section 1. Committees of the Board. The Board, by resolution, may create committees of the Board, each consisting of two or more directors *and no persons who are not directors*, to serve at the pleasure of the Board. The Board shall appoint a Chair for each committee of the Board from among the directors. The Chair of each committee shall appoint the members of the committee from among the directors. Any such committee, to the extent provided in the Board resolution, shall have all the authority of the Board, except that no committee, regardless of Board resolution, may:

(a) Fill vacancies on the Board or on any committee that has the authority of the Board;

(b) Authorize reimbursement of the directors for serving on the Board or on any committee;

(c) Amend or repeal Bylaws or adopt new Bylaws;

(d) Amend or repeal any resolution of the Board that by its express terms is not so amendable or repealable;

(e) Create any other committees of the Board or appoint the members of committees of the Board; or

(f) Approve any contract or transaction to which the corporation is a party and in which one or more of its directors has a material financial interest, except as special approval is provided for in Section 5233(d)(3) of the California Corporations Code.

Section 2. Executive Committee.

The Executive Committee shall be a "standing advisory committee". The Executive Committee shall be subject to the rules applicable to "advisory committees" described below except that the Executive Committee shall consist of the elected officers of the corporation – Chairperson, Vice-Chairperson, Secretary, and Treasurer – and the Chairperson of the Council shall be the Chair of the Executive Committee.

The Executive Committee may develop policies for Board approval, and may review and recommend to the Board changes to the bylaws and to other operating policies. The Executive Committee shall also have such authority as is delegated to it by the Board.

Section 3. Advisory Committees. The Board may also establish advisory committees composed of at least one director and any number of other interested persons who are not directors. The Board shall appoint a Chair for each advisory committee. The Chair of each advisory committee shall appoint the members of the committee. Advisory committees shall provide advice and recommendations to the Board but shall not have the authority of the Board or any final decision making authority, except as provided above in Section 2 of this Article.

Section 4. Notice Requirements for Committees. Committees shall comply with the Bagley-Keene Open Meeting Act. Written notice and agenda requirements for committee meetings shall be the same as for Board meetings. Committee meetings may be called by the Chairperson of the Council, the Chair of the committee, or by a majority of the members of the committee.

Section 5. Quorum for Committees. A majority of the voting members of any committee shall constitute a quorum, and the acts of a majority of the voting members present at a meeting at which a quorum is present shall constitute the act or recommendation of the committee.

Section 6. Meetings by Telephone or Video Conference. Any meeting of a committee may be held by telephone or video conference in the same manner provided for in Article V of these bylaws.

ARTICLE VIII.

LIABILITY, INDEMNIFICATION, AND INSURANCE

Section 1. Liability. No volunteer director or officer shall be liable to third parties if the volunteer director or officer has met the requirements for good faith performance of his or her duties prescribed by the California Nonprofit Public Benefit Corporation Law and the corporation has met its duties relative to insurance required by the California Nonprofit Public Benefit Corporation Law.

Section 2. Right of Indemnity. To the fullest extent permitted by law, this corporation shall indemnify its directors, officers, employees, and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding", as that term is used in that section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this Bylaw, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

Section 3. Approval of Indemnity. On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the Board shall authorize indemnification.

Section 4. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification pursuant to these Bylaws in defending any proceeding covered by such indemnification shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person, that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 5. Insurance. The Board shall authorize the purchase and maintenance of an insurance policy or policies on behalf of its directors, officers, and employees against any liabilities, other than for violating provisions against self-dealing, incurred by the director, officer, or employee in such capacity or arising out of their status as such. Such policy shall meet the requirements set forth in Corporations Code Section 5239.

ARTICLE IX.

RECORDS AND REPORTS

Section 1. Maintenance of Corporate Records. The corporation shall keep:

(a) Adequate corporate books and records of account;

(b) Written minutes of the proceeding of its Board and committees of the Board; and

(c) A record of each director's name, address, telephone number, facsimile number, and electronic mail address, if any.

Section 2. Maintenance of Articles and Bylaws. The corporation shall keep at its principal office the original or a copy of the Articles of Incorporation and Bylaws, as amended to date.

Section 3. Inspection by Directors. Every director shall have the right to inspect the corporation's books, records, and documents to the extent allowed by the California Nonprofit Public Benefit Corporation Law.

Section 4. Annual Report. The Board shall cause an annual report to be sent to directors within 120 days after the end of the corporation's fiscal year. That report should contain the following information, in appropriate detail, for the fiscal year:

(a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.

(b) The principal changes in assets and liabilities, including trust funds.

(c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes.

(d) The expenses or disbursements of the corporation for both general and restricted purposes.

(e) Any information required by Section 5 of this article.

The annual report shall be accompanied by any report of independent accountants or, if there is no such report, by the certificate of an authorized officer of the corporation that such statement were prepared without audit from the corporation's books and records.

This requirement of an annual report shall not apply if the corporation receives less than $25,000 in gross receipts during the fiscal year, provided, however, that the information specified above for inclusion in an annual report must be furnished annually to all directors who request it in writing.

Section 5. Annual Statement of Certain Transactions and Indemnifications.

If any of the following types of transactions or indemnifications occurred during the previous fiscal year, then as part of the annual report to all directors, or as a separate document if no annual report is issued, the corporation shall prepare and mail or deliver to each director a statement of any such transaction or indemnification within 120 days after the end of the corporation's fiscal year:

(a) Any transaction:

(i) in which the corporation, its parent or its subsidiary was a party,

(ii) in which an "interested person" had a direct or indirect material financial interest, and

(iii) which involved more than $50,000, or was one of a number of transactions with the same "interested person" involving, in the aggregate, more than $50,000.

The statement shall include a brief description of the transaction, the names of "interested persons" involved, their relationship to the corporation, the nature of their interest in the transaction and, if practicable, the amount of that interest, provided that if the transaction was with a partnership in which the "interested person" is a partner, only the interest of the partnership need be stated.

(b) Any indemnifications or advances aggregating more than $10,000 which were paid during the fiscal year to any officer or director of the corporation.

ARTICLE X.

MISCELLANEOUS

Section 1. Fiscal Year. Unless changed by the Board, the fiscal year of the corporation shall begin on the first day of January and end on the last day of December of each year.

Section 2. Conflicts of Interest. Board members and committee members must actively seek to avoid situations and activities that create an actual or potential conflict between the individual's personal interests and the interests of the corporation. If a Board member or committee member believes that a conflict exists relative to a particular issue being considered by the Board or any committee, he or she shall disclose the conflict to the Board or committee, as appropriate, and abstain from discussion or voting on the issue.

For purposes of this section and these bylaws, a "conflict of interest" means a situation in which a board or committee member is part of a discussion or decision by the board or a committee which has the potential to financially benefit that board or committee member or a member of that board or committee member's immediate family. "Immediate family" means, spouse or same-sex/domestic partner, children, parents, siblings, parents-in-law, or siblings-in-law.

Both the fact and the appearance of a conflict of interest should be avoided. Board members or committee members who are unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with the Chairperson, who will determine whether disclosure to the Board or the assistance of legal counsel is required.

Section 3. Intellectual Property. All intellectual property prepared or purchased by or on behalf of the corporation, including but not limited to newsletters, educational, promotional, and training materials, contracts, trade names, logos, service marks, and lists of certificate

holders, shall be the exclusive property of the corporation and Board members agree to deal with it as such. Board members agree that they will not sell, transfer, publish, modify, distribute, or use for their own purposes, the intellectual property belonging to the corporation without the prior approval of the Board memorialized in a writing signed by the Chairperson.

Section 4. Required Filings and Disclosures. The Board shall ensure that the required filings are made at applicable state and federal agencies, including but not necessarily limited to filings required by the Secretary of State, the Attorney General's office, the Internal Revenue Service, and the Franchise Tax Board.

The Council shall also comply with the disclosure requirements of federal and state agencies to which it is subject. Requirements which are applicable to the Council include but are not necessarily limited to making the corporation's annual exempt organization filing (IRS Form 990) available to the public, and registering with the Attorney General's office in California.

Section 5. Construction and Definitions. Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of this provision, the singular includes the plural, the plural includes the singular, the masculine includes the feminine and neuter, and the term "person" includes both an individual and an entity.

ARTICLE XI.

AMENDMENTS

Section 1. Amendments. Subject to any limitations in the law, these Bylaws may be initially adopted, and thereafter amended, or repealed and new bylaws adopted, by a majority vote of the Board at any properly called meeting where a quorum is present, so long as the amendments, proposed repeal, or new bylaws are provided to each director at least ten (10) days prior to the meeting at which such amendments, repeal, or new bylaws will be discussed and voted on.

ARTICLE XII.

DISSOLUTION

Section 1. Remaining Assets. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit organization which is organized and operated exclusively for public and charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.



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