



CALIFORNIA
MASSAGE THERAPY
COUNCIL

Board of Directors Meeting

AGENDA

June 16, 2021

via Teleconference



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MISSION STATEMENT

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

California Massage Therapy Council

Board Members

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

Ronald Bates, Vice Chair, Appointed by League of California Cities

Michael Marylander, Treasurer, Appointed by Board

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

Michael Callagy, Appointed by California State Association of Counties

Mark Dixon, Appointed by Board

Shana Faber, Appointed by Board

Heather Forshey, Appointed by San Mateo County Department of Health

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

Bernadette Murray, Appointed by Associated Bodywork & Massage Professionals

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

Tracy Rhine, Appointed by the California Department of Consumer Affairs

Sean Thuilliez, Appointed by California Police Chiefs Association



RULES OF DEBATE AND DISCUSSION

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

See accompanying Parliamentary Procedures At-A-Glance

Parliamentary Procedures At-A-Glance

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

Notes:

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



CALIFORNIA MASSAGE THERAPY COUNCIL

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

Sent and Posted: June 4, 2021

NOTICE OF PUBLIC MEETING

Wednesday, June 16, 2021 – 9:00 a.m.

Via Zoom @

<https://us02web.zoom.us/j/85456308127?pwd=ZlJZVS9vZXlrQVA3N2RXQINKZ3Vkdz09>

Or by telephone: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or
+1 301 715 8592 or +1 312 626 6799

ID: 854 5630 8127

Passcode: 386337

AGENDA

1. Call to order, roll call, and establish quorum
2. Chair's comments
 - a. Welcome/Introductions
 - b. Rules of Debate
3. Approval of minutes from December 10, 2020 and March 4, 2021 meetings
4. Chief Executive Officer's report
 - a. Sunset Review
 - b. Legislative update
 - i. AB 1537 (Low)- The California Massage Therapy Council.
 - ii. SB 803 (Roth)- Barbering and Cosmetology
 - c. Ratification of actions approved by the Chair and Vice Chair since December 10, 2020 Board meeting
 - d. Covid-19 response
 - e. Strategic priorities – 2020
 - f. Operations
 - g. Finance
 - h. Outreach

5. Director of Educational Standards Division's report
 - a. School Status Updates
 - b. School Outreach
 - c. Looking Forward
6. Interactive Distance Learning
7. Proposed Amendments to the Policies and Procedures for Approval of Schools
8. Treasurer's report
 - a. Applications received
 - b. Financial statements
 - c. Conclusions
 - d. Comments/discussion on financial reports
9. Audit Committee – update
10. Pandemic-related loans
11. Employee benefits
12. 2021 Budget
13. Amendments to Employee Handbook
14. Delegate to FSMTB 2021 Annual Meeting
15. FSMTB resolutions and bylaws amendments
16. Director of Governmental Affairs and Human Trafficking Report
 - a. Local government update
 - b. Anti-Human Trafficking
 - c. Legislative updates
17. Director of Operations' report
 - a. Application Processing
 - b. Customer Service
18. Director of Law Enforcement Relations' report
 - a. Interaction with law enforcement agencies
 - b. Training
19. Outreach Director's report
 - a. Upcoming Events
 - b. Schools Outreach
 - c. Law Enforcement Outreach
 - d. Governmental Affairs Outreach

20. Public comments regarding issues not on this agenda

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

22. 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 item (up to 2 minutes). To make a request for more information, to submit comments to the Board, or to make a request regarding a disability-related modification or accommodations for the meeting, please contact CAMTC via email at info@camtc.org. Requests for disability-related modification or accommodation for the meeting should be made at least 48 hours prior to the meeting time. This notice and agenda is available on the Internet at <http://www.camtc.org>



June 10, 2020

To: CAMTC Board of Directors

From: Ahmos Netanel, CEO

Subject: CEO report

The past seven months were uniquely challenging for CAMTC. After pivoting more than a year ago to rapidly adapt to the reality of the COVID pandemic, we have subsequently entered the Sunset review process. The adaptability, care, creativity, resilience and talent of the entire CAMTC community have never been more evident or more important. As we are starting to look at “the COVID year” in the rearview mirror, we are energized by the incredible advances we are pursuing for the long term.

No single report can ever capture the many developments at CAMTC since last December. I'll be focusing here on the most important updates impacting our ability to provide value to our stakeholders.

Sunset Review

CAMTC had its Sunset hearing on March 9, 2021 which lasted an hour and twenty minutes - shorter than the Sunset hearings of many DCA Boards and past CAMTC Sunset hearings. Since February this year, many stakeholders have written in support of the continuation of CAMTC as a nonprofit organization. Some of these communications are attached starting on the next page.

Also attached on CEO Report Page 42 is a document combining the Sunset Background Paper with issues as identified by legislature's staff and the responses from CAMTC as authorized by CAMTC's Board Chair and Vice chair.



California Police Chiefs Association, Inc.
Peace Officers Research Association of California
California State Sheriff's Association
National Council of Jewish Women - San Francisco*
California Association of Code Enforcement Officers
San Francisco Collaborative Against Human Trafficking*
Bay Area Anti-Trafficking Coalition*
Karen Boulanger, PhD, CMT
California Massage Schools Association
Massage Envy California Franchise Association
South Bay Coalition to End Human Trafficking*
Asian Americans for Community Involvement*
Community Solutions*
Love Never Fails Us*
Santa Clara County Wage Theft Coalition*
Sisters of Holy Names Jesus and Mary*
Tahirih Justice Center*
Burke Williams
County of San Mateo - Board of Supervisors
County of Santa Clara - Office of the District Attorney
National Center on Sexual Exploitation*
Hollywood Career College
Nuad Thai and Spa Association of America
Santa Barbara Body Therapy Institute
County of San Mateo - Office of the Sheriff
National Holistic Institute
California Professional Massage Therapy Coalition
County of Santa Clara - Office of the Sheriff
Federation of State Massage Therapy Boards
Hands On Trade Association
Stacey DeGooyer - CAMTC #41228
San Rafael Massage Ordinance Advisory Committee
Chinese Chamber of Commerce of Los Angeles
American Institute of Massage Therapy
California Police Chiefs Association, Inc.
Bohdi Panya Institute
National Council of Jewish Women - San Francisco*
California Association of Code Enforcement Officers
*NGO combating Human Trafficking



California POLICE CHIEFS Association Inc.

P.O. Box 255745 Sacramento, California 95865-5745 Telephone (916) 481-8000 FAX (916) 481-8008
E-mail: lmcgill@californiapolicechiefs.org • Website: californiapolicechiefs.org

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Associate Member
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Salinas
Associate Member
JASON SIMS, Captain
Culver City
LESLIE MCGILL, CAE
Executive Director Ex-Officio

February 1, 2021

The Honorable Richard Roth

Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Even Low

Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low:

On behalf of the California Police Chiefs Association and the 332 municipal police chiefs across the state, we want to express to you our appreciation for the work of the California Massage Therapy Council for all they have done to reduce human trafficking in California. We have worked diligently with CAMTC as a strategic partner for several years. Their assistance and structural support have helped our members identify illicit activity and take swift action. Our combined efforts have effectively reduced the use of massage as a front for prostitution, and more. The model currently in place works for law enforcement and improves public safety for all Californians.

As part of CPCA's commitment to shut the gates on human trafficking in the state, CPCA's Board of Directors voted to support the successful outcome for CAMTC's 2021 Sunset review; specifically, the continuation of CAMTC as a nonprofit organization implementing a statewide voluntary certification program for massage professionals and approving educational programs. It has been continually proven that local law enforcement agencies are currently well served by voluntary certification of massage professionals.

As CPCA focuses more attention on addressing human trafficking, we look forward to continuing to partner with CAMTC in the years to come. Together, we can make a real impact on the safety and quality of life for residents in California.

Sincerely,

Eric R. Nunez
President

CC: Sarah Mason, Staff Director, Senate Standing Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

February 2, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

I write you today on behalf of the Peace Officers' Research Association of California (PORAC), representing 77,000 public safety members and 930 public safety associations. Our officers know first-hand the impact human trafficking and prostitution can have on an individual and a community. In our effort to fight trafficking, prostitution, and all forms of sexual exploitation, we want to express our support and appreciation for all the work California Massage Therapy Council (CAMTC) has done in California to reduce the use of massage storefronts as avenues for prostitution and trafficking, as well as other illicit activities.

As a statewide association, we see the effectiveness of CAMTC's model in combating human trafficking and their ability to provide quick and efficient support for our law enforcement officers across California. Therefore, we respectfully request a successful outcome for CAMTC's 2021 Sunset review; specifically, the continuation of CAMTC as a nonprofit organization implementing a statewide voluntary certification program for massage professionals and approving educational programs.

We look forward to a continued partnership with CAMTC as we work towards a safer future for our families and communities. Should you have any questions, please do not hesitate to call me at PORAC Headquarters (916) 928-3777 or contact our legislative advocates, Aaron Read at (916) 425-2260 or Randy Perry at (916) 716-3952.

Very Truly Yours,
BOARD OF DIRECTORS
Peace Officers Research Association of California



Brian R. Marvel
President

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

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Cory Salzillo
Legislative Director

Nick Warner
Policy Director

California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

February 3, 2021

The Honorable Richard Roth
Chair, Senate Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low:

On behalf of the California State Sheriffs' Association (CSSA), which represents the 58 elected Sheriffs of California, I write to support the California Massage Therapy Council (CAMTC), and a successful outcome for its 2021 Sunset review; specifically, the continuation of CAMTC as a nonprofit organization implementing a statewide voluntary certification program for massage professionals and approval of educational programs.

We appreciate CAMTC's efforts and work with law enforcement to curtail the use of massage as a subterfuge for prostitution, human trafficking, and more. Its commitment to address these issues in partnership with law enforcement is making a positive difference in our communities.

Sincerely,

David Robinson, CSSA President
Sheriff, Kings County

cc: Chief Eric Nuñez, President, California Police Chiefs' Association
Carmen Green, CSSA Executive Director
Cory Salzillo, CSSA Legislative Director
California Sheriffs



National Council of Jewish Women
San Francisco Section

National Council of Jewish Women San Francisco Section
2000 Van Ness Avenue, Suite 411
San Francisco, CA 94109
415-346-4600
info@ncjwsf.org

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Linda Kurtz

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Linda Kurtz
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Marlene Levenson
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Sally Lieber
Beverly May
Lindsey Newman
Mizuho Takahashi
Roberta Wyn

Executive Director
Antonia Lavine

February 22, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development State
Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions State Capitol, Room 4126
Sacramento, CA 95814

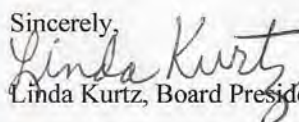
**Re: Joint Committee Hearing on sunset provision of the California Massage Therapy Council
Act, Business and Professions Code 4600 et seq.**

Dear Senator Roth and Assemblymember Low:

The National Council of Jewish Women- San Francisco (NCJW-SF) is a 120-year old volunteer organization that is dedicated to research, education, advocacy and community service aimed at improving the quality of life for women, children and families, and ensuring individual rights and freedoms for all people. As such, NCJW-SF is on the forefront of efforts to fight human trafficking. In furtherance of this mission, we were instrumental in the founding of the San Francisco Collaborative Against Human Trafficking (SFCAHT) and work actively toward eradication of modern-day slavery through the Collaborative with organizations like the California Massage Therapy Council (CAMTC).

We are writing in support of CAMTC and the extension of the existing sunset provision. CAMTC is an important organization for many reasons. To ensure that the massage profession is not hijacked by traffickers and to protect survivors of human trafficking in San Francisco and beyond, NCJW-SF, through SFCAHT and with the California Massage Therapy Council (CAMTC) have established a strong connection and meet regularly to discuss continued collaborative efforts. The specialized expertise and excellent professionalism that CAMTC brings to the equation have proven to be indispensable. Together, we have fought successfully to prevent and rescue victims from violence, exploitation and slavery. CAMTC has co-sponsored and helped organize our conferences. As an active member in SFCAHT, CAMTC has demonstrated its focus on developing and implementing effective policy regarding human trafficking.

NCJW-SF will be watching closely the 2021 Sunset Review. The success of our collaborative efforts in protecting and assisting those in need provides us with a very important reason to support the continuation of CAMTC. It has been clearly proven that California benefits from CAMTC's functioning as a non-profit organization that implements the statewide program for voluntary certification of massage professionals and approval of relevant educational programs. Please feel free to contact us for any additional information.

Sincerely,

Linda Kurtz, Board President

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions



California Association of Code Enforcement Officers

Advancing the code enforcement profession through a unified, statewide voice

February 25, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

On behalf of the over 1,500 professional members of the California Association of Code Enforcement Officers (CACEO), I am writing to express our appreciation for the work of the California Massage Therapy Council (CAMTC).

CAMTC's effective endeavors to eradicate illicit activities found occurring in massage establishments are making a difference in our battle to combat human trafficking. I also write to express our sincere hope that CAMTC continues to operate as a non-profit organization able to respond quickly and effectively.

In recent years, code enforcement officers' roles have continued to expand to include more traditional law enforcement investigations such as illicit massage establishments. In response to these expanding duties, CAMTC and CACEO have formed an effective partnership to train code enforcement officers on how to identify massage establishments being used for prostitution, human trafficking and a variety of other crimes adversely affecting our communities.

As a result of this valuable partnership, code enforcement officers have become another important team member in the fight against these types of activities. CACEO intends to continue this partnership and is offering our full support to the California Massage Therapy Council.

Respectfully,

A handwritten signature in dark ink, appearing to read "D. Revier", is written over a light blue horizontal line.

Darrell Revier CCEO
President

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

California Association of Code Enforcement Officers

1800 J Street, Sacramento, CA

(916) 492-2223

info@caceo.us

CEO Report Page 7

SAN FRANCISCO COLLABORATIVE AGAINST HUMAN TRAFFICKING



April 12, 2021

Dr. Jeff Forman
Chairman
California Massage Therapy Council
One Capitol Mall, Suite 800
Sacramento, CA 95814

Dear Dr. Forman,

More than 10 years ago, San Francisco was grappling with the explosion of sex and labor trafficking in the shadows of private life and various industries, including massage business. Then-Mayor, now Governor, Gavin Newsom, then-District Attorney, now U.S. Senator Kamala Harris, and then-Board of Supervisors President, now Assemblymember, David Chiu, Congresswoman Jackie Speier, State Treasurer Fiona Ma, and past Assemblywoman Sally Lieber dared a solution by supporting the community convening toward establishing the San Francisco Collaborative Against Human Trafficking (SFOAHT) and launching of its first annual awareness campaign.

SFOAHT was created to help end human trafficking through collaboration, education, outreach, advocacy and supporting the survivors of human trafficking. The government agencies and non-profit organizations, members of SFOAHT, took a zero-tolerance stance on exploitation, violence and human trafficking by building a strong group of anti-trafficking advocates and experts in the Bay Area.

To ensure that the massage profession is not hijacked by traffickers and to protect survivors of human trafficking in San Francisco and beyond, SFOAHT and California Massage Therapy Council (CAMTC) have established a strong connection and meet regularly to discuss continued collaborative efforts. The specialized expertise and excellent professionalism that CAMTC brings to the equation have proven to be indispensable. Together, we have fought successfully to prevent and rescue victims from violence, exploitation and slavery.

In this critical mission, SFOAHT has been well served by the highly effective regulatory model of CAMTC. Furthermore, we believe that local communities and human trafficking victims are particularly well served by CAMTC's oversight and programming.

SFOAHT will be watching closely the 2021 Sunset Review. The success of our collaborative efforts in protecting and assisting those in need provides us with a very important reason to support the continuation of CAMTC. It has been clearly proven that California benefits from CAMTC's functioning as a non-profit organization that implements the statewide program for voluntary certification of massage professionals and approval of relevant educational programs.

We deeply value the highly beneficial relationship between SFOAHT and CAMTC and look forward to continuing the progress we have already made through our critically important collaboration toward eradicating the abhorrent phenomena of human trafficking.

Sincerely,

Antonia Lavine, SFOAHT Coordinator

April 13, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080, Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126, Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low:

I am writing on behalf of the Bay Area Anti-Trafficking Coalition, a San Francisco Bay Area-based non-profit working with community partners to combat human trafficking happening in our region and beyond. I would like to express support for the work of the California Massage Therapy Council (CAMTC). The current model of regulating voluntary massage certifications is an effective tool for fighting illicit activities in massage businesses. It allows the monitoring of massage therapy schools, and a partnership with law enforcement to encourage prosecution of traffickers.

We have been involved first hand in operations that have investigated illicit massage operations and know the importance of identifying these businesses, supporting victims of trafficking with services, and prosecuting perpetrators.

We consider the CAMTC to be a key partner in our efforts to build a comprehensive and strategic response to trafficking throughout the Bay Area. Their work is an integral part of making the very visible massage industry a safe place for owners, therapists, and clients. We support the work of the CAMTC as an effective non-profit organization, able to curtail an important aspect of human trafficking in our state. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads 'Betty Ann Hagenau'.

Betty Ann Hagenau,
Founder & Chief Strategy Officer
Bay Area Anti-Trafficking Coalition

cc: Sarah Mason, Chief Consultant, Senate Standing Committee on Business, Professions and Economic Development
Robbie Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

Karen Boulanger, PhD

Certified Massage Therapist

April 13, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126,
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

I am writing as a constituent of Evan Low and as a certified massage therapist from San Jose. Before the pandemic, I worked as a massage therapist at Stanford's Children's Hospital for 11 years and was a self-employed massage therapist for 22 years. I was faculty for the Massage Therapy program at DeAnza College in Cupertino for five years and was part of team that applied for CAMTC approval of their program.

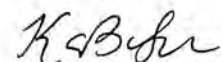
I have been a member of the AMTA for 20 years, however, I do not agree with their position calling for licensure, nor do I see evidence that the AMTA's position represents the views of massage therapists in California. CAMTC's model is effective in combating human trafficking and providing quick and efficient support for our law enforcement officers across California.

On a personal note, my teenage daughter was victimized by a massage therapist, David Leson. After San Jose's police officers arrested him, criminal charges were filed against Mr. Leson on June 2, 2020 in Santa Clara Superior Court for violation of Penal Code section 311.11(c)(2) – Possession or control of any matter depicting sexual conduct of a person under 18 years of age. While Mr. Leson still has not entered a criminal plea in the matter, CAMTC suspended his certificate nearly a year ago on June 10, 2020, the same day that they were notified that the criminal charges had been filed.

I hope you can understand why I fully support the continuation of CAMTC as a non-profit organization implementing voluntary certification for massage therapists and approval of educational programs.

If you have any questions, please call me at (408) 533-3644, I would be happy to consult with you.

Kind regards,



Karen Boulanger, PhD, CMT

Cc: Sarah Mason, Staff Director, Sen. Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Asm. Standing Committee on Business and Professions



April 13, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

On Behalf of The California Massage Schools Association (CAMSA) and its 30 plus member schools, we would like to express our continued support for the California Massage Therapy Council (CAMTC) and its leadership. CAMTC plays an important role in ensuring that massage will not be hijacked by human traffickers. Their work has been so important in making the massage industry safe for school owners, students, therapists, and the general public.

CAMTC brings security and credibility to the profession of Massage Therapy. CAMTC has elevated the profession by eliminating fraudulent massage schools. CAMTC staff members have been supportive, responsive, and resourceful for schools, therapists, and the public.

The current model of the CAMTC, as a non-profit regulating voluntary massage certification and approval of schools, clearly works.

Sincerely,

Dr. Ben Drillings
Director
California Massage Schools Association

Cc: Sarah Mason, Staff Director, Sen. Standing Committee on Business, Professions and Economic Development

Robby Sumner, Chief Consultant, Asm. Standing Committee on Business and Professions



April 13, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assembly Member Low:

MECAFA - The Massage Envy California Franchise Association - represents about 140 Massage Envy locations in California with approximately 2,800 therapists. Our association represents the largest provider of professional massage service to the public and the largest employer of CAMTC Certified Therapists in the State of California.

MECAFA supports the California Massage Therapy Council (CAMTC) and a successful outcome for CAMTC's 2021 Sunset review.

We are deeply concerned regarding the discussions of State licensing. The CAMTC's unique ability to build successful partnerships with law enforcement agencies across the state and oversight of schools has provided our businesses with a level of screening of prospective massage therapist employees that we could not achieve under any other means. State licensing would result in hiring liability that would make professional massage businesses in California untenable, with the remaining professionals struggling to distinguish themselves from throngs of illegitimate or dangerous license holders.

We strongly oppose a return of a test requirement for CAMTC certification. With CAMTC oversight of schools a test is redundant and provides no known public benefit. When the test was in place, enrollment in schools was ½ of what it was without a test. A test is an unnecessary barrier of entry for practitioners, would devastate schools, and severely impact labor supply for businesses.

The Sunset Review Process for the CAMTC is extremely important to MECAFA. We are planning to be in attendance and speak at the hearing on the 27th. Thank you for your consideration and we look forward to discussing our concerns in the coming days.

Sincerely:

Andrew Garsten
MECAFA

Cc: Sarah Mason, Staff Director, Elissa Silva, Consultant, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

April 14, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions State Capitol
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low:

The Bay Area is vulnerable to human trafficking due to our major harbors and airports, a powerful economy with multiple industries, accelerating population, and large immigrant population. In 2003 several community-based organizations came together to address the unique needs of human trafficking survivors in the South Bay. The South Bay Coalition to End Human Trafficking emerged from these efforts. The Coalition is a victim-centered multidisciplinary collaborative that works together to identify victims and support them through their healing process. Over the years, Coalition agencies have coordinated resources, strengthened local capacity, responded to human trafficking, provided professional training and education, and built trust between non-governmental organizations, government agencies, and community members.

The South Bay Coalition to End Human Trafficking is the local effort responding to human trafficking in the counties of Santa Clara and San Benito. Utilizing a victim-centered approach, we are strengthening local capacity to respond to and identify human trafficking survivors. The mission of the South Bay Coalition to End Human Trafficking parallels the State Department's 4 "P's": the *protection* of trafficking victims, *prosecution* of traffickers, *prevention* of trafficking, through coordinated *partnership*. The Coalition goals are: to provide comprehensive services to victims of human trafficking, raise awareness of human trafficking through community education and outreach, and provide professional training to service providers.

The current model of regulating voluntary massage certifications in California provides the California Massage Therapy Council (CAMTC) with jurisdiction. It is a model that allows for due diligence in monitoring massage therapy schools, a prompt administrative process that can identify fraudulent transcripts, and proactive partnership with law enforcement agencies to encourage prosecution of traffickers.

In a recent report, published by the South Bay Coalition to End Human Trafficking, to the County of Santa Clara, one of ways that the illicit massage industry currently operates with little to no repercussions is because of government bureaucracy. It would not serve the interests of the state to have the massage industry regulated by a state body. CAMTC is a unique model in that it operates with jurisdiction provided by state law, but the flexibility to operate as a non-profit. This has resulted in over 80 massage schools

closing (the vast majority of which engaged in fraud), partnerships with law enforcement throughout the state, and support of local organizations serving survivors of trafficking.

The *agencies listed below* prioritize the identification of human trafficking survivors, which often requires a shift in traditional approaches to enforcement and regulation. CAMTC helps provide an administrative process for law enforcement to report potential trafficking and provide integrity to the Certification of California's massage therapists. We support their continued role and partnership throughout the State of California.

Respectfully,



4/12/21

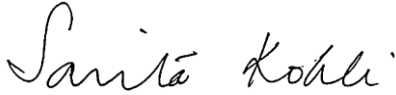
Sharan Dhanoa
Director Strategic Development
South Bay Coalition to End Human Trafficking*



CC: Sarah Mason, Staff Director, Senate Standing Committee on Business, Professions and Economic Development

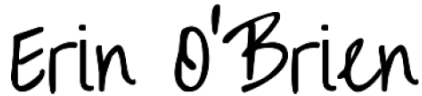
CC: Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions State Capitol

**The following South Bay Coalition to End Human Trafficking Member Agencies Support
the Mission of the California Massage Therapy Council:**



04 / 12 / 2021

Sarita Kohli, President & CEO
Asian Americans for Community Involvement



04/ 14 / 2021

Erin O'Brien, CEO & President
Community Solutions



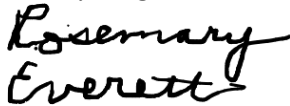
04 / 12 / 2021

Vanessa Russell, Executive Director
Love Never Fails Us



04 / 13 / 2021

Ruth Silver Taube, Coordinator
Santa Clara County Wage Theft Coalition



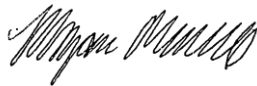
04 / 12/ 2021

Rosemary Everett, Representative
Sisters of Holy Names Jesus and Mary



04 / 12 / 2021

Marilyn Wilson
Sisters of the Blessed Virgin Mary



04 / 12 / 2021

Morgan Weibel, Esq., Executive Director
Tahirih Justice Center

* The South Bay Coalition to End Human Trafficking is a collaborative of over 30 agencies and not a formal legal entity. As such, the Coalition as a whole cannot endorse policies, but can encourage individual member agencies to do so, as is reflected above.

Burke Williams

beyond the spa

April 15, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126,
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

On behalf of Burke Williams Spas, one of the largest employers of Massage Therapists in the State of California, we want to express our continued support for the California Massage Therapy Council (CAMTC) and the tremendous accomplishments they have achieved through the implementation of the statewide massage therapist certification process.

Through the efforts of the CAMTC they have simultaneously elevated the standards of the massage profession in this state as well as positively impacted the ability of companies like ours to successfully employ hundreds of massage therapists across multiple municipalities. Their work has been integral in our ability to grow our overall business resulting in our employing over 1500 people statewide.

Prior to the formation of the CAMTC, the massage profession in this state was not only fragmented, but also labored under the impression of being a front for multiple illicit activities including human trafficking and prostitution. Companies like ours, wishing to bring professional massage therapy to urban settings, faced a continued uphill battle of perception.

The CAMTC played a crucial role by working with law enforcement and multiple municipalities to enact stringent standards to both certification of massage therapists as well as massage education. The result is an immensely improved perception and confidence the public now has in the massage profession and as a result our ability to grow and continue to hire professional massage therapists and supporting staff.

Burke Williams whole-heartedly supports the efforts of CAMTC.

Sincerely,



Bill Armour, President
Burke Williams, Inc.

Cc: Sarah Mason, Staff Director, Sen. Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Asm. Standing Committee on Business and Professions

April 15, 2021

The Honorable Richard Roth
Chair, Senate Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Re: California Massage Therapy Council—SUPPORT

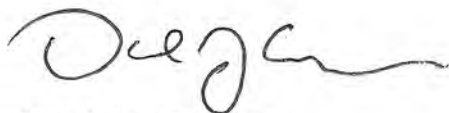
Dear Senator Roth and Assemblymember Low:

On behalf of the San Mateo County Board of Supervisors, we write in support and appreciation for all the work the California Massage Therapy Council (CAMTC) has done in California to reduce the use of massage storefronts as avenues for prostitution and human trafficking, as well as other illicit activities. The County of San Mateo supports efforts to enhance services to victims of human trafficking within the community and to foster greater collaborative efforts among all who fight modern-day slavery.

California has been well-served by the CAMTC. We see the effectiveness of CAMTC's model in combating human trafficking and their ability to provide quick and efficient support for our law enforcement officers across California. Therefore, we respectfully request a successful outcome for CAMTC's 2021 Sunset review; specifically, the continuation of CAMTC as a nonprofit organization implementing a statewide voluntary certification program for massage professionals and approving educational programs. Any attempt to make this a California State licensing agency would hurt the inroads we've made in combatting human trafficking. It is only through partnership with organizations such as the CAMTC that we can make real progress in the response to human trafficking within San Mateo County.

We look forward to a continued partnership with CAMTC as we work towards a safer future for our families and communities. Should you have any questions about our position, please contact Connie Juarez-Diroll, Legislative Officer (650-599-1341, cjuarez-diroll@smcgov.org).

Sincerely,



David Canepa, President
Board of Supervisors

cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Committee on Business, Professions and Economic Development
San Mateo County Delegation
San Mateo County Board of Supervisors
San Mateo County Manager



County of Santa Clara

Office of the District Attorney

County Government Center, West Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-7400
www.santaclara-da.org



Jeffrey Rosen
District Attorney

April 15, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low:

The California Massage Therapy Council's [CAMTC] commitment to the eradication of illicit massage parlors is instrumental in the fight against human trafficking. They have been partners with us in this endeavor.

Santa Clara County is often part of the California track-rotation for human trafficking victims. It is not uncommon that victims report being trafficked in other parts of the state before and after they are brought to Santa Clara County. This is not a problem that will go away or self-correct without consistent and pro-active measures.

CAMTC has been a key contributor to my county's efforts to combat human exploitation. CAMTC is an effective tool when confronting human trafficking and sexual assaults in massage establishments. They are collaborative, responsive, transparent, and they give local government much-needed dexterity.

Forcing licensure without a clear understanding of the implications will profoundly and negatively impact our longstanding fight against human trafficking.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey F. Rosen".

Jeffrey F. Rosen
District Attorney

JFR/dm

c: Sarah Mason, Staff Director, Senate Standing Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions



NATIONAL CENTER ON SEXUAL EXPLOITATION

April 15, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

We work every day to build a world free from sexual abuse and exploitation. The National Center on Sexual Exploitation (NCOSE) is dedicated to utilizing research, litigation, legislative and corporate advocacy, as well as coalescing an international Coalition to meet our goal. In this effort, NCOSE has distinguished itself as a global leader.

The inherent harm and oppression of sexual abuse and exploitation impacts people regardless of their age, nationality, race, sex, sexual orientation, or creed. We work relentlessly to build diverse partnerships with exemplary organizations such as the California Massage Therapy Council (CAMTC).

Since 2015, NCOSE's Director of Law Enforcement Training and Survivor Services, Dr. Stephany Powell, has served as the anti-human trafficking representative on CAMTC's Board. The California model demonstrates an effective and visionary way to combat sexual abuse and exploitation.

We are committed to educating policy makers in other states about the effective model represented by CAMTC. To that end, we have invited CAMTC's CEO to present to more than 25,000 attendees from 115 countries who are expected to attend our annual global summit this July.

The continuation of CAMTC as a nonprofit organization, implementing voluntary certification of massage professionals and approval of schools, continues to make a lasting difference in protecting the vulnerable and marginalized in our society.

If you have any questions, please do not hesitate to call me at our national headquarters 202.393.7245 or California-based Dr. Powell at 202.839.1778.

Very Truly Yours,



Dawn Hawkins

Chief Executive Officer
National Center on Sexual Exploitation

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development

Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions



1552 N Western Ave., Los Angeles CA 90027 <http://www.hollywoodcareercollege.com> Tel. (310)800-3069

April 19, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capital, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capital, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assembly member Low,

I am writing to express my support for the mechanisms which are currently in place for the regulation of massage education and practice in California.

I founded and currently manage and lead instruction at Hollywood Career College, which offers a 500 hour Massage Therapy program which is approved by the state's Bureau for Postsecondary Education. Our program has also been approved by the California Massage Therapy Council ("CAMTC").

I believe the current system in place, i.e., CAMTC, is working well and should continue. Their standards are recognized and well understood, and have increased the quality of massage training and practice throughout the State. As an organization, they have been strong advocates for the massage community, and have been helpful and responsive, especially during this unprecedented past year.

In contrast, I have previous finished and experience with MBLEx (Massage & Bodywork Licensing Exam), and recommend against its use as a requirement to practice. The exam has a peculiar focus on arcane technical details and historical trivia; there are large portions of the test which simply have no real relevance to the actual, practical details of massage work. It represents a needless impediment which proves nothing useful.

I feel what we have currently is effective and working well; implementing a new regulatory paradigm is unlikely to improve matters, but will certainly cause confusion and stress throughout the transition period for all stakeholders - massage professionals, students and educators, and business owners.

Sincerely,

A handwritten signature in black ink, appearing to read 'Umarin Wachter'.

Umarin Wachter ,CEO
Hollywood Career College



Nuad Thai and Spa Association of America (NTSAA)
Working together to achieve excellence in Nuad Thai and Spa

April 19, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

On Behalf of Nuad Thai and Spa Association of America (NTSAA) and 600 plus members, we are a non-profit organization established in 2016. Our Association represents the largest Thai massage therapists and massage establishments in United States.

Since our Association was established, the California Massage Therapy Council (CAMTA) and NTSAA have been working closely together to resolve many issues facing our members, especially during the COVID-19 pandemic. We strongly support the continued existence of CAMTC, with its mission and goals, in order to benefit both public safety as well as the therapists in California. We also support the discontinuation of the MBLEs Exam as a part of the requirements to obtain a therapist certificate. Thai massage therapists are able to perform the best massage techniques based on knowledge and experience from the 500-hours-plus requirement from CAMTC approved schools.

Nuad Thai and Spa Association of America (NTSAA) and CAMTC will work as a partnership to support our massage therapists and protect public safety as a whole.

Sincerely,

Saengthong Saengkaew
President

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

*Santa Barbara
Body Therapy Institute*
where lives change!



**516 North Quarantina Street
Santa Barbara CA 93103
(805) 966-5802
info@sbbti.com www.sbbti.com**

April 19, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assembly Member Low:

As Director of the Santa Barbara Body Therapy Institute, providing vocational training to over 3000 students during the last 31 years, I am writing to express my support of the successful continuation of the California Massage Therapy Council and continued suspension of the National Exam requirement.

Since CAMTC's inception, they have played an incredibly significant role in approving schools and disapproving over 70 "papermill schools" previously approved by the BPPE. Prior to CAMTC adopting the function of school approval, we had graduates being denied licensure in the states of Nevada and Arizona on the basis that their certificate of completion was from a California BPPE approved school.

CAMTC has been fulfilling its function in assuring that the therapists who are operating with CAMTC certification have been properly trained and vetted. The continued operation of unlicensed massage and human trafficking is best fought when CAMTC, local code enforcement, local law enforcement, and attorney generals work collaboratively implementing the law and shutting down these operations.

The National Exam requirement creates an unnecessary barrier to our profession for those with cognitive memory challenges and thus far has not stopped the operation of unlicensed massage and human trafficking. The exam is not an adequate measure of competency, nor does it improve public safety and shifts the curriculum focus within massage schools from skill building to memorization and drilling for multiple choice tests. A far better measure of competency would be a practical exam requirement, as is required for cosmetologists, chiropractors, and acupuncturists who also provide hands on skills to the general public.

I plan to attend and speak at the Legislative hearing on the 27th. Thank you for your consideration.

Sincerely,

Katie Mickey

Director of Santa Barbara Body Therapy Institute

Cc: Sarah, Mason, Staff Director, Elissa Silva, Consultant, Senate Committee on Business, Professions and Economic Development
Robby Summer, Chief Consultant, Assembly Standing Committee on Business and Professions



COUNTY OF SAN MATEO

OFFICE OF THE SHERIFF

A TRADITION OF SERVICE SINCE 1856

CARLOS G. BOLANOS, SHERIFF
MARK C. ROBBINS, UNDERSHERIFF

April 20, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4162
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low:

I offer my support of the California Massage Therapy Council (CAMTC) and encourage you to allow CAMTC to continue as a non-profit organization, implementing statewide voluntary certification of massage professionals and approval of schools.

CAMTC has assisted my office and other law enforcement agencies in San Mateo County for many years. Their work helps maintain and support professional massage therapy in our County, while assisting us in our investigations of Illicit Massage Businesses (IMBs).

In addition, CAMTC works closely with our County's Human Trafficking Program, located within my office. CAMTC's work is critical in our County's goal of zero tolerance for IMBs.

I strongly encourage you to allow the California Massage Therapy Council to continue their work under the existing structure.

Sincerely,

A handwritten signature in blue ink that reads "Carlos G. Bolanos".

Carlos G. Bolanos
Sheriff

cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and
Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and
Professions



NATIONAL
HOLISTIC
INSTITUTE

April 20, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

My name is Tim Veitzer and I am Co-Owner and President of National Holistic Institute (NHI). We were founded in 1979 and are the first accredited and largest massage therapy school in California. NHI has 10 locations throughout the state, including San Jose, Sacramento, and Los Angeles. We graduate approximately 1,000 massage therapists every year and have a reputation as a national leader in terms of high-quality education and professionalism in the field.

California Massage Therapy Council (CAMTC) has done important work since its inception and I am writing to express my strong support. CAMTC's attention to detail, excellent staff, and high standards have undoubtedly set a high bar regulating and promoting quality massage therapy education. The industry as a whole is far better off for their efforts.

NHI supports a successful outcome for CAMTC's 2021 Sunset review as a non-profit organization implementing statewide certification and approval of massage therapy schools.

If you would like to connect for any reason, please do not hesitate to call me at (510) 547-6442.

Sincerely,

Tim Veitzer
President
National Holistic Institute

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

California Professional Massage Therapy Coalition

1127 11th Street, Suite 550 Sacramento, CA 95814
916 448-7500

April 21, 2021

The Honorable Richard Roth
Chair, Senate Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

RE: California Massage Therapy Council (CAMTC) Sunset Review

Chair Roth and Chair Low,

The California Professional Massage Therapy Coalition (the Coalition) is a group of leading massage business owners throughout the state and includes well known national brands and their franchisees and leading California independent massage businesses. The Coalition also includes multiple massage school locations throughout the state.

The Coalition's members collectively have hundreds of years of experience in the massage profession as business owners and providers. Its members provide nearly 1.6 million massages to California residents throughout the state in an average year. We employ nearly 2000 certified massage therapists, as well as an additional 3200 employees. Through the pandemic, the Coalition and its members have been very active in working with state and local health officials to establish industry leading safety protocols to allow safe reopening of massage services.

We write in support of the California Massage Therapy Council (CAMTC) and the current model for ensuring safe, effective massage therapy in California. California is a large and diverse state. CAMTC has admirably navigated through some the difficult issues the state faces and continues to diligently perform its obligations while working towards improvement and solutions for the ongoing challenges the industry faces.

CAMTC sets high standards in both promoting and regulating quality massage therapy in the state. Law enforcement has testified in Committee to CAMTC's effectiveness as a partner in efforts to combat the use of massage as a subterfuge for illegal activity and has elevated the practice of professional massage therapy. In addition, CAMTC has played a key role in bringing continuity to what was once a fragmented industry. Through their efforts, massage businesses are now able to hire, with increased certainty and efficiency, certified massage therapists that have the training and experience necessary to professionally provide the quality of service needed by

businesses, consumers and communities. The massage industry in general, professional massage therapists, and the general public are better off because of the work of the CAMTC.

We believe the most productive approach at this time would be to focus our collective work on targeted, constructive efforts done within the current CAMTC structure to make any changes that are believed to help improve the industry and the work it does for the California public.

We also hope the committees will consider what the industry, both employers and therapists, have been through over the last 13 months. Massage businesses are overwhelmingly prototypical small businesses, and they are struggling. The massage industry was shut down twice for what amounts to the majority of the first 12 months of the Pandemic. It would be very beneficial to have extended time to try to get healthy again and re-staff their businesses. They do not need additional regulatory complexity or changes to manage.

We strongly urge maintaining the current approach with the CAMTC. However, we look forward to and would welcome opportunities to collaborate with you and others on ideas designed to continue improving how best to more fully provide the many benefits of massage to the millions of Californians who use and value the service.

Respectfully

California Professional Massage Therapy Coalition

CC: Members, Senate Committee on Business and Professions
Members, Assembly Committee on Business and Professions
Sarah Mason, Senate Committee on Business and Professions
Robert Sumner, Assembly Committee on Business and Professions



April 21, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

The Santa Clara County Sheriff's office appreciates the California Massage Therapy Council (CAMTC) for the diligent work and continued partnership toward the reduction of human trafficking in our community.

Our partnership with the CAMTC has been instrumental in numerous criminal investigations into human trafficking as well as being a training resource.

Santa Clara County has been identified as an enticing location for both sex and labor trafficking organizations by virtue of being located in the South Bay Area and situated along major transportation corridors for the western United States. The convenient location, large and diverse population, and high economic base have made it target destination for exploiters.

We look forward to continuing our partnership with CAMTC in an effort to eliminate the use of massage as front for prostitution and human exploitation. The Santa Clara County Sheriff's office joins other law enforcement agencies in supporting the successful outcome of CAMTC's sunset review.

Sincerely,

A handwritten signature in blue ink that reads "Laurie Smith". The signature is fluid and cursive.

LAURIE SMITH, Sheriff

cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Profession



April 21, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Chairs and Committee Members,

RE: CAMTC

I write on behalf of the Federation of State Massage Therapy Boards and wish to express **support for the continuation of our member, the California Massage Therapy Council**, implementing a state-wide certification program for massage professionals, including the approval of educational programs, for the purpose of regulation in CA.

The role of the Federation is to support the 49 massage regulatory boards and agencies, including CAMTC, in their work to ensure that the practice of massage therapy is provided to the public in a safe and competent manner, always in the interest of the public protection mission and regulatory mandate.

We are confident that CAMTC will protect the citizens of California by validating competence through independent examination, allowing consumer recourse, creating oversight and sanctions, and ensuring that massage therapists are appropriately trained and following defined standards.

We are pleased that **CAMTC supports the use of the national Massage & Bodywork Licensing Examination (MBLEx) in California**, at no cost to the State. The content of the exam was created based on input predominantly from California massage therapists and the exam is a valued tool used by law enforcement across the nation in addressing illegal activities. The exam is designed specifically to assess entry-level safety and competence to practice and is a key factor in public safety as well as facilitating professional mobility and access to work for qualified individuals. The MBLEx pass rate for CA candidates is 77%, well above the national average.

The FSMTB also appreciates **CAMTC's efforts to address and eliminate fraudulent massage education** in the State of California as well as to address the issues of **human trafficking** as they negatively impact the massage profession nationwide.

We are pleased to assist in ensuring accurate information reaches key decision-makers in California as we support the work of the legislature in strengthening the public protection of your citizens. We look forward to continuing to support CAMTC moving forward and working for the public interest.

Thank you for the opportunity to bring this information to your attention. Should you have any questions about the Federation or any of the information above, please feel free to contact our executive director, Dr. Debra Persinger by phone at 913.681.0380 or by email at dpersinger@fsmtb.org.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Cox", with a stylized flourish at the end.

David A. Cox
FSMTB President
Maryland Board of Massage Therapy Examiners

CC: Sarah Mason, Staff Director, Senate Standing Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions
Dr. Debra Persinger, FSMTB Executive Director



April 21, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

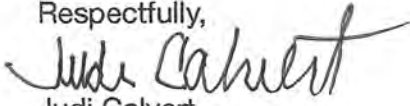
Dear Senator Roth and Assembly member Low,

My name is Judi Calvert, and I am the President of the Hands On Trade Association (HOTA), A national organization with more than 17,000 members. HOTA was established 21 years ago and represents thousands of certified therapeutic massage professionals in California that adhere to HOTA's strict code of Ethics. On a personal note, I have been practicing massage therapy for 36 years and have devoted a lot of my life to educating the public and the profession about the positive benefits of massage. I co-founded Massage Magazine in 1985 and the World Massage Museum in 2004, which is dedicated to the history of massage and have collected over 4,000 historic objects and images related to massage history.

It is HOTA's mission to elevate the massage profession in every state of the U.S. and in our experience, California is leading the country with its regulatory statewide certification of massage therapists. It comes as no surprise that the California Department of Public Health (CDPH) recently decreed that "Massage Therapists are considered Alternative Medical Practitioners."

The California Massage Therapy Council (CAMTC) greatly benefits the public with its high professional standards. CAMTC's certification makes it possible for massage therapists to freely practice anywhere in California without the imposition of local municipalities of individual massage permits. We fully support the continuation of a private, non-profit organization administering voluntary massage certification and school's approval.

Respectfully,


Judi Calvert
President

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

From: Stacey DeGooyer

Date: Sun, Apr 25, 2021 at 11:26 PM

Subject: OPPOSE: massage therapy licensure

Dear Mr. Sumner, Ms. Mason and Ms. Silva,

I am a American Massage Therapy Association (AMTA) member of 25 years and I **do not support** licensure of massage therapy in California. Here are some reasons why:

- Regulation of massage therapy is extremely complex. Let CAMTC continue to be effective with a 5 years sunset.
- Taxpayers should not be burdened by a new budgetary expense (including wages, benefits and pensions, offices, etc.) that would be necessary for the state to create, maintain and administer massage regulation.
- Increasing credentialing costs for massage therapists is unwarranted, especially considering the fiscal strains of Covid-19 and because most massage therapists are women in small business, often working part-time.
- The pandemic has caused touch deprivation or “skin hunger.” Now is the time to support massage therapists in helping our communities, not cause confusion, chaos or undermine the regulatory system that is working well.
- Licensure of massage therapys does not solve prostitution, human trafficking or sexual assault issues.

Also, I am concerned about the proper notification and posting regarding AB1537. I signed up for alerts with California Legislative Information “tracking” for AB1537, but have not received a notice about language crossing the desk or the upcoming Business & Professions Committee Hearing.

Sincerely,

Stacey DeGooyer

CAMTC-CMT

cc: Senator Bill Dodd

Assemblymember Marc Levine

April 26, 2021

From: Rhonda Kutter

To: Robert Sumner, Sarah Mason, Elissa Silva, Bill Dodd, Marc Levine, Michelle, Ezra Chaaban

Dear Mr. Sumner, Ms. Mason and Ms. Silva,

I am the Chairman of the San Rafael Massage Ordinance Advisory Committee which has been in existence since 1999; we are advocates for appropriate oversight of massage businesses in collaboration with local government (the City of San Rafael) and law enforcement. Both the City of San Rafael and our massage colleagues have found the tools that the California Massage Therapy Council Certification has brought. It has been a very effective tool at weeding out businesses parading as massage businesses that participate in illegal activities.

Also, I have previously volunteered for the American Massage Therapy Association (AMTA) and have personally been a member for many years. **However, I do not support licensure of massage therapy in California nor does the San Rafael Massage Ordinance Advisory Committee.** Here are a few reasons why:

- Regulation of massage therapy is extremely complex. Let CAMTC continue to be effective with a 5 years sunset.
- Taxpayers should not be burdened by a new budgetary expense (including wages, benefits and pensions, offices, etc.) that would be necessary for the state to create, maintain and administer more expensive and less effective massage licensing regulation.
- Increasing credentialing costs for massage therapists is unwarranted, especially considering the fiscal strains of Covid-19 and because most massage therapists are women in small business, often working part-time.
- Now is the time to support massage therapists in helping our communities, not cause confusion, chaos or undermine the regulatory system that is working well.
- Licensure of massage therapy does not solve prostitution, human trafficking or sexual assault issues.

Finally, even though I signed up for alerts with California Legislative Information tracking for AB1537, I have not received a notice about the upcoming Business & Professions Committee Hearing and only heard about this last minute from a friend. Please check that this system is working! **We need transparency and time for all voices to be heard**, especially in this time of Covid and difficult meetings in person. So I find it especially ironic that there are comments criticising CAMTC of their lack of transparency . . .

We support the continuation of the CAMTC. Thank you for your time.

Sincerely,

Rhonda Lynn Kutter, CMT
Chair, San Rafael Massage Ordinance Advisory Committee

CAMTC #15625

cc: Senator Bill Dodd
Assemblymember Marc Levine



April 28, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assemblymember Low,

The Chinese Chamber of Commerce of Los Angeles (CCCLA) supports the continuation of the California Massage Therapy Council (CAMTC) in its current structure and opposes State licensing for massage therapists. CCCLA is a politically independent, member based, non-profit organization that has been leading and serving the business community since 1898. Today there are more than 160,000 Chinese American owned businesses, bringing in more than \$70 billion in taxable revenues, and employing more than 500,000 people, in the Los Angeles area. We promote the interests of our members by encouraging trade, business growth, and new opportunities.

CAMTC has been a strong partner supporting the Chinese community and legitimate massage therapy businesses since it began in 2009. It has informed and lifted up Chinese American businesses in Los Angeles and the Asian community as a whole, including fighting against the trafficking of Asian immigrants in illicit massage establishments. Their work with local government has been an important component of helping legitimate Chinese American massage businesses to thrive in the Los Angeles area and be distinguished from a criminal element. We support its recent actions including:

- Translating its website, application, and other written materials into Chinese, providing more access to CAMTC certification by Chinese language speakers;

- Distributing brochures in English and Chinese to all massage schools in California alerting students about the consequences of attending a school that is not CAMTC approved;
- Working with Asian lawmakers on issues that affect the Asian community, including Assembly Member Ed Chau, who sponsored a bill that requires schools that are not CAMTC approved to notify students of this fact in writing, and get their written acknowledgement. CAMTC supported this bill and even named Ed Chau Legislator of the Year in 2019 for his work on this impressive effort;
- Working with Chinese American local elected officials since 2009; and
- Protecting vulnerable massage students, many of whom are recent Chinese immigrants, from unscrupulous schools by not accepting education from fraudulent schools. Instead of supporting fraudulent schools looking to make a quick buck – CAMTC is protecting the students harmed by these nefarious practices.

CCCLA supports the continuation of CAMTC as a non-profit organization implementing voluntary certification of massage professionals and approval of schools. Switching to State Licensure will harm our business members in their efforts to employ well qualified individuals without background issues.

Sincerely,

Kevin Chen

Kevin Chen
President
Chinese Chamber of Commerce of Los Angeles

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

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May 4, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assembly Member Low,

My name is Thanh Nguyen, Co-Owner and Chief Operation Officer of the American Institute of Massage Therapy (AIMT) in Santa Ana, CA. The school was found by Dr. Hungerford who had over 40 years of experience in physical and rehabilitation therapy, shiatsu and sports massage therapy. She was instrumental in getting sports massage accepted at the 1984 Olympics in Los Angeles. We became the owners when Dr. Hungerford retired in 2003. The school with a dynamic management team, advisory board members, and faculty, who have experience and established reputation in the industry, continues to strengthen its leadership in providing quality education designed to meet the needs of its students. AIMT is well known for its and quality educational programs and affordable costs. We've been recognized for our exceptional programs, low cost tuitions, as well as local community participation.

California Massage Therapy Council (CAMTC) has done excellent work to improve the quality of the educational programs that result in higher standard of massage therapy practice in California. We are writing this letter to express our full support for CAMTC and hope that you will allow CAMTC to continue as a non-profit organization, implementing statewide voluntary certification of massage professionals and approval of massage therapy schools.

Sincerely,

Thanh Nguyen, COO

CC. 1. Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
2. Robby Summer, Chief Consultant, Assembly Standing Committee on Business and Professions.



California POLICE CHIEFS Association Inc.

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Associate Member

ROBERTO FILICE, Assistant Chief

Salinas

Associate Member

JASON SIMS, Assistant Chief

Culver City

LESLIE MCGILL, CAE

Executive Director Ex-Officio

May 6, 2021

The Honorable Richard Roth

Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Even Low

Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

RE: Assembly Bill 1537 (OPPOSE)

Dear Senator Roth and Assemblymember Low:

On behalf of the California Police Chiefs Association and the 332 municipal police chiefs across the state, we want to express to you our appreciation for the work of the California Massage Therapy Council for all they have done to reduce human trafficking in California and express our opposition to AB 1537. We have worked diligently with CAMTC as a strategic partner for several years. Their assistance and structural support have helped our members identify illicit activity and take swift action. Our combined efforts have effectively reduced the use of massage as a front for prostitution, and more. The model currently in place works for law enforcement and improves public safety for all Californians. We are against ending CAMTC and creating a State Licensure Board for massage.

As part of CPCA's commitment to shut the gates on human trafficking in the state, CPCA's Board of Directors voted to support the successful outcome for CAMTC's 2021 Sunset review; specifically, the continuation of CAMTC as a nonprofit organization implementing a statewide voluntary certification program for massage professionals and approving educational programs. It has been continually proven that local law enforcement agencies are currently well served by voluntary certification of massage professionals.

As CPCA focuses more attention on addressing human trafficking, we look forward to continuing to partner with CAMTC in the years to come. Together, we can make a real impact on the safety and quality of life for residents in California.

Sincerely,

Abdul D. Pridgen
President

CC: Sarah Mason, Staff Director, Senate Standing Committee on Business, Professions and Economic Development
Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions



Bodhi Panya Institute

สถาบันสอนนวดไทยโพธิ์ปัญญา
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BBPE School Code: 63821591
CAMTC School Code: SCH0162

May 7, 2021

The Honorable Richard Roth, Chair
Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Standing Committee on Business and Professions
State Capitol, Room 4126
Sacramento, CA 95814

Dear Senator Roth and Assembly Member Low,

I am the President of Bodhi Panya Institute in San Francisco. We offer a 500-hour program in Traditional Thai Massage, approved by the Bureau for Private Postsecondary Education and the California Massage Therapy Council ("CAMTC").

I am writing to support the continuation of CAMTC as the entity approving and supervising massage schools in California.

CAMTC has done an excellent job in reviewing and approving massage schools and terminating approval for massage schools that do not meet CAMTC standards – this has very much improved the quality of massage education and training in California. The people at CAMTC are professional and responsive – when we have a question we can always expect a quick reply with helpful advice and information. CAMTC has really become the guiding light for massage education and practice in California – they have set, and actively promote, a high standard of professionalism for massage in California. We strongly recommend that CAMTC continue and that a new state board not be established to regulate massage in California.

Also, I would like to express my opposition to re-instating the exam requirement for becoming a certified massage therapist. The MBLEx (Massage & Bodywork Licensing Exam) does not do a very good job of determining an applicant's fitness to become a certified massage therapist. Many of the questions are unrelated to the actual practice of massage and are more of an English comprehension test than a practical knowledge test ("what is the difference between a law and a regulation?"). Because we train many people where English is their second language, an exam requirement would be a difficult hurdle for some of them to overcome to become a certified massage therapist. We believe that the training our students receive and the high standards set by the CAMTC are more than sufficient to assure that students who become certified massage therapists are professionally qualified. Adding an exam requirement would do nothing to improve the quality of massage practice in California.

The current system works very well – I cannot foresee that establishing a new state bureaucracy or re-instating the exam requirement would provide any improvement.

Sincerely,

Pratapjai Duangpatra, President
BODHI PANYA INSTITUTE



National Council of Jewish Women San Francisco Section
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 San Francisco Section

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May 13, 2021

The Honorable Richard Roth
 Chair, Senate Standing Committee on Business, Professions and Economic Development State
 Capitol, Room 2080
 Sacramento, CA 95814

The Honorable Evan Low
 Chair, Assembly Standing Committee on Business and Professions State Capitol, Room 4126
 Sacramento, CA 95814

Re: Opposition to AB1537

Dear Senator Roth and Assemblymember Low:

The National Council of Jewish Women- San Francisco (NCJW-SF) is a 120-year old volunteer organization that is dedicated to research, education, advocacy and community service aimed at improving the quality of life for women, children and families, and ensuring individual rights and freedoms for all people. As such, NCJW-SF is on the forefront of efforts to fight human trafficking. In furtherance of this mission, we were instrumental in the founding of the San Francisco Collaborative Against Human Trafficking (SFCaHT) and work actively toward eradication of modern-day slavery through the Collaborative with organizations like the California Massage Therapy Council (CAMTC).

We are writing in support of CAMTC and in opposition to AB1537. We oppose limiting the extension of the Massage Therapy Act for only one year and the intent to establish a State Licensing Board for massage therapy. CAMTC is an important organization for many reasons. To ensure that the massage profession is not hijacked by traffickers and to protect survivors of human trafficking in San Francisco and beyond, NCJW-SF, through SFCaHT and with the California Massage Therapy Council (CAMTC) have established a strong connection and meet regularly to discuss continued collaborative efforts. The specialized expertise and excellent professionalism that CAMTC brings to the equation have proven to be indispensable. Together, we have fought successfully to prevent and rescue victims from violence, exploitation and slavery. CAMTC has co-sponsored and helped organize our conferences. As an active member in SFCaHT, CAMTC has demonstrated its focus on developing and implementing effective policy regarding human trafficking.

The success of our collaborative efforts in protecting and assisting those in need provides us with a very important reason to support the continuation of CAMTC. It has been clearly proven that California benefits from CAMTC's functioning as a non-profit organization that implements the statewide program for voluntary certification of massage professionals and approval of relevant educational programs.

Please feel free to contact us for any additional information.

Sincerely,

Antonia Lavine, Executive Director

Cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions and Economic Development
 Robby Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

June 10, 2021

The Honorable Richard Roth
Chair, Senate Standing Committee on Business, Professions and Economic Development
State Capitol, Room 2080, Sacramento, CA 95814

The Honorable Evan Low
Chair, Assembly Standing Committee on Business and Professions
State Capitol, Room 4126, Sacramento, CA 95814

RE: Opposition to AB1537

Dear Senator Roth and Assemblymember Low:

I am writing on behalf of the Bay Area Anti-Trafficking Coalition, a San Francisco Bay Area-based non-profit working with community partners to combat human trafficking happening in our region and beyond. We are writing in opposition to AB1537 and the establishment of a State Licensing Board. We support for the work of the California Massage Therapy Council (CAMTC), and the current model of regulating voluntary massage certifications and approving educational programs. We believe that this is an effective tool for fighting illicit activities in massage businesses. It allows the monitoring of massage therapy schools, and a partnership with law enforcement to encourage prosecution of traffickers and the empowerment of victims.

We have been involved first hand in operations that have investigated illicit massage operations and know the importance of identifying these businesses, supporting victims of trafficking with services, and prosecuting perpetrators.

We consider the CAMTC to be a key partner in our efforts to build a comprehensive and strategic response to trafficking throughout the Bay Area. Their work is an integral part of making the very visible massage industry a safe place for owners, therapists, and clients. We support the work of the CAMTC as an effective non-profit organization, able to curtail an important aspect of human trafficking in our state. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads 'Betty Ann Hagenau'.

Betty Ann Hagenau
Founder & Chief Strategy Officer
Bay Area Anti-Trafficking Coalition

cc: Sarah Mason, Chief Consultant, Senate Standing Committee on Business, Professions and Economic Development
Robbie Sumner, Chief Consultant, Assembly Standing Committee on Business and Professions

BACKGROUND PAPER FOR THE California Massage Therapy Council

**Joint Sunset Review Oversight Hearing, March 9, 2021
Assembly Committee on Business and Professions and the
Senate Committee on Business, Professions and Economic Development**

IDENTIFIED ISSUES, BACKGROUND, AND RECOMMENDATIONS REGARDING THE CALIFORNIA MASSAGE THERAPY COUNCIL

BRIEF OVERVIEW OF THE CALIFORNIA MASSAGE THERAPY COUNCIL

The California Massage Therapy Council (CAMTC) was first established in 2009. Unlike the majority of regulatory bodies responsible for overseeing professions and vocations in California, CAMTC is not a state agency and does not function as part of the state's government. Instead, CAMTC is incorporated as a private nonprofit public benefit corporation with 501(c)(3) tax exempt status. Certificates granted by CAMTC are voluntary at the state level, though only certificate holders may use the terms "certified massage therapist" or any other language that implies certification by the council.

As of June 2019, there are 50,551 certified massage therapists in California. The practice of massage, also referred to as bodywork, is defined in statute as "the scientific manipulation of the soft tissues."¹ According to the National Institutes of Health, massage therapy has been found to provide short-term relief for several kinds of pain, and massage therapy may be helpful for anxiety and depression in people with fibromyalgia, cancer, or HIV/AIDS.²

While a number of recent studies support the promotion of massage therapy as a complementary approach to pain management, for much of the profession's history it has been treated less as a healing art and more as a potential front for illicit activities such as sex trafficking and prostitution. Through partnerships with local law enforcement, CAMTC considers efforts to combat human trafficking to be at the core of its mission and mandate from the Legislature. Local governments frequently include a requirement that all massage professionals possess a certificate from CAMTC as part of their antitrafficking ordinances. As a result, while certification by CAMTC is technically voluntary at the state level, it is mandated in numerous jurisdictions across the state and is often framed by local government as a form of "vice" regulation rather than health care practice.

CAMTC has the authority to grant or deny applications for certification and to discipline certificate holders by denying, suspending, or placing probationary conditions on certificates. CAMTC is also responsible for approving and unapproving massage schools whose students are eligible for certification.

¹ Bus. & Prof. Code, § 4601

² <https://www.nccih.nih.gov/health/providers/digest/massage-therapy-for-health>

The Creation of CAMTC

Prior to the creation of CAMTC, massage therapy was almost exclusively regulated at the local level. Assembly Bill 3325 (McAllister, Chapter 1352, Statutes of 1976) had provided that in addition to a city or county's power to require business licenses, an ordinance could be adopted conditioning the issuance of a massage establishment license on compliance with certain standards. Requirements could include standards relating to age, education and experience, and passage of a practical examination. Cities and counties were further authorized to deny massage licenses to anyone previously convicted of crimes such as prostitution, pandering, or sales of narcotics, as well as those required to register as sex offenders.

Several bills were subsequently considered that would have established a new state-level agency tasked with regulating massage professionals. Assembly Bill 1388 (Kehoe), introduced in 2003, would have established a new entity under the Department of Consumer Affairs (DCA). However, that bill failed to advance beyond its first policy committee.

In 2005, the Joint Committee on Boards, Commissions, and Consumer Protection in the California State Legislature considered state licensure of massage therapists through the Sunrise Review process, as required by statute whenever creating a new state board or legislation creating a new category of licensed professional.³ The California Chapter of the American Massage Therapist Association and the Associated Bodywork and Massage Professionals each supported shifting regulation of the profession from the local level to the state level, and each completed the Joint Committee's sunrise questionnaire.

The sunrise background paper stated that "massage has grown into the third most requested Complementary and Alternative Practice" and that "massage is used for managing stress, enhancing selfawareness, maintaining health, increasing athletic performance, rehabilitating from injuries, and as an adjunct to medical treatment for wide variety of conditions." The sunset background paper additionally estimated that up to 25,000 massage therapists were actively practicing in California and using a variety of unprotected titles and claims of national certification.

Ultimately, the Joint Committee issued a formal recommendation that the regulation of massage therapists be shifted from the local jurisdiction approach to a state-based approach to provide for more uniform standards. The recommendation cited criticisms alleging that the majority of local ordinances enacted were aimed more at curbing illicit adult services than regulating a healing arts profession. The Joint Committee's final recommendation stated:

It was argued by some that [local control of the massage profession] was enacted to deal in part with the adult-oriented sex business, but in doing so legitimate massage businesses are subject to local ordinances that inappropriately and oppressively regulate them as "adult entertainment." ... Because local jurisdictions control the regulation of massage, local ordinances can be vastly different – leaving the massage therapist with the burden of adhering to each jurisdiction's requirements. This can make movement between jurisdictions anywhere from difficult to impossible. ... Local regulation treats professionals and "massage parlors" alike and consumers have a problem knowing how to distinguish legitimate massage practitioners from "massage parlors." ... Different jurisdictions have different standards which would indicate that there is no local government agreement about what standards are necessary and sufficient. It would seem

³ Gov. Code, §§ 9148-9148.8

appropriate to move regulation of massage therapy to the state level to create a more uniform standard.

Shortly after the final recommendations were published, Senate Bill 412 was amended by Senator Liz Figueroa, Chair of the Joint Committee, to create a new state-level regulator of massage professionals. The bill proposed the creation of a nonprofit entity established as the Massage Therapy Organization (MTO), which would grant certificates to qualified applicants as either massage practitioners or massage therapists depending on education and experience. The concept of the MTO as a nonprofit was modeled after the California Tax Education Council, which was similarly established through statute in 1997 in what was called a “grand experiment” in nongovernmental regulation of a profession by a nonprofit.

Under the legislation, two tiers of massage professionals would be regulated by the MTO. Certification as a “massage practitioner” would require 250 hours of education from an approved school. Certification as a “massage therapist” would require 500 hours of education from an approved school or the passage of an approved examination. Massage professionals who were already providing massage services prior to the creation of the MTO would be eligible to receive certification as a “massage practitioner” under grandfathering provisions allowing for lower qualifying hours of education in conjunction with proof of providing an identified number of hours of massage for compensation.

As originally introduced, Senate Bill 412 would have completely preempted local regulation of massage, prohibiting the enactment or enforcement of any ordinance regulating the practice of massage by individuals certified by the MTO. However, subsequent amendments to the bill were taken in response to opposition by cities and counties. The final text of the bill would have preserved the authority for local governments to adopt ordinances “governing zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses,” though ordinances could not place additional requirements on certificate holders. Amendments also added representatives of the California State Association of Counties and the League of California Cities to the MTO’s Board of Directors.

Senate Bill 412 was supported by the American Massage Therapy Association, California Chapter but opposed by both the California Chiropractic Association and the California Physical Therapy Association. Floor analysis for the bill summarized the opposition’s arguments against the MTO’s proposed status as a nongovernmental nonprofit and belief that “the regulation of massage practitioners and therapists, like the regulation of other health care providers, be better placed in the hands of the Department of Consumer Affairs.” The opposition also expressed concerns with the extent to which massage professionals would appear to be authorized to engage in healing arts practice despite having less training than other professionals.

Following two years of negotiations, Senate Bill 412 failed passage on the Assembly Floor by a vote of 24 to 38. The next year, Senator Jenny Oropeza introduced Senate Bill 731, which was substantially similar to the prior Figueroa bill; it maintained the MTO’s nongovernmental status, the voluntary nature of the MTO’s certificate program, and the continued role of local governments in regulating massage businesses. The first section of Senate Bill 731 began by reading:

It is the intent of this act to create a voluntary certification for the massage therapy profession that will enable consumers to easily identify credible certified massage therapists; assure that certified massage therapists have completed sufficient training at approved schools; phase in increased education and training standards consistent with other states; assure that massage therapy can no longer be used as a subterfuge to violate [laws against prostitution]; and to provide

a self-funded nonprofit oversight body to approve certification and education requirements for massage therapists.

Senate Bill 731 was signed into law in 2008 by Governor Schwarzenegger, creating at last a voluntary statewide certification of massage professionals by a nongovernmental nonprofit.⁴

Subsequent Changes to the Massage Therapy Act

Subsequent legislation was enacted to further refine the structure and operations of the MTO. In 2010, Assembly Bill 1822 (Swanson) added representatives of law enforcement to the MTO's Board of Directors. In 2011, Assembly Bill 619 (Halderman) renamed the MTO in statute as the "California Massage Therapy Council" and prohibited local governments from charging business licensing fees to massage establishments at a higher rate than other professional service businesses. CAMTC sponsored Senate Bill 1238 (Price) to make additional changes to its governing statutes in 2012. Assembly Bill 1747 (Holden), among other provisions, would have made the records of the council open to public inspection pursuant to the California Public Records Act; however, this bill was not heard in committee.

The legislation creating CAMTC subjected the council to the Legislature's sunset review oversight process, with a scheduled repeal date of January 1, 2016; this was changed to a repeal date of January 1, 2015 by Senate Bill 294 (Negrete McLeod), which readjusted the sunset timeline for a number of regulatory entities. CAMTC underwent its first Joint Sunset Review hearing on March 10, 2014, which was conducted by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development (Committees).

In the background paper for CAMTC's first sunset review, the Committees considered a number of issues relating to how massage therapy was now regulated. The Committees noted that the two-tier certification system was scheduled to be repealed with the phasing out of the "massage practitioner" certificate; the Committees noted that "because massage practitioners and massage therapists are permitted to provide the same services, it is unclear if the different practice titles provide any meaningful information to consumers." The Committees also noted that CAMTC did not have any oversight over massage establishments, and raised the possibility of creating a registration program for establishments or a certificate program for business owner/operators. Additionally, the Committees pointed out that CAMTC's approved school process consisted of unapproving schools following investigations into complaints, where it may be more sensible for the council to affirmatively approve schools.

The Committees' background paper also discussed whether the Act's preemption language was overly burdensome on local governments seeking to regulate professionals working in establishments within their jurisdictions. Representatives of cities and counties argued that because statute prohibited them from regulating certified massage therapists in any manner inconsistent with how all other professional service providers were regulated, it essentially meant they couldn't regulate them at all. The Committees recommended exploring ways that "preemption language might be revised in order to return a greater degree of control to local governments in regulating massage businesses while maintaining the integrity of the statewide certification process and ensuring that massage professionals do not face undue burdens or discrimination in their practices."

⁴ Chapter 384, Statutes of 2008.

Whether it was appropriate to continue the operation of CAMTC as a nonprofit organization was also discussed in the Committees' background paper. The final issue in the paper read:

A strong argument can be made for the continuation of some form of professional regulation: statewide regulation is more efficient, consistent, and the norm across the majority of states. Without any regulation, consumers would lose any hope of making distinctions in quality between massage practitioners, practitioners would be again subject to a patchwork of licensing regimes, and local governments would be forced to develop new regulatory processes from scratch.

However, the question remains as to the form that regulatory oversight should ideally take. Should the non-profit model represented by CAMTC, perhaps with some changes, continue for another four years? Should CAMTC be allowed to sunset, and have its responsibilities taken over by a newly created board or bureau under the jurisdiction of DCA? Transition to a board/bureau model would certainly entail transition costs, including setting up the physical office, hiring staff, and shifting over the database and certificate production processes. Conversely, a board or bureau would provide greater consistency in administrative practices, greater transparency to the public, and perhaps confer greater enforcement powers as well. Of course, such a change would also represent a shift in control over regulation from the industry to the public sector as well.

If the Committee decides to retain CAMTC in its current form, staff recommends that it be granted only a two-year sunset extension in order to ensure that any outstanding issues are dealt with quickly and to the satisfaction of the Committees.

Following CAMTC's sunset review, Assembly Bill 1147 (Bonilla) was amended to extend the council's sunset date by the recommended two years and implement a number of reforms to address issues raised in the background paper. The bill added clarification to CAMTC's role by defining a number of key terms and organizing the sections of code governing massage therapy into the Massage Practice Act, to be enforced and implemented by the council. The bill reconstituted CAMTC's Board of Directors and required at least 90 days' notice to the public of any meeting to discuss increasing certification fees. The bill also enacted language to formally wind down the "massage practitioner" certification, ending the two-tier system. CAMTC was required to develop policies, procedures, rules or bylaws governing the requirement and process for the approval and un-approval of schools. In regards to the role of local government, the bill placed additional prohibitions on ordinances but removed provisions in the law preempting land use ordinances.

While Assembly Bill 1147 preserved the voluntary nature of certification, it did require that CAMTC provide the Legislature with "a feasibility study of licensure for the massage profession." This report was prepared by an outside consulting group and delivered on December 21, 2016. The study argued that "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." It further suggested that "the certification model is likely superior to a licensure model in accomplishing the goal of distinguishing legitimate practitioners from sex workers," explaining that "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."

In its report, the consulting group acknowledged sunrising a new board would not be logistically challenging, stating: “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.” The report concluded that continuing the regulation of massage professionals through voluntary certification by a nonprofit was “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.” CAMTC underwent its second sunset review and was discussed in an oversight hearing held by the Committees on March 14, 2016. The Committees’ background paper reviewed the progress CAMTC had made since its prior review and raised a number of additional issues relating to its structure and operations. Following the review, CAMTC’s repeal date was extended by a full four years through Assembly Bill 2194 (Salas) with only modest reforms to the Massage Therapy Act, and the regulation of the massage profession through voluntary certification by a nonprofit was sustained.

Future of the Massage Therapy Profession

As a nongovernmental entity, CAMTC receives no funding from the State of California and the nonprofit model is frequently described as a more efficient and responsive form of regulation than state bureaucracy. Additionally, CAMTC has placed an emphasis on its collaboration with local law enforcement to combat human trafficking, suggesting that the deletion of preemption language and restoration of local control has been successful in assisting anti-trafficking efforts. Both CAMTC itself and representatives of local government have shown support for preserving the current structure for regulating massage therapy through voluntary certification by a nonprofit.

However, advocates for the regulated industry have continued to characterize the state’s massage therapy laws as enabling excessively burdensome local ordinances and continuing to cast a shadow on the profession as a “vice” industry. As 43 other states currently license massage therapists, certification has proven to be a barrier to allowing the practice to be fully accepted as a form of pain management alongside other nonpharmacological treatments and therapies. Additionally, some have criticized the council’s nongovernmental status as falling short of the transparency, accountability, and due process required of government agencies. Further examination of these criticisms and arguments for and against reform of how the massage profession is regulated is discussed under “Current Issues.”

Mission Statement

As of September 2016, CAMTC has adopted the following mission statement:

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

Board of Directors Composition

The Massage Therapy Act requires that CAMTC be governed by a Board of Directors, comprised of thirteen members. Ten members are each required by statute to represent a key stakeholder interest for the council; appointing authority is given to entities representing local government, institutes of higher education, anti-trafficking organizations, and the Department of Consumer Affairs. Currently, only two seats on the Board of Directors are allotted for professional members who are certified massage

professionals. In addition to the ten reserved member categories, three additional members are appointed by the Board of Directors itself, which must include one licensed attorney, one representative of a massage business entity, and one individual who has “knowledge of the massage industry.”⁵ Specifically, statute allocates appointments to the Board of Directors as follows:

- One representative of the League of California Cities.
- One representative of the California Police Chiefs Association.
- One representative of the California State Association of Counties.
- One representative of an “anti-human trafficking” organization to be determined by the council.
- One member appointed by the Office of the Chancellor of the California Community Colleges.
- One member of the public appointed by the Director of the Department of Consumer Affairs.
- One member appointed by the California Association of Private Postsecondary Schools.
- One member 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.
- One public health official representing a city, county, city and county, or state health department, to be determined by the council.
- One 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. If there is more than one professional society, association, or other entity that meets these requirements, the appointment rotates based on a four-year term between each of the qualifying entities.
- One licensed attorney, who at the time of the appointment is a city attorney, appointed by the Board.
- One representative of a massage business entity appointed by the Board.
- One individual appointed by the Board who “has knowledge of the massage industry or can bring needed expertise to the operation of the council.”

Board directors serve terms of four years; however, there is no limit to the number of terms a member may serve. 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 vote of the Board.

⁵ Bus. & Prof. Code, § 4602

The current composition of the Board of Directors is as follows:

Name and Bio	Original Appointment	Expiration of Current Term	Appointing Authority
Jeff Forman (Chair) Jeff Forman, Ph.D., was appointed by the Chancellor's Office for the California Community College system. Dr. Forman recently retired as a full time Professor and Director of the Massage Therapy program at DeAnza College in Cupertino, where he developed the first Community College Massage Therapy degree and certificate programs in the State.	09/30/2014	09/14/2019	California Community Colleges Chancellor's Office
Ronald Bates (Vice Chair) Ronald Bates, Ph.D., was appointed to the Board by the League of California Cities. Dr. Bates is a Senior Advisor to the League and the International City/County Management Association. He is a Council Member and a former Mayor in Los Alamitos. Dr. Bates was also a former City Manager in Buena Park, South Gate, Pico Rivera, La Habra Heights and Assistant City Manager in Anaheim.	09/15/2015	09/14/2023	League of California Cities
Michael Marylander (Treasurer) Michael Marylander was appointed by the CAMTC Board to represent a Massage Business Entity. Mr. Marylander owns The Massage Place, a chain of massage therapy clinics.	01/14/2010	09/14/2023	Appointed by Board of Directors – Massage Business Owner
Allison Budlong (Secretary) Allison Budlong was appointed by the California Association of Private Postsecondary Schools. Ms. Budlong is the past Director of Education Programs and Compliance at the National Holistic Institute (NHI) "A College of Massage Therapy" — supporting student and alumni services and school compliance.	12/11/2014	09/14/2023	California Association of Private Postsecondary Schools
Michael Callagy Michael Callagy was appointed by the California State Association of Counties (CSAC). He is Deputy County Manager for San Mateo County.	03/15/2011	09/14/2023	California State Association of Counties

Mark Dixon Mark Dixon was appointed by the CAMTC Board of Directors to fill a statutorily-mandated seat. Mr. Dixon is a CAMTC Certified Massage Therapist, and is board certified by the NCBTMB.	01/14/2010	09/14/2023	Appointed by Board of Directors – Knowledge of Massage Industry
Shana Faber Shana Faber is a Municipal Law Attorney and was appointed as a board member by the CAMTC Board of Directors. Ms. Faber has served as the Assistant City Attorney for the City of Vacaville since 2002, and works 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 CAMTC Certified.	09/15/2015	09/14/2019	Appointed by Board of Directors – Attorney
Heather Forshey Heather Forshey, MS, REHS, was appointed by the San Mateo County Health System. The CAMTC Board had invited this public health department to appoint a member. Ms. Forshey serves the county as Director of Environmental Health and is directly responsible for permit and inspection oversight of massage establishments.	09/15/2015	09/14/2023	Public Health Official Representing a City, County, City and County, or State Health Department
John Lambert John Lambert was appointed by the American Massage Therapy Association, California Chapter, where he currently serves as Government Relations Chair.	09/15/2019	09/14/2023	American Massage Therapy Association, California Chapter
Bernadette Murray Bernadette Murray was appointed by the Associated Bodywork & Massage Professionals.	09/11/2019	09/14/2023	Certified Massage Therapist Appointed by Professional Association

Stephanie Powell Stephany Powell, Ph.D., was appointed by Journey Out, an Anti-Human Trafficking organization, which was selected by the CAMTC Board to fill this seat. Dr. Powell is the Director of Law Enforcement Training and Survivor Services National Center on Sexual Exploitation.	11/11/2015	09/14/2023	Anti-Trafficking Organization
Sean Thulliez Sean Thuilliez was appointed by the California Police Chiefs Association. He serves as Police Chief of Beaumont CA Police Department.	03/09/2017	09/14/2023	California Police Chiefs Association

CAMTC's bylaws authorize the Board of Directors to create committees of the Board consisting of only directors, or advisory committees which may contain non-directors, and to appoint committee chairs. The Board has a standing Executive Committee consisting of the Board's elected officers, as well as several advisory committees. The current committees are as follows:

- **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 Board of Directors.
- **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 oversees the filing of the organization's tax returns. This committee is currently comprised of two Board directors.
- **School Advisory Committee:** This committee makes recommendations to the Board of Directors as to issues affecting CAMTC approved schools and their students. This committee is currently chaired by a Board member and is comprised of one other Board 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 Board.

Board meetings are required to comply with the Bagley-Keene Open Meeting Act. The Board of Directors holds one annual meeting for purposes of organization, election of officers, and transaction of other business. The Board may additionally meet throughout the year for any purpose during a special meeting. CAMTC is required to provide at least 90 days' notice of any meeting to vote upon a proposal to increase certification fees, including posting a notice on the council's website.

Staff

Statute authorizes CAMTC to hire staff as necessary to carry out its responsibilities.⁶ The council employs a Chief Executive Officer (CEO); a Director of Government Affairs/Anti-Human Trafficking; a Director of Law Enforcement Relations; a Director of Educational Standards; and an Outreach Director along with other employees who provide assistance to the CEO and the department heads. CAMTC also retains a contract management firm, an outside auditing firm, a Chief Financial Officer, an outside general counsel, and an outside special counsel, along with various other contractors for special projects.

CAMTC's current CEO is Ahmos Netanel, himself a trained massage professional. Mr. Netanel was first appointed as a director on the council's Board of Directors in 2009 when CAMTC was first established. In 2010, Mr. Netanel resigned from the Board and was hired as the CEO. In 2018, CAMTC convened a CEO Compensation Committee; subsequently, the Board voted to contract with an independent consulting group to obtain a study on comparable compensation packages. The following year, the consulting group provided a report in which compensation for CAMTC's CEO was compared to leadership at other nonprofits such as the California Medical Association and the California Chamber of Commerce, finding that compensation for CAMTC's CEO was estimated not to exceed the fiftieth percentile. At that time, Mr. Netanel received base compensation of \$267,706 and other benefit allowances of \$78,905. The Board has discretion to increase that amount annually by up to 8 percent. Following an organizational restructuring in 2019, the prior Professional Standards Division (PSD) was rearranged into several new departments engaged in the investigation and review of applicants and certificate holders. These departments consist of Investigations and Background Review, which report directly to the CEO; Hearing Officers, which are now part of Legal; and the Director of Law Enforcement Relations, who was previously the Director of PSD. Existing staff responsibilities remain the same as they were under the PSD, but CAMTC believes efficiencies were achieved by rehousing employees within distinct departments more specific to their duties.

Many of CAMTC's day-to-day operations, including certificate application processing and customer service, are performed by a contract management firm, Advocacy Management Group (AMG). Approximately half of CAMTC's current workforce is comprised of individuals employed by AMG. One of AMG's employees function as CAMTC's Director of Operations. In 2018, AMG was paid approximately \$1.27 million for its administrative services.

CAMTC contracts out for other services as well. The council's General Counsel is Jill S. England, Attorney at Law, whose firm is retained by CAMTC. The council's Special Counsel is Alison R. Siegel, whose firm is also retained by CAMTC. CAMTC utilizes an auditing firm—Damore, Hamric, & Schneider, Inc., CPAs—for independent auditing services. Additionally, J.S. Financial Group provides Chief Financial Officer services for the council.

Fiscal and Fund Analysis

As a nongovernmental, nonprofit organization, CAMTC does not receive any appropriation from the State of California and is entirely self-funded through fees. Although there is no statutorily mandated reserve level for CAMTC, it has proactively established a three-month reserve goal for its operating expenses. While revenue has remained relatively stable since its previous sunset review, CAMTC's expenditures rose noticeably in 2018, leading to a substantial decline in its fund's months in reserve.

⁶ Bus. & Prof. Code, § 4602

	2016	2017	2018	2019 (Jan-June)
Beginning Balance	\$3,654,523	\$3,489,112	\$3,169,548	\$2,200,230
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

In order to address the increase in operating expenses, CAMTC increased its fees, with its initial application and recertification fees raised from \$150 per biennium to \$200 in 2019. Late fees are assessed based on age of delinquency, charged at \$50 for recertification applications received 1-10 days after expiration; \$80 charged for recertification applications received 11-29 days after expiration; and \$180 for applications received 30-179 days after expiration. These fees make up nearly all of CAMTC's total revenue.

School application fees are \$3,000 over two years and school reapproval fees are \$6,000 over four years, plus an \$82 school background check cost that is paid directly to the vendor. CAMTC also charges fees for schools who request a hearing to challenge a proposed denial, discipline, or revocation of a school approval. As of 2018, the fee is \$1,800 for an oral telephonic hearing and \$1,400 for consideration of a written statement. These fees were raised significantly since CAMTC began approving schools in 2016. CAMTC states that the above fees still do not off-set the costs of its school approval program.

Certification

CAMTC's population of individual certificate holders is primarily comprised of Certified Massage Therapists; approximately nine percent consists of the small number of remaining Certified Massage Practitioners who were grandfathered in prior to 2015 when that tier was eliminated. Over the past four years the number of active certificate holders has remained relatively stable, as demonstrated in the below chart, which was last updated on June 30, 2019:

Certificate Holders			
2016	2017	2018	2019 (Jan-June)
46,801	51,038	49,698	50,551

This equilibrium is attributable in part to a consistent number of certificate holders seeking recertification each year, with the number of new certifications fluctuating only mildly:

New Certificates Issued			
2016	2017	2018	2019 (Jan-June)
3,162	2,663	2,360	3,584
Recertifications Issued			
2016	2017	2018	2019 (Jan-June)
20,148	19,491	23,258	10,168

On average, applications for new certifications have taken approximately ten days from the date the file is complete for applicants with no background or education issues. The average is six days for recertifications with no issues. For new applicants who have either education or background issues, the average is forty-three days, and thirty-six for recertifications.

Pursuant to the Massage Therapy Act, every applicant for a certificate is required to submit their fingerprints for a criminal history background check through the California Department of Justice and the Federal Bureau of Investigation. Applications for certification may be denied by CAMTC if the applicant has engaged in specified misconduct. Applicants may also be denied if they have been “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,” or “committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.”⁷

A total of 89,592 applications for certification or recertification were received by CAMTC between January 1, 2016 and June 30, 2019. During that time period, CAMTC denied 1,548 applications.

	2016	2017	2018	2019 (Jan-June)
Applications Denied	338	588	428	194

Education

Applicants for certification as a massage therapist must demonstrate that they have completed a minimum of 500 hours of education from one or more approved schools. Beginning on July 1, 2016, all open massage schools must be affirmatively approved by CAMTC for graduates to be eligible to use their hours of education for certification. For a school to be approved by CAMTC, it must meet minimum standards for training and curriculum in massage, as determined by the Massage Therapy Act and the council, and must be one of the following:

- 1) Approved by the Bureau for Private Postsecondary Education (BPPE);
- 2) Approved by the Department of Consumer Affairs;
- 3) 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 (WASC) that is either a public, nonprofit, or for-profit institution;
- 4) A college or university of the state higher education system; or
- 5) A school requiring equal or greater training than what is required by the Massage Therapy Act and is recognized by the corresponding agency in another state, or is accredited by an agency recognized by the federal Department of Education.⁸

⁷ Bus. & Prof. Code, § 4609

⁸ Bus. & Prof. Code, § 4601

Statute requires CAMTC to “develop policies, procedures, rules, or bylaws governing the requirements and process for approving, denying approval of, imposing corrective action on, or unapproving schools.” These policies and procedures must “address topics including, but not limited to, what constitutes an acceptable curriculum, facility requirements, student-teacher ratios, clinical practice requirements, and provisions for the acceptance of accreditation from a recognized accreditation body or other form of acceptance.”⁹ CAMTC has published Policies and Procedures for Approval of Schools in response to this requirement.

To become a CAMTC-approved massage school, an application must be completed with an initial application fee of \$3,000. CAMTC will notify applicants whether their application is complete within thirty days of receiving it, and schools have sixty days to complete the application upon being notified that it is incomplete, or it will be purged. Schools with purged applications must wait 180 days to reapply. CAMTC may approve a school, propose to deny it, or notify the school that corrective action is needed. CAMTC requires that all school owners and massage program staff who are not CAMTC-certified undergo a background check. CAMTC also receives information from other parties such as BPPE, accreditors, local governments, and other states.

Schools that enroll students while still pending approval must notify all students that they are not approved and receive signed confirmation of that notice. Schools host a scheduled site visit from CAMTC, who verifies the information in the application; unscheduled visits may also occur. New massage schools and programs with no students enrolled may receive provisional approval, in which case two site visits occur: one at the initial review stage and another at a later time when students are enrolled. For massage schools outside of California, CAMTC considers whether to accept an applicant’s education on a case-by-case basis. Per statute, CAMTC will evaluate whether the applicant’s education was received from a “school requiring equal or greater training” than required in California and that is also either accepted by another state’s massage regulator or accredited by an agency recognized by the federal Department of Education. Because CAMTC is not aware of any schools outside the United States that meet these requirements, aside from one, it does not accept international massage school education with the exception of one international school.

Initial approvals are valid for two years unless approval is revoked by CAMTC, and re-approvals are valid for four years with payment of a \$6,000 re-approval fee. From July 1, 2016 when CAMTC’s school approval process began, through August 1, 2019, CAMTC has approved 100 massage school campuses, denied six schools, and re-approved 61 campuses. As of August 1, 2019, there were 71 approved massage school campuses in California and five provisionally approved campuses. CAMTC provides a list of approved schools on its website, as well as an interactive map.¹⁰

CAMTC is additionally empowered to revoke the approval of or discipline schools in accordance with its Policies and Procedures for Approval of Schools. If the Educational Standards Division determines that there are potential grounds for discipline or revocation, the school is immediately placed under investigation. Any students who have submitted applications for certification with transcripts from the school are placed on hold. Within 60 days, the school is notified if the investigation will continue. If the investigation continues, the hold on the students is released, but they must pass an education hearing in order to be certified. When an investigation is completed, if CAMTC decides to propose revocation or discipline against the approved school, they are sent a letter which identifies the factual and legal basis for the proposed revocation or discipline and supporting evidence. Schools are given the opportunity to be heard either through telephonic conference or in writing at least five days from the proposed effective

⁹ Bus. & Prof. Code, § 4615

¹⁰ <https://www.camtc.org/schools-info-find-a-school>

date of the denial, revocation, or discipline, with a fee charged for that hearing. Decisions may be appealed through either a twenty-minute oral presentation or written statement to the Board of Directors, and schools have up to 90 days from the effective date of the revocation or discipline to file an action in superior court challenging the decision.

There is no continuing education requirement for massage therapists in California.

Examination

The Massage Therapy Act has historically required each applicant for certification to have “passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council.”¹¹ The following exams have been approved by CAMTC:

- The Massage and Bodywork Licensing Examination (“MBLEx”);
- The National Certification Examination for Therapeutic Massage and Bodywork, if taken prior to February of 2015;
- The National Certification Examination for Therapeutic Massage, if taken prior to February of 2015;
- The New York State Massage Therapy Exam;
- The Board Certification Examination for Therapeutic Massage and Bodywork.

Currently in order to take the MBLEx, an individual is required to complete 500 hours of education, which is the certification requirement in California; the Board Certification Exam in Therapeutic Massage and Bodywork requires 750 hours of education. The New York State Massage Therapy Examination is only available if an individual meets specified educational requirements from New York. Therefore, for applicants for certification who have studied in California and have met the state’s minimum education requirements, the MBLEx is the only exam that can be taken to achieve certification.

To be eligible to take the MBLEx exam, a candidate must have attended a massage therapy school approved or recognized by the state board or agency authorized to regulate massage therapy. In California, CAMTC is the body recognized by the Federation of State Massage Therapy Board (provider of the MBLEx). In recent years, there have been a number of issues where massage students completed their 500 hours in a massage school with an application for CAMTC approval pending, only to be rejected by MBLEx because the school was subsequently closed, or denied CAMTC school approval.

To ensure that students who completed their studies at a school with an application for CAMTC school approval pending, the Legislature suspended the examination requirement in 2018 through Senate Bill 1480 (Hill). This suspension was extended for an additional year through Senate Bill 1474 (Committee on Business, Professions, and Economic Development). Beginning January 1, 2019, the passage of the MBLEx or any other examination is not a requirement for certification. This suspension will expire on January 1, 2022 unless extended or made permanent by the Legislature.

¹¹ Bus. & Prof. Code § 4604

Enforcement

Statute authorizes CAMTC to discipline certificate holders in a number of ways, including placing the certificate holder on probation, suspending their certificate for a period of up to a year, or revoking the certificate. CAMTC is also broadly authorized to take other disciplinary actions pursuant to its bylaws.¹²

The Massage Therapy Act lists a number of potential causes for discipline by CAMTC against a certificate holder. Failure to comply with various statutory requirements, such as displaying an original CAMTC certificate at the therapist's place of practice or notifying CAMTC of a change of email address, may result in discipline. More serious unprofessional conduct by an active certificate holder is defined as including, but not limited to, the following:

- (A) Engaging in sexually suggestive advertising related to massage services.
- (B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence.
- (C) Engaging in sexual activity while providing massage services for compensation.
- (D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.
- (E) Providing massage of the genitals or anal region.
- (F) 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.

In addition to the above codified examples of unprofessional conduct, the Massage Therapy Act additionally makes dressing in any of the following manners while providing massage as cause for discipline, intended to prohibit massage services of an intentionally sexual or prurient nature:

- (A) Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
- (B) Swim attire, if not providing a water-based massage modality approved by the council.
- (C) A manner that exposes the certificate holder's breasts, buttocks, or genitals.
- (D) A manner that constitutes a violation of Section 314 of the Penal Code [Indecent Exposure].
- (E) A manner that is otherwise deemed by the council to constitute unprofessional attire based on the custom and practice of the profession in California.

CAMTC is also authorized to 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

¹² Bus. & Prof. Code, § 4610

holder.” Another cause for discipline is “committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder” or any act punishable as a sexually related crime.¹³

In many cases, discipline imposed by CAMTC is in conjunction with a local law enforcement action against a massage establishment offering illicit sexual services. The council is required to immediately suspend the certificate of any individual who is arrested and has criminal charges filed for prostitution or any act punishable as a sexually related crime. CAMTC is also authorized to suspend the certificate of any individual for whom they have received a written statement signed under penalty of perjury stating that the individual engaged in an act punishable as a sexually related crime or a felony absent an arrest, with requirements for notice and appeal.

Statute requires that any disciplinary action “shall be decided upon and imposed in good faith and in a fair and reasonable manner,” and specifically requires that the following procedure be followed:

- (1) Denial or discipline shall be based on a preponderance of the evidence. In determining the basis for the 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.
- (2) The provisions of the procedure are publicly available on the council’s Internet Web site.
- (3) The council provides 15 calendar days prior notice of the denial or discipline and the reasons for the denial or discipline.
- (4) The council provides an opportunity for the applicant or certificate holder, to be heard, orally or in writing, not less than five days before the effective date of the denial or discipline, by a person or body authorized to decide whether the proposed denial or discipline should go into effect.¹⁴

Disciplinary actions initiated by CAMTC are carried out by two or more employees of the council’s Background Review Department (BRD).¹⁵ If CAMTC staff decide that there may be cause for discipline, the information is provided by the Investigations Department to BRD for review. The BRD reviews all available evidence and makes a recommendation for discipline. Certificate holders are provided at least fifteen days’ notice of the proposed discipline in the form of a “Proposed Revocation/Discipline Letter” (PRL) and an opportunity for either a telephonic or written hearing at least five days prior to the proposed effective date. CAMTC charges certificate holders a \$270 fee for telephonic hearings and a \$180 fee for written hearings.

Hearings are then held by a minimum of two Hearing Officers, which are also employees of CAMTC. These Hearing Officers are charged with reviewing all the evidence submitted, including evidence provided by the certificate holder, and deciding whether to uphold, reject, or modify the proposed

¹³ Bus. & Prof. Code, § 4609

¹⁴ Bus. & Prof. Code, § 4610

¹⁵ As previously discussed, in 2019 the BRD assumed work previously conducted by the Professional Standards Division.

decision to take action. The decision of the Hearing Officers is final. Certificate holders wishing to further contest a disciplinary action following the decision of the Hearing Officers may file suit against CAMTC in superior court within ninety days of the effective date of the discipline.

In the 2016 licensure feasibility study provided to CAMTC, the consultant group made the following observation about the benefits of voluntary certification by a nonprofit in regards to enforcement:

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. ... While DCA has the ability to respond quickly in the case of certain exigent circumstances, the data ... 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.

Data provided by CAMTC appears to confirm this argument, as the council consistently outperforms its own disciplinary performance targets, which it believes are already more aggressive than is standard among the boards and bureaus under the Department of Consumer Affairs. CAMTC compared its performance targets to the aggregate averages for these boards and bureaus in 2017. For complaint intake, CAMTC had a target of four days versus an average of eight days for the boards, with an actual average of 0 days for the 3rd quarter of 2019; for intake and investigation, CAMTC had a target of 90 days versus 165 days for the boards, with an actual average of 14 days for the 3rd quarter of 2019; and for imposition of formal discipline, CAMTC had a target of 240 days versus 741 days for the boards, with an actual average of 83 days for the 3rd quarter of 2019.

The following chart provides an overview of the disciplinary actions taken against certificate holders by CAMTC between 2016 and June 30, 2019:

	Cases Sent to PSD/BRD for Review	Discipline Proposed (PRLs Sent)	Hearings (Oral / Written)	Certificate Revocations	Probations/ Suspensions (all)
2016	757	137	19 / 33	98	211
2017	684	134	27 / 32	93	220
2018	818	139	33 / 16	123	237
2019 (Jan-June)	516	51	9 / 15	32	129

Many cases are initiated by complaints against certificate holders, both from the public and from local law enforcement agencies. Complaints are received and reviewed by BRD. In the first half of 2019, CAMTC averaged 26 complaints against certificate holders per month from the public, and ten complaints against certificate holders submitted by law enforcement agencies. These statistics were consistent with numbers provided over the prior three years, with approximately 1,156 complaints against certificate holders received between 2016 and June 30, 2019. Additionally, cases may be initiated proactively by CAMTC during background reviews upon recertification, or following a subsequent arrest notification.

CAMTC prioritizes disciplinary investigations and reviews involving sexual assault, and cases involving allegations against certificate holders, as opposed to applicants, are the highest priority. The Investigations Department aims to provide BRD with enough evidence to take action against certificate holders as quickly as possible, as authorized by the Massage Therapy Act. While entities under the Department of Consumer Affairs typically must seek an interim suspension order against a licensee when criminal charges are pending, CAMTC is authorized to unilaterally suspend a certificate once criminal charges have been filed against the individual for acts punishable as a sexually related crime, including prostitution, or when they have received a written statement signed under penalty of perjury attesting that a certificate holder has engaged in such acts or has committed a substantially related felony.

Public Information Policies

CAMTC maintains a website where it provides information to certificate holders, applicants, and the public. A “Verify Certification” page enables consumers to confirm whether a massage therapist is certified by the council. Searches can be conducted using the name, location, or certificate number of the massage therapist. CAMTC also produces flyers, pamphlets, and brochures. These print materials are made available to various stakeholders including consumers, massage therapists, and local governments. CAMTC has also produced materials specific to issues relating to human trafficking.

Pursuant to the Bagley-Keene Open Meeting Act, CAMTC also posts notifications of upcoming Board of Directors meetings, including agendas, at least ten days in advance for most meetings. Board packets and audio recordings of meetings are also posted on the website and maintained indefinitely. Meetings are not traditionally webcast, due to CAMTC believing that doing so would be prohibitively expensive.

Workforce Development and Job Creation

CAMTC has developed a system to allow employers to send employment offers to certificate holders located within a specific geographic area without CAMTC disclosing personal identifying information. Employment offers are sent by CAMTC upon request through postcards paid for by the employer once reviewed by CAMTC, and may be targeted by zip code. Certificate holders may opt out of this system.

PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS

CAMTC last underwent a sunset review by the Legislature in 2016. During the prior sunset review, committee staff raised a number of issues provided recommendations. Below is a summary of actions which have been taken over the last review cycle to address these issues. Previous issues that were not completely addressed or may otherwise still be of concern they are further discussed under “Current Sunset Review Issues.”

Prior Issue #1: Budgets. The committees asked how CAMTC prepares its annual budgets. CAMTC responded by explaining that it prepares its annual budget based on a calendar year, which involves a three-step process. First, the Board of Directors adopts a list of strategic priorities for the following year during its September meeting. Then, staff develops and presents a preliminary budget at the board’s November meeting. Finally, the board adopts the final budget for the year during its February meeting.

Prior Issue #2: Administrative Contracts. The committees requested information on CAMTC’s contingency plan for if problems were to arise with its contract with AMG. CAMTC replied that it has a strong relationship with AMG. However, CAMTC insisted that it owns all its data, database, and computer systems, and that these could be transferred to another management firm.

Prior Issue #3: Decreasing Applicants. The committees expressed concern that the number of new applicants for certification were decreasing. CAMTC states that this is not currently the case, and that with the elimination of the MBLEx requirement in 2019, CAMTC received a large influx of new applications. CAMTC says that the decrease in applications rebounded quickly since its prior sunset review.

Prior Issue #4: Human Trafficking. CAMTC was asked about the role it plays in the fight against human trafficking. CAMTC responded with an explanation of how it works with local law enforcement agencies to combat human trafficking using a two-pronged approach. CAMTC approves only legitimate massage schools to provide massage education for certificate-holders, which it believes helps prevent illegitimate service providers. Additionally, CAMTC responds quickly to suspend the certificate of any therapist who is found by local law enforcement to be engaged in illicit sexual services, ensuring that those activities may be immediately shut down.

Prior Issue #5: Information Sharing. The committees asked CAMTC to advise as to the problems it has had with obtaining timely enforcement-related data from local jurisdictions. CAMTC responded by stressing that it has made having strong working relationships with local law enforcement agencies and governments a priority, and that it has engaged in significant outreach efforts. CAMTC believes this has been working, and stated that it would continue to engage in outreach, including by providing trainings to local, state, and federal law enforcement agencies.

Prior Issue #6: Bylaws. The committees asked why CAMTC amended its bylaws and articles of incorporation in 2015. CAMTC pointed to a response it previously provided, which explained that the updates were necessary to comply with Assembly Bill 1147.

Prior Issue #7: Bagley-Keene. CAMTC was asked how it ensures its Board of Directors members are adequately trained on the Bagley-Keene Open Meeting Act. CAMTC responded that it does fully comply with Bagley-Keene and that new directors receive a copy of the act. CAMTC states that it has historically provided training to new board members.

Prior Issue #8: Feasibility Study. The committees inquired about the status of the required feasibility study for massage licensure. CAMTC confirmed that the feasibility study was completed and submitted to the committees.

Prior Issue #9: Public Members. CAMTC was asked whether there should be more clarification about the meaning of “member of the public” in the Massage Therapy Act. The council responded that this definition was worked out with the Legislature and already provides appropriate clarification.

Prior Issue #10: School Approval. The committees asked for an overview of what criteria CAMTC uses for school approval and whether a fee cap would be appropriate. CAMTC responded that it does not feel that a fee cap is necessary and that it needs the flexibility to take action against fraudulent schools.

Prior Issue #11: MOU with BPPE. The committees asked CAMTC when it anticipated signing an MOU with BPPE. CAMTC replied that this MOU was recently signed related to information sharing and that the two entities work well together.

Prior Issue #12: Relationship with Local Law Enforcement and Local Governments. CAMTC was asked for an overview of its relationship with local governments and local law enforcement in regards to information sharing. CAMTC described its relationship as “viable, productive, and growing stronger and more collaborative each year.” CAMTC explained that it has staff specifically employed to maintain relationships with locals and that it maintains a local government database that provides secure information about certificate holders to local law enforcement.

Prior Issue #13: Local Regulation. The committees asked how local governments have changed the way they regulate the massage industry. CAMTC responded that the landscape overall has improved and that there has been an easing of restrictive local regulations targeted at massage businesses. CAMTC did state that it continues to receive reports of certificate holders who have to deal with challenging local regulations, and that CAMTC continues to work with local governments to improve their ordinances.

Prior Issue #14: Clean-up. The committees asked if there were any minor or non-substantive changes needed to the Massage Therapy Act. CAMTC did provide a number of small recommended changes in 2015, which it believes adequately addressed the issues.

Prior Issue #15: SB 1193 Posting Requirements. CAMTC was asked to explain how it has communicated with stakeholder groups regarding changes in the law and why massage professionals should be exempt from the posting requirement. CAMTC responded that massage professionals are not exempt, and that while businesses exclusively employing certificate holders were originally exempt, that language was invalidated by subsequent changes to the law.

Prior Issue #16: Continued Regulation by CAMTC. The committees asked whether CAMTC could continue to fulfill its mission of certifying massage therapists and recommended a four-year extension of its authorization. CAMTC responded that it was very proud of its successes and requested a six-year continuation.

CURRENT SUNSET REVIEW ISSUES FOR THE CALIFORNIA MASSAGE THERAPY COUNCIL

(WITH CAMTC'S RESPONSES ADDED)

ADMINISTRATIVE ISSUES

ISSUE #1: *Board of Directors Composition. Does the current membership on CAMTC's Board of Directors provide sufficient expertise from representatives of the profession?*

Background: The Massage Therapy Act dictates that “the council shall be governed by a board of directors comprised of 13 members,” with specific designations for how each member is appointed and which stakeholder interests they are intended to represent. Four members are required to be representatives of local governments, including both local law enforcement and public health agencies. Two members represent massage schools, with one allocated to the Community Colleges Chancellor and one to the California Association of Private Postsecondary Schools. One member is reserved for an anti- human trafficking organization, and one member is appointed by the Department of Consumer Affairs. Only two members are specifically reserved for representatives of the profession, with the American Massage Therapy Association (AMTA) appointing one member and the other appointment going to a certificate holder selected by professional associations meeting certain requirements that rotate every four years. Three additional members are appointed by the Board of Directors, which are required to include an attorney, a massage establishment owner, and an individual deemed by the Board of Directors to possess “knowledge of the massage industry” (currently, this appointee is also a certificate holder).

To the extent that the Board of Directors is charged with directing the activities of the council and overseeing its effectuation of identified policy objectives, CAMTC's Board of Directors is relatively analogous to licensing boards under the Department of Consumer Affairs. Meetings of the Board of Directors also must similarly comply with the Bagley-Keene Open Meeting Act. However, there are a number of distinctions when it comes to member composition.

For state licensing boards, members are generally divided into two categories: public members and professional members. Public members are broadly defined as persons without any vested interest in the regulated profession—in other words, they do not hold a license to practice any activities regulated by the board. Correspondingly, professional members reflect the perspectives of the regulated profession and offer expertise relevant to decisions being made by the board.

While statutes dictating board memberships vary, most regulatory boards are roughly split equally between public and professional members, with one classification often retaining a slight majority. For example, the California Architects Board is evenly split at five professional members, five public. The Medical Board of California has a professional majority with eight physician members versus five public members. The Board of Vocational Nursing and Psychiatric Technicians has a slight public majority with six public members and five licensed members.

Prior to 2014, CAMTC's Board of Directors was much larger, with nineteen total members. The membership composition also had substantially more professional representatives, with two member appointments allotted to each qualified professional association—seven professional members in total. Following the council's sunset review, the Board of Directors was reconstituted and generally reduced

in overall size to its current form through the enactment of Assembly Bill 1147. The bill substantially lowered the number of professional members, in part by clarifying that only California-based associations were eligible for an appointment.

CAMTC's Board of Directors does not expressly distinguish between professional and public members; most of its membership categories are comprised of appointing authorities, and only one member is expressly required to be "a member of the public," which is the member appointed by the Director of Consumer Affairs. There is otherwise nothing prohibiting other members of the Board of Directors from being active certificate-holders. Meanwhile, only two members are expressly required to be massage professionals—the AMTA representative and the professional association appointee.

There are potential downsides to increasing professional representation on a regulatory board. In 2015, the United States Supreme Court ruled in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* ("NC Dental") that when a state regulatory board features a majority share of active market participants, any allegedly anticompetitive decision-making may not be subject to Parker antitrust litigation immunity unless there is "active state supervision" to ensure that all delegated authority is being executed in the interest of the public and not the private commercial interests of the members. This has led many to believe that boards are better served by having a public member majority.

Nevertheless, clear delineations of public and professional board memberships offer a number of benefits. A relatively equal division of the categories provides for a balance of perspectives. While members of the public are presumably more independent and are more likely to prioritize the interests of the consumer in their decision-making, professional members offer more expertise and can often provide valuable insight into questions of whether a licensee's actions were reasonable or appropriate. CAMTC's Board of Directors may then benefit from having more of its members specifically reserved for representatives of the profession, as well as having more board positions expressly reserved for disinterested members of the public.

Staff Recommendation: *The council should provide the Committees with information regarding how its Board of Directions currently functions and whether it believes any changes to member composition would better empower its governance, particularly in regards to clearer designation of public and professional memberships.*

CAMTC Response: When the Board was restructured in 2015, the big issue Department of Consumer Affairs (DCA) boards were facing was that they were dominated by the industry that they regulated, and were not getting input from the public that they served. There was an overall concern that industry controlled the regulatory boards too much. This is the backdrop that was occurring when the California Massage Therapy Counsel's (CAMTC) Board composition was changed to its current structure. The Legislature very carefully and thoughtfully created a properly balanced Board that includes both industry as well as non-industry appointments and has made sure that there is not a majority of industry appointments for the Board. They were mindful of the legal issues tied to Board appointments when the statute was changed.

CAMTC Board meetings are held regularly, proper notice of meetings is given in accordance with Bagley-Keene's notice requirements, discussions between Board members are robust, and massage therapists, massage businesses, massage schools, and cities and counties in California are heard and provide expertise related to the profession. A broad coalition of interests are represented on CAMTC's Board, which in turn provides a diverse number of both informed and varied points of view.

CAMTC currently has a broad range of representatives from different entities and interests on the Board, which results in policies supporting safe, legal, and efficacious massage. The majority of CAMTC's members would generally be considered to be "public members" as they are non-industry members who each bring important expertise in their own related areas to the Board. These non-industry members are appointed by the following entities: 1. League of California Cities; 2. California State Association of Counties; 3. California Police Chiefs Association; 4. Anti-Human Trafficking Organization; 5. Director of the Department of Consumer Affairs (appointee specifically designated to be a member of the public); 6. Public Health Official representing a city, or county; and 7. An attorney representing a city in the State.

Five members are appointed by entities that represent the industry and they each provide needed expertise from the profession to the Board: 1. Office of the Chancellor of the California Community Colleges; 2. California Association of Private Postsecondary Schools; 3. American Massage Therapy Association (the appointee must be a Certificate Holder); 4. A rotating seat for a massage professional appointed by a society, association, or other entity with a membership comprised of massage therapist professionals (appointee must be a Certificate Holder); and 5. An individual representing a massage business entity. This accounts for 12 of the Board's 13 members. The last member, depending on who is appointed, can either represent the industry or not, because this individual must be someone who either provides "knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603," which states that CAMTC's mission is to protect the public. (Bus. & Prof. Code §4602(f)(11) (*italics added*).) Currently, this seat is filled by a CAMTC Certified Massage Therapist, which means the current Board composition is 6 industry representatives on a 13-member Board, 5 of whom are CAMTC Certified Massage Therapists, resulting in a properly balanced Board that does not create the kinds of issues identified in the U.S. Supreme Court decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*.

ISSUE #2: Director Term Limits. Should members of the Board of Directors be authorized to serve indefinitely?

Background: Statute provides that "board member terms shall be four years" for CAMTC's Board of Directors. However, it does not place any limitation on the number of terms that a member may serve. Additionally, it is not clearly stated that a board member must vacate their position following the completion of their term unless reappointed, nor is there any specific grace period provided. Instead, CAMTC appears to have interpreted the four year term language to refer to when appointing authorities should be expected to either reappoint their representative or identify a replacement.

Meanwhile, some members have persisted beyond their four-year terms without express reappointment. CAMTC states that this is authorized not specifically by the Massage Therapy Act but through provisions in the Corporations Code generally governing board memberships for nonprofit benefit corporations. Corporations Code § 5220 states that "unless otherwise provided in the articles or bylaws, each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified, unless the director has been removed from office." This would appear to allow members to remain on the board indefinitely as long as a new member is not identified after four years, even without any formal reappointment.

A limit to the number of terms that a member of CAMTC's Board of Directors may serve would align the Massage Therapy Act with other boards under the Department of Consumer Affairs, and potentially

allow for fresher and more diverse perspectives on the board, where many have served for a decade or more. However, there is also an argument to be made that institutional memory has served CAMTC valuably, and that there is no compelling reason to require members to step down. Nevertheless, it may still be reasonable to expressly require reappointment of a member when their term of four years has expired, while potentially allowing for a statutory grace period.

Staff Recommendation: *The council should provide its perspective on whether statute should more clearly restrict the terms of members of the Board of Directors.*

CAMTC Response: Appointing entities are always free to appoint new and different members when their appointee's term expires or a Board member resigns. All Board members are engaged, regularly attend meetings, and voice their opinions on all of the issues presented. Those with previous experience on the Board bring a depth of knowledge that benefits all individuals while new members bring different points of view. From a legal standpoint, the California Corporations Code does not require term limits for directors on a nonprofit public benefit corporation Board. CAMTC's Board is currently functioning at a high and engaged level, therefore CAMTC does not believe that any changes to its terms or term limits are necessary or appropriate at this time.

ISSUE #3: Staff Compensation. *Is the financial compensation for CAMTC's Chief Executive Officer inappropriately high compared to leadership at other regulatory entities?*

Background: As a private nonprofit corporation, CAMTC's employees are not subject to civil service requirements and the Board of Directors has broad discretion to make hiring decisions and set compensation. It has been previously pointed out that CAMTC's CEO receives a substantial salary. The issue was first raised in CAMTC's 2014 sunset review background paper, which pointed to 2012 when the council's CEO had earned \$260,000 per year. In 2019, CAMTC's CEO received compensation and benefits totaling \$346,611, which may increase up to 8 percent per year with the Board's approval.

While nonprofits are generally authorized to grant compensation to its executives deemed "reasonable" by the Internal Revenue Service (IRS), the question of whether salaries provided by CAMTC are excessively generous is meaningful given that the entirety of the council's budget is derived by fees, included those collected from certificate holders. In response to the inquiry, CAMTC commissioned a "CEO Compensation Study" in 2019. This study found that the total cash compensation provided by CAMTC—which the study identified as \$369,048—was just over the 25th percentile compared to similar nonprofit executives. As a result, the Board of Directors adopted a new compensation policy in 2019 to prohibit the CEO's total compensation package from exceeding the 75th percentile for peer groups identified by the study over the course of the agreement or eroding the council's three-month reserve.

However, further examination of the study reveals what could be considered major flaws in its comparative analysis. The study identified a number of nonprofit organizations as "peer groups" to whom CAMTC should be compared in terms of executive compensation; however, virtually none of these organizations could be considered regulatory entities, but are instead primarily professional and trade associations such as the California Chamber of Commerce, the California Medical Association, and the California Restaurant Association. Using these organizations as peer groups resulted in the study determining that the cited 75th percentile mark would be approximately \$705,000 per year.

As a more direct comparison, the Department of Consumer Affairs also commissioned a salary study in 2019 to analyze compensation trends among regulatory board Executive Officers (EOs). That study found that the median salary for an EO is approximately \$107,000 per year, with the highest paid EO at the time making \$146,000 per year. If the CEO of CAMTC is more accurately compared to the EO of a regulatory board than a trade association, then the council's executive compensation is well over three times the median salary of its peers.

Staff Recommendation: *The council should explain why it believes its executive compensation represents a reasonable expenditure of certificate fee revenue.*

CAMTC Response: The Board has always been cognizant of the importance of setting up a transparent CEO compensation policy that is deemed reasonable by the IRS.

The Board engaged experts to ensure that we comply with IRS restrictions and that we absolutely don't over pay, but that we pay fair compensation which is sufficient to retain a very well qualified CEO. The CEO compensation study highlights why the CEO's compensation is both appropriate and reasonable. In the study, CBIZ looked to other massage related entities such as the Federation of State Massage Therapy Boards and the American Massage Therapy Association as part of the peer review comparison process, along with other appropriate peer organizations.

As part of their market pricing methodology, the consultants examined non-profit peer data and CAMTC's organizational scope. Special consideration was given to the organization's size based on total staff. CAMTC's total staff of 62 was in the range of the median total staff of the peer organizations (median number of staff for peer organizations was 60). The peer organizations include eight smaller organizations as well as the Federation of State Massage Therapy Boards (FSMTB), which represent 46 regulatory Boards and the American Massage Therapy Association (AMTA).

Both FSMTB and AMTA generate their revenues from fees massage therapists pay for exams and membership dues, respectively. An examination of AMTA's IRS publicly available filings reveals that in 2018 massage therapists who are AMTA's members paid the Executive Director, who is located in Evanston, Illinois, \$486,064, which is the equivalent to \$802,005 after factoring in the cost of living differential between Chicago and Los Angeles. In the same year, CAMTC's CEO earned \$332,887.

Unlike government employees that enjoy generous pensions with lifetime payments of a high percentage of their salaries and lifetime health benefits, CAMTC's employees, including the CEO, have worked without any healthcare or retirement benefits for the last ten years. Until 2020, CAMTC's employees, including the CEO, had to buy their own health care with after tax income. A limited retirement plan was first funded in 2021. CAMTC's Board compensation policy meets with the IRS's rules regarding nonprofit organizations salary and benefits.

In 2019, CAMTC's CEO was provided with no benefits and his "compensation" included reimbursement for regular employee expenditures (such as a phone and other forms of technology necessary to perform his job) as well as a monthly stipend to cover expenditures such as health insurance and retirement, which therefore makes his monetary compensation look unfairly inflated by comparison. The study for State EO's failed to account for a full benefits package given to State workers, including the extremely generous retirement package which includes a high level of base pay and payment of health benefits, both for the lifetime of a retired EO.

CAMTC's CEO must possess the ability to build and operate a free standing self-sustained organization that receives no support from a governmental infrastructure. The skill set, and experience needed for CAMTC top leadership are fundamentally different from Department of Consumer Affairs' regulatory board Executive Officers.

ISSUE #4: Public Records Act. Should CAMTC be required to comply with the requirements of the California Public Records Act?

Background: While the Massage Therapy Act is clearly intended to provide CAMTC with regulatory responsibilities analogous to a state government body, it is established in statute as a private nonprofit and is therefore not necessarily required to comply with various laws aimed at ensuring transparency and accountability within state bureaucracy. This was arguably in part the legislative intent of the nonprofit model, as it allows for more flexibility and efficiency. Statute *does* provide that meetings of CAMTC's Board of Directors must comply with the provisions of the Bagley-Keene Open Meeting Act. However, many other similar laws and public oversight mechanisms do not necessarily apply to the council's operations.

The California Public Records Act (CPRA) generally provides that "public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record."¹⁶ The CPRA defines "state agency" for purposes of the Act as "every state office, officer, department, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution." This language is significantly less broad than the definition of "state body" provided in the Bagley-Keene Open Meeting Act and almost certainly does not include a private nonprofit like CAMTC. This is supported by caselaw; in *California State University v. Superior Court* (2011), the court found that CSU auxiliary organizations, which are private nonprofit corporations operating pursuant to statute, are not state agencies subject to the CPRA.

The fact that the Massage Therapy Act additionally requires that CAMTC comply with the Bagley-Keene Open Meeting Act and authorizes it to "adopt additional policies and procedures that provide greater transparency" additionally indicates that the CPRA does not apply, but it could be made to apply through statutory change. Doing so would no doubt create inefficiencies in CAMTC's operations, as it currently does not need to engage in public inspection of its documents, which are largely under the management of AMG. This could potentially disrupt the purpose of establishing CAMTC as a nonprofit by allowing for less flexibility. However, given interest by members of the public in understanding the process by which CAMTC engages in regulatory activities, there may nevertheless be a compelling reason to consider expanding the CPRA to the council.

Staff Recommendation: *The council should provide an overview of what efforts it makes to be transparent to the public despite the lack of applicability of the CPRA and provide any perspective on what requiring compliance with public records laws would do to its current operations.*

CAMTC Response: CAMTC already regularly shares requested information about applicants and Certificate Holders with law enforcement and local government agencies pursuant to the Massage Therapy Act, Business and Professions Code section 4614(a).

Business and Professions Code section 4614(a) provides that:

Upon the request of any law enforcement 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 local ordinance.

Information sharing with law enforcement and local government occurs on an ongoing and regular basis. By providing requested information, CAMTC works in concert with local government and law enforcement to make sure that only the highest standards are imposed by cities and counties in massage establishments around the State. CAMTC notifies city and county representatives when it takes disciplinary action, such as suspension or revocations, against Certificate Holders by email message. These email messages are timely and allow cities and counties to come to CAMTC and ask for additional information so that they can piggy back on CAMTC's action and take their own actions (such as revoking a local business license).

CAMTC also regularly provides documents in response to document subpoena requests. Those who have a demonstrated need for the information requested, and therefore issue document subpoenas to CAMTC or request information pursuant to Business and Professions Code section 4614, regularly receive the requested information. For example, CAMTC recently responded to a Federal subpoena with thousands of pages of documents.

Due to CAMTC taking denial and disciplinary action against individuals for engaging in acts punishable as a sexually related crime, or conduct based violations, CAMTC in most cases has highly sensitive information related to the conduct of applicants, Certificate Holders, and victims. The information we have is graphic and sexual in nature. Declarations detail sexual assaults or prostitution related activity in excruciating detail. Pictures, videos, and audio recordings are oftentimes provided as evidence in these cases. These can include pictures or videos of individuals engaging in sex acts. CAMTC protects this highly sensitive information so that it is only shared when required and legally appropriate. This makes victims of sexual assault more comfortable sharing personal and deeply painful information with CAMTC, knowing it will not be made public and splashed across the front page of a newspaper. Those who need to see this information have access to it, such as law enforcement and Certificate Holders accused of engaging in sexual assaults, but the information is tremendously sensitive and not widely shared. Providing this information only pursuant to subpoenas or the information sharing provisions of the Massage Therapy Act protects sexual assault victims, Certificate Holders accused of crimes that were investigated and found to not be actionable, and individuals with checkered pasts who have since changed their ways and proven to be rehabilitated. Imposing PRA requirements onto CAMTC would result in the broad sharing of this highly sensitive, personal information and would suppress the reporting of sexual assaults by victims.

Additionally, imposing PRA requirements on CAMTC would require a significant increase in administrative expenses to service this new responsibility. CAMTC is such a lean and highly efficient organization that an increase in responsibilities of this magnitude would necessitate the hiring of more staff to accomplish this task. Such a requirement would not serve the purpose of protecting the public and would instead place an unnecessary fee increase on Certificate Holders.

ISSUE #5: Whistleblower Protections. Should various state laws providing whistleblower protections to employees be expressly applied to CAMTC?

Background: There are three statutes that generally provide whistleblower protections to California employees. This includes the California Whistleblower Protection Act, the Whistleblower Protection Act, and whistleblower provisions within the Labor Code. Each of these laws is intended to ensure that any corrupt or inappropriate activities by entities empowered by the public trust are accountable and may be revealed to oversight entities without risk of reprisal.

The California Whistleblower Protection Act provides protections to employees of state agencies “to report waste, fraud, abuse of authority, violation of law, or threat to public health without fear of retribution.”¹⁷ This Act is enforced by the California State Auditor. The Act’s protections specifically apply to employees of state agencies, which are defined under Section 11000 of the Government Code. Section 11000 defines “state agency” as “every state office, officer, department, division, bureau, board, and commission or other state body or agency,” with exceptions. (Essentially the same definition as the one within the CPRA.) It is likely that these provisions do not therefore cover CAMTC.

Similarly, the Whistleblower Protection Act prohibits an employee from directly or indirectly using or attempting to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, commanding, or attempting to do any of the above, for the purpose of interfering with the right of that person to disclose to a legislative committee improper governmental activities. This Act applies to employees of state agencies defined under Section 11000, as well as “public entities,” defined as including the state, the University of California Regents, and local governments. While this is more expansive applicability than the California Whistleblower Protection Act, it still does not cover private nonprofits.

Finally, the Labor Code prohibits an employer from having a policy that prevents an employee from engaging in political activities or from threatening discharge or loss of employment for engaging in political action or activity. These provisions apply both to private employers and to those employed by the state and local governments. As a nonprofit corporation authorized to hire staff, CAMTC would likely be considered a private employer subject to these provisions.

Therefore, of the three statutes providing whistleblower protections, CAMTC only likely has to comply with those under the Labor Code. It is worth considering whether, given the regulatory responsibility provided to the council, the public interest would be served by providing clearer protections to any of its employees wishing to provide information regarding malfeasance to the State Auditor or the Legislature.

Staff Recommendation: *The council should discuss the benefit of whistleblower protection laws with the committee and speak to what policies it has in place to promote transparency.*

CAMTC Response: There is already broad general whistleblower protections for CAMTC employees. The California Labor Code provides much more protection for CAMTC employees than just protection against retaliation for political activity. Labor Code section 1102.5 prohibits employers from retaliating

against an employee for disclosing a violation of law (including state or federal statutes, or local, state, or federal rules or regulations) to a government or law enforcement agency, a person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance. CAMTC employees are well protected from retaliation under this existing Labor Code section. CAMTC also has a Whistleblower section in its employee handbook that it complies with.

ISSUE #6: *Administrative Procedures Act. Should CAMTC’s adoption of bylaws and enforcement activities be subjected to the Administrative Procedure Act or similar requirements?*

Background: The Administrative Procedures Act (APA) establishes a series of basic minimum procedural requirements for the adoption of regulations, the conduct of administrative hearings, and for administrative adjudication. The APA ensures that agency rulemaking and administrative hearings conform to a full public process. Chapter 3.5, which establishes the public process for establishing administrative regulations, is expressly applied only to a state agency as defined under Section 11000, rendering it presumably inapplicable to the CAMTC. This definition is also used for provisions governing administrative hearings.

In regards to administrative adjudication, “agency” is more broadly defined to include not only state agencies, but adjudicative proceedings conducted by a “quasi-public entity.” This is defined as “an entity, other than a governmental agency, whether characterized by statute as a public corporation, public instrumentality, or otherwise, that is expressly created by statute for the purpose of administration of a state function.” This definition would appear to apply to CAMTC as established.

However, these statutes provide only that conflicting laws specifically outlining adjudication procedures for an entity preempt those generally provided for under the APA. Because the Massage Therapy Act does provide for a basic procedure for adjudications conducted by the council, it is likely that these adjudications do not have to comply with the standard provisions of the APA. Instead, CAMTC must only comply with any APA procedures not in conflict with its own governing statutes.

While the provisions of the APA provide for some of the strongest policies for ensuring public access, participation, and due process in government, they are also arguably among the most burdensome. If there remains an incentive to ensure that CAMTC be more responsive and flexible than state agencies, it may not be practical to expect that they comply with APA’s provisions governing rulemaking or administrative hearings. However, there may still be opportunities for improving public access and due process in CAMTC’s current operations.

Staff Recommendation: *The council should explain what policies it follows in lieu of provisions of the APA and whether it believes existing law provides for an appropriate degree of transparency.*

CAMTC Response: As a private nonprofit corporation, CAMTC’s adoption of bylaws is subject to the California Corporations Code. Our Counsel says no additional requirements are needed.

In relation to its enforcement activities, CAMTC is subject to, and fully complies with, the Fair Procedures doctrine and the Massage Therapy Act. CAMTC also has detailed and specific policies and procedures that it follows in relation to schools and individuals which are shared with the public and those it is proposing to take-action against. Procedures for Schools versus applicants and Certificate Holders are different, though all parties are provided with sufficient notice and an opportunity to be heard.

Schools

For schools, on January 1, 2020, the new requirements of Assembly Member Chau's bill, AB 775, became operative. AB775 requires, among other things, that a process be engaged in with schools with short specified timelines for completion of applications, CAMTC notification to schools of deficiencies, and purging of incomplete applications.

Specifically, the bill requires, among other things, that:

- Within 30 days of receiving a school application, CAMTC must provide the school with a notice that the Application is Not Complete.
- The School then has 60 days to respond to the notice, and CAMTC can, in its discretion, allow the school an additional 30 days to respond.
- If the application is still not complete, then the application is purged by CAMTC.
- Applicants with purged applications must wait at least 180 days to re-apply.
- CAMTC must approve, propose to deny, or issue corrective action within 1 year from the date the application was submitted. (Only one corrective action allowed.)
- CAMTC must notify schools proposed for denial of the final decision within one year of the notice of proposed denial.
- Denied schools may appeal at the next Board meeting, but no less than 120 days. Discretion for appeal at a later Board meeting may be given for good cause.

Schools who are proposed to be denied approval or have their approval revoked or disciplined are sent a detailed letter that clearly identifies the legal and factual basis for the proposed action. These letters are supported by large amounts of documentary evidence that are shared with the school as well as the Policies and Procedures for Approval of Schools. It is not uncommon for CAMTC's evidence shared with a school to be 400-500 pages long. In this way CAMTC provides schools with sufficient notice of its proposed action and the evidence supporting it.

Schools are also provided with an opportunity to be heard before the decision becomes final and effective. Proposed denial and discipline letters are sent approximately 90 days before the hearing date, though the Procedures only require 5 days before the effective date of the decision. Timely requests for continuances are routinely granted.

Schools can request an oral telephonic hearing or consideration of a written statement, their choice. By providing telephonic hearings CAMTC provides maximum availability for witnesses, schools, and their representatives to appear and provide oral testimony in opposition to the proposed action without the need for costly travel. Schools are not limited in the length or breadth of the documents and evidence they can provide in opposition to a proposed action, and usually provide documents, declarations, and extensive legal briefs. Their document packages commonly comprise hundreds of pages of evidence. Schools can be represented by attorneys or other representatives, and usually are. After an oral telephonic hearing or consideration of a written statement, schools are provided with a written notice of decision which identifies CAMTC's final decision on the matter. These notices are quite extensive and address the evidence, documents, and legal arguments presented. For example, the last notice of decision letter CAMTC sent was 60 pages long, single spaced.

School hearings are held before dedicated School Hearing Officers who fully and fairly evaluate the evidence before them and make a final decision to either uphold a proposed decision, impose other

discipline, or determine that the application for school approval should be approved. The School Hearing Officers are employees of CAMTC who exercise their own independent judgment in making final decisions.

CAMTC's Hearing Officer process (both for schools and individuals) results in a more independent process than that engaged in by DCA boards. The general process for DCA boards is that a decision by the specific agency may be challenged by an individual and the matter heard by an Administrative Law Judge (ALJ), who is employed by the State to serve this function. An agency taking advantage of this process pays the Office of Administrative Hearings for services rendered (Gove. Code §11527), meaning they pay for the ALJ's services related to their matters much like CAMTC pays Hearing Officers for their time. And while an ALJ hears cases opposing action by DCA boards, the decisions ALJs render are **proposed** only, and the final decision on the matter is up to the board itself. After an ALJ renders their proposed decision, the board can either: do nothing (which results in the adoption of the decision after 100 days); adopt the decision in its entirety; reject the decision and refer it back to the ALJ; make changes to the decision; or reject the decision and decide the matter itself. (Gove. Code §11517(c)(1).) Furthermore, after imposition of discipline by a DCA board, a person can petition for reinstatement of their license, or reduction of the penalty after a certain period of time, but the board (not an ALJ) hears the matter itself and decides whether to grant or deny the petition. (Gove. Code §11522.)

As a non-profit organization hearing challenges to its proposed decisions (both those related to schools and individuals), CAMTC's hearing process complies in all ways with the contours outlined in *Hackethal v. Cal. Medical Ass'n* (1982) 138 Cal.App.3d 435. This seminal case involved a doctor who was served with charges and had a hearing in front of the same panel of members that had conducted the preliminary hearings and determined that charges should be filed. In discussing this case, the Court said that disqualifications of individuals hearing the matter should occur only if there is an actual bias. An actual bias occurs in these categories: 1) the fact finder has a pecuniary interest in the outcome; 2) the member has been the target of abuse by the person before him/her; 3) the member is enmeshed in other matters involving the person; or 4) the member may have prejudged the case because of prior participation as an investigator, fact finder, or initial decision maker. (Id. p.443.) CAMTC makes sure that there is no actual bias.

CAMTC employs two different groups of Hearing Officers: those who hear school matters and those who hear individual certification matters. All Hearing Officers are part of the Legal Department, and are therefore separate and apart from the other divisions of CAMTC. As a virtual organization with employees scattered around the State, with all individuals working from their own physical locations, Hearing Officers generally interact only with legal counsel and legal support staff.

Hearing Officers do not have a pecuniary interest in any decision made. All CAMTC Hearing Officers work other jobs and are employed by CAMTC on an hourly, as needed basis. CAMTC has a rotating number of Hearing Officers and not all Hearing Officers hear all matters. As opposed to ALJ's who generally work full-time for the State in that capacity, CAMTC Hearing Officers work a very limited number of hours for CAMTC. For example, for Hearing Officers hearing school matters, CAMTC has only had approximately 6 school oral hearings since 2016. This means that school Hearing Officers have worked for CAMTC on average less than 20 hours a year.

Hearing Officers do not participate as Hearing Officers over matters where they have a relationship of any kind with any of the parties contesting a proposed decision, in order to ensure their impartiality and make sure they can exercise their own independent judgment on the matter. Hearing Officers work for

CAMTC only as Hearing Officers. They do not conduct investigations, are not fact finders prior to the hearings they are asked to preside over, and are not involved in any way as an initial decision maker.

Schools who do not agree with a final decision made by the Hearing Officers may appeal the matter to the full Board, where they are given the opportunity to make an oral presentation not to exceed 20 minutes, and the Board determines whether to uphold the decision or not. Schools may also challenge CAMTC's decision by timely filing an action in superior court, much like individuals challenging a DCA Board's final decision can do the same. (Gove. Code §11523.)

In terms of transparency, as a condition of applying for school approval, schools agree that CAMTC can share denial and disciplinary letters and evidence upon request, in addition to other information with massage related entities. CAMTC therefore shares this information when requested. Additionally, it notes the status of a school on its website, including whether it was denied approval or disciplined.

Individuals

Individuals are also provided with sufficient notice and an opportunity to be heard before a denial or disciplinary action is taken against them.

CAMTC fully complies with the Fair Procedure doctrine and the provisions of the Massage Therapy Act, which requires that any denial or discipline be "decided upon and imposed in good faith and in a fair and reasonable manner." (Bus. & Prof. Code §4610(d).) Before taking action against an individual, CAMTC sends a letter detailing the legal and factual basis for the proposed action. This detailed notice more than meets the statutory requirement that an individual be provided with the "reasons for the denial or discipline." (Bus. & Prof. Code §4610(e)(3).) While the law requires 15-days of notice before the denial or discipline becomes final and effective, (Bus. & Prof. Code §4610(e)(3)), CAMTC normally sends letters 30 days before a scheduled hearing date, and the final decision does not become final and effective until 21 days from the date of the hearing, for a total of approximately 51-days of notice, not 15. The law also requires that an individual be provided with the opportunity to be heard 5 days before a decision to deny or impose discipline becomes final and effect. (Bus. & Prof. Code §4610(e)(4).) CAMTC holds hearings 21 days before a decision becomes final and effective, providing well more than the required notice.

CAMTC sends a PROPOSED letter before taking any denial or disciplinary action against an individual. In the letter the individual is provided with the legal and factual basis for the proposed action. They are also provided with a copy of the Denial Procedures and all declarations and criminal history records, if those documents have been used to take proposed action against them. The individual is also notified of their opportunity to request an oral telephone hearing or consideration of a written statement and clearly informed of how to take advantage of that opportunity. They are also notified of hearing fees and all deadlines and the consequences of failing to meet them.

Providing oral telephone hearings allows individuals to easily access CAMTC's process without the need for costly travel, or miss a day of work. During the pandemic CAMTC has not needed to change its existing process. Just like with schools, individuals are not limited in the evidence they can provide in opposition to a proposed action, they are routinely granted continuances, they can have counsel or another representative represent them, and they are not limited in the length or breadth of the documents they can submit, with some opposing counsels regularly submitting more than 50-page briefs in individual cases. All evidence submitted is considered by dedicated Hearing Officers that serve no other

function. As noted in the discussion above about schools, Hearing Officers hearing certification matters have no pecuniary interest in the matter, have no relationship of any kind with the individuals before them, and do not conduct investigations, are not fact finders prior to the hearings they are asked to preside over, and are not involved in any way as an initial decision maker.

In terms of transparency, CAMTC already posts disciplines and suspension on its website as a status for individuals when viewing the “verify certification” website. Due to the sensitive nature of the basis for many denial and disciplinary actions, CAMTC believes that this provides sufficient transparency as to the actions it takes against individuals.

ISSUE #7: Department of Finance Investigations. Regardless of whether CAMTC receives funds from the state, should the Department of Finance possess the right to audit or investigate CAMTC’s financial records?

Background: The Department of Finance (DOF) has “general powers of supervision over all matters concerning the financial and business policies of the State and whenever it deems it necessary, or at the instance of the Governor, shall institute or cause the institution of such investigations and proceedings as it deems proper to conserve the rights and interests of the State.”¹⁸ This includes investigations of state agencies, which allows for the examination of financial records. These provisions apply to “each agency of the state” and refer specifically to “the handling of public money or its equivalent.”

CAMTC is funded through certificate fees in essentially the same manner that state boards are funded through license fees deposited in special funds. However, CAMTC is not a state agency, and its finances are not part of the state’s budget. Therefore, it is unlikely that DOF has any authority to inspect or examine CAMTC’s finances. It is furthermore uncertain that the intention behind DOF’s investigatory authority is applicable to CAMTC, as it is not part of the state budget process.

Staff Recommendation: *The Board should provide the Committees with information regarding how it ensures fiscal transparency despite an inapplicability of DOF’s investigatory authority.*

CAMTC Response: As a nonprofit corporation, CAMTC undergoes an annual audit by an outside accounting firm specializing in nonprofit organization audits. The audit reports are provided to the Board and the public as they are regularly part of Board packets. Transparency has always been a critical aspect of CAMTC, especially given the size of our board and the sharing of information. Audit reports can be accessed by going to CAMTC’s website. Finances are discussed in open Board meetings; annual audit reports are shared publicly. This is a very open process.

ISSUE #8: California State Auditor. Does the State Auditor have sufficient authority to audit CAMTC if called upon by the Legislature?

Background: The State Auditor is required to conduct financial and performance audits as directed by statute and may “conduct these audits of any state agency as defined by Section 11000 ... or any publicly created entity.” In the case of CAMTC, the council was established in statute and its authority is the product of legislation. Therefore, it is likely that the State Auditor does have jurisdiction to audit CAMTC under appropriate circumstances.

Staff Recommendation: *CAMTC should inform the Committees of whether it disagrees that it is subject to the State Auditor's jurisdiction and how it has instituted its own internal audit policies.*

CAMTC Response: Our books are open, and the State auditor is welcome to look at them just like anyone else. CAMTC is meticulous with its finances, and wholly transparent. Its budgets and annual audits are all part of the Board packet and shared with Board members and members of the public alike on a regular basis. We are audited annually and our finances are discussed openly at Board meetings. The treasurer's reports are posted on the website four times a year and an outside auditor looks at the financial documents annually. CAMTC receives annual audits in compliance with the California Attorney General's requirements under the Nonprofit Integrity Act. These audits are publicly available on its website along with all other financial documentation.

ISSUE #9: *Conflicts of Interest. Do provisions of the Political Reform Act of 1974 governing conflicts of interest appropriately include CAMTC's Board of Directors and employees?*

Background: The conflict-of-interest provisions of the Political Reform Act prohibit a "public official" at any level of state or local government from making, participating in making, or in any way influencing a governmental decision in which they have a financial interest. Here, "public official" is defined as every member, officer, employee, or consultant of a state or local government agency. It is not entirely clear whether "state agency" would include CAMTC for these purposes, as there is no express definition or citation of Section 11000.

In an opinion issued by the Fair Political Practices Commission (FPPC), four criteria were established for determining whether an entity is an agency subject to conflict-of-interest provisions: (1) the impetus for formation of the entity originates with a government entity; (2) the entity is substantially funded by a government agency; (3) the principal purpose of the entity is to provide services or undertake obligations that public agencies traditionally perform; and (4) the entity is treated as a public entity by other statutory provisions. CAMTC arguably meets the third criterion; in a relevant decision, the FPPC determined that the Ocean Science Trust, a nonprofit corporation, met this standard because it pursued public policies established by the Legislature.

However, CAMTC does not likely meet the criterion that it receive substantial funding from a government agency. Therefore, it is uncertain that the FPPC would find that the conflict-of-interest provisions would apply to CAMTC. An additional opinion or decision from the FPPC would be required to determine full applicability.

Staff Recommendation: *The council should inform the Committees of any internal policies it has established to avoid real or perceived conflicts of interest and whether it thinks any further safeguards would be appropriate.*

CAMTC Response: During annual Board trainings General Counsel, Jill England, discusses this issue with the Board, gives examples of conflicts that might arise, and tries to make sure that Board members feel comfortable raising the issue of a possible conflict of interest should it occur. CAMTC's Bylaws contain the Conflict of Interest Policy which complies with IRS standards for nonprofit 501c3 organizations. The IRS reviewed CAMTC's policy when we applied for 501c3 status. CAMTC Board members also review and sign this policy annually.

ISSUE #10: Lobbying Activity. Does CAMTC’s retention of a lobbying firm potentially jeopardize its statutorily required 501(c)(3) status?

Background: CAMTC is required by the Massage Therapy Act to be incorporated as a 501(c)(3) nonprofit. According to guidance from the IRS, “no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as lobbying). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.”

The IRS provides two tests to determine whether a nonprofit’s lobbying activities would likely rise to a level where its 501(c)(3) status would be jeopardized. The first is the “substantial part test.” Under this test, attempting to influence legislation may not constitute a “substantial part” of the activities of an organization exempt under Section 501(c)(3). What constitutes a “substantial part” is not entirely clear but is within the discretion of the IRS to determine. The second test is referred to as the “expenditure test,” which measures lobbying activity by comparing the organization’s exempt purpose expenditures to its lobbying expenditures. With revenue falling within the \$1.5 million to \$17 million range, CAMTC would be limited to expenditures of \$225,000 plus five percent of expenditures over \$1.5 million.

Since early 2020, CAMTC has retained a private lobbying firm, presumably to represent its interests before the Legislature as measures amending its authorizing statutes have the potential to be considered. So far, CAMTC has spent comparatively little on this lobbying contract, with approximately \$78,000 in general lobbying expenditures between the fifth and eighth quarter of the 2019-2020 session. However, as the new legislative session commences and the potential for high-impact legislation relating to the council grows greater, CAMTC should take care not to exceed what the IRS would consider an acceptable amount of lobbying activity or risk jeopardizing the 501(c)(3) status required by law.

Staff Recommendation: *CAMTC should speak to how it intends to ensure that its lobbying activity is limited to such an extent that the IRS is not likely to take action against its current exempt status.*

CAMTC Response: CAMTC receives ongoing advice from its accountants and auditors regarding the limits on lobbying and always stays well below the required threshold. CAMTC uses a lobbying firm minimally, as they are helpful to guide CAMTC as it navigates through the legislative process. CAMTC spoke with its auditing firm and has gotten a written opinion on the lobbying limits and makes sure that they are not exceeded.

FISCAL ISSUES

ISSUE #11: Fee Levels. Are CAMTC’s fees appropriately balanced given its indication that fees charged for specific services do not sufficiently cover those activities?

Background: Currently, CAMTC's certificate fees are set at \$200, which was raised from \$150 in 2019. CAMTC also charges a variety of other fees relating to school approval, certification, and the disciplinary process. These fees are intended to fund related activities and ensure that fee-payers are receiving corresponding services. However, throughout CAMTC's sunset report, it references fees associated with various operations as being insufficient to cover the cost of those activities.

For example, in the council's report it is stated that "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."

Similarly, CAMTC's report makes reference to the fees associated with receiving a hearing to appeal proposed denial or unapproval of a massage school being inadequate, stating that "the current fees do not come close to covering the costs of providing this service." The implication of these statements is that revenue from other programs is being used to cover these operations. While all certificate holders benefit from an effective and robust massage school approval program, there may be an imbalance in how fees are distributed among various processes within the council's operations. It may also be seen as unjust to supplement services provided to massage institutions with fees charged to individual certificate holders, to the extent that this may potentially result in higher fees being charged to these individuals.

Staff Recommendation: *The council should clarify why it feels certain fees are insufficient to cover corresponding activities and provide input as to whether fees should be more appropriately balanced.*

CAMTC Response: Unlike boards and bureaus that struggle financially, CAMTC is solvent. It is able to put money aside and keep a more than appropriate level of reserves. The Board has determined that CAMTC reserves should not fall below an amount equal to three months of expenses and CAMTC has maintained this reserve level. Like any other business, CAMTC regularly assesses what is needed in the future. CAMTC is fair in our charges. CAMTC's fees are appropriately balanced to cover its specific services and provide it with an appropriate level of reserves. The only area where fees are not sufficient to cover activities are the school hearing and application fees, which only comprise a small percentage of CAMTC's annual income. CAMTC's Board has determined that it is appropriate for certification fees to partially fund the activities of the Educational Standard Division and approval of schools since without schools providing massage education, there can be no Certificate Holders.

ISSUE #12: *Fund Balance. Is there cause for concern that the number of months in reserve for CAMTC's budget has fallen significantly since 2016?*

Background: CAMTC is not required to maintain a reserve level in its fund balance; however, it has voluntarily established a three-month goal for its operating expenses. Beginning in 2016, CAMTC had an impressive ten months in reserve stored up; this declined to eight months in reserve in 2017. Since 2018, CAMTC's reserve level is at half of what it was four years ago, with five months in reserve

reported for 2018 and for January-June of 2019. This may potentially be linked to a noticeable increase in expenditures, which presumably also led to the council's decision to increase certificate fees in 2019.

While five months is still well above the council's three-month goal, the rapid downward trend in its reserve levels justifies an inquiry. To ensure that program revenue and expenditures remain balanced, greater equilibrium should be sought by the council so that any changes in its fund condition occur more gradually. It should be noted that fiscal data provided by CAMTC has not been updated since mid-2019, so there may be additional information available to explain the recent trend and its current status.

Staff Recommendation: *CAMTC should provide an update on its fund condition and how many months it currently holds in reserve, and explain why the number of months in reserve fell between 2016 and 2018.*

CAMTC Response: Constant auditing and careful budgeting has put CAMTC in a viable fiscal position. CAMTC does not agree with the characterization of the reserve fund balance as "falling significantly." In recent years CAMTC has intentionally taken pro-active steps to provide excellent customer service to Certificate Holders which has resulted in less funds being held in reserve. CAMTC has also intentionally stepped up outreach efforts and law enforcement training. The Board has intentionally decided that it is more prudent to provide a higher level of customer service and support of local law enforcement and local government rather than having an excessive amount of reserves sitting in the bank.

Increases in operating expenses to provide these enhanced services are therefore directly tied to a slight reduction in reserve fund balance, though at all times it has stayed well within the three-month reserve fund balance required by Board policy. The Board determined that given the general stability of income, it was prudent to increase spending to support the delivery of outstanding customer service, decrease the processing times for applications and fund additional law enforcement training. This intentionally planned investment in customer service and better public protection has benefited applicants and Certificate Holders.

The slight increase in costs, and decrease in reserves, has resulted in an unparalleled level of customer service. For example, at the inception of the pandemic, when callers could not get through to EDD and other State agencies, CAMTC connected a caller to a live customer service agent in less than 30 seconds. As of June 30, 2019, the median processing time for complete new application packets with no outstanding issues was 10 days, and the median processing time for complete recertification applications with no outstanding issues was 6 days. The Board has made an informed decision to decrease reserves and increase costs with the result of providing excellent customer service. CAMTC has also invested in additional law enforcement trainings.

CERTIFICATION ISSUES

ISSUE #13: *Certification versus Licensure. Should the voluntary certification obtained from CAMTC be converted to a license that is required at the state level?*

Background: While the certification program operated by CAMTC was established by the State Legislature and was intended to bring statewide uniformity to the standards and qualifications for

massage therapists, there is no state-level requirement for a massage professional to seek and obtain a massage therapy certificate. The Massage Therapy Act makes it unlawful for a person to advertise their services using the title “certified massage therapist” or “certified massage practitioner,” or any term implying they are certified or licensed, unless they are in fact in possession of an active and valid certificate issued by the council pursuant. Otherwise, state law does not restrict who may provide services considered to be within the informally accepted scope of practice of a massage professional, nor does it expressly prohibit a massage therapist whose certificate was revoked by CAMTC from continuing to practice massage therapy as long as they do not claim certification.

In most cases, the certificate granted by CAMTC serves instead as part of local regulation of the massage industry. The Legislature initially created the council after determining that the massage industry was “regulated in California by a chaotic mish-mash of local vice ordinances,” with each locality setting its own standards for who can offer massage services based on how it chose to draft its local ordinances to prevent prostitution or sex trafficking operations. While the Massage Therapy Act does not require that any local jurisdiction incorporate CAMTC’s certificate program into its local regulatory scheme, it does prohibit local governments from enacting or enforcing an ordinance that conflicts with the Act. If a massage therapist possesses a valid certificate from CAMTC, local governments cannot impose any additional professional standards or required qualifications on the professional; they must accept the certificate as confirmation that the individual has sufficient training and fitness to practice.

Local governments otherwise do continue to exercise a great deal of control over how massage services are provided within their jurisdictions. CAMTC has no authority over massage establishments, except when the owner of a massage business is a certificate holder. The Legislature restored much of local government’s authority to regulate establishments under its land use authority when it removed preemption language in Assembly Bill 1147.¹⁹

Significantly, cities and counties may enact ordinances that require massage professionals to receive a CAMTC certificate at the local level. For example, the City of Los Angeles’s massage ordinance states that “each person employed or acting as Massage Practitioner or Massage Therapist shall have a valid certificate issued by the California Massage Therapy Council.”²⁰ The City of San José’s massage ordinance states that “it shall be unlawful for a person to perform Massage on a person in exchange for money or any other thing of value, or for checks, credit or any other representation of value unless that individual is a certified Massage Therapist.”²¹ More often than not, the “voluntary” statewide certification is effectively a requirement for massage professionals to practice in a particular jurisdiction.

However, the fact that certification technically remains voluntary at the state level has led to a number of concerns and complaints from representatives of the industry. Advocates for several professional associations have argued that because California lacks a consistently required statewide license, the industry is frequently disqualified from discussions such as the expansion of coverage and ability to bill Medicare and Medicaid and the incorporation of nonpharmacological therapies into pain management treatment plans. These advocates point out that California is one of only five states without statewide licensure for massage therapy.

Finally and not insignificantly, representatives of the industry have argued that by not enacting a full licensure requirement for massage therapy, California has essentially relegated the profession to a class below that of other healing arts. Arguments have been made that the existing certification program for massage therapy exists more as a safeguard against criminal activity and vice than as support for a profession offering genuine health and wellness services. The Bureau of Labor Statistics, which reports that employment of massage professionals nationwide is projected to grow 26 percent from 2016 to

2026, has stated that “as more states adopt licensing requirements and standards for massage therapists, the practice of massage is likely to be respected and accepted by more people as a way to treat pain and improve overall wellness ... similarly, demand will likely increase as more healthcare providers understand the benefits of massage and these services become part of treatment plans.”²²

It should also be noted that as long as certification remains voluntary, massage therapists will be generally afforded lower standards of due process. As the feasibility study for licensure commissioned by CAMTC pointed out, the greater property right associated with a required license would be accompanied by stronger requirements for due process in regards to how licenses are granted, denied, suspended, or revoked. While this would undeniably result in more costly application reviews and less swift and efficient enforcement actions, a reasonable argument could be made that the current model may be perceived as unfair given that many massage professionals are required to obtain a certificate to practice in a particular jurisdiction while not being afforded the same rights as professionals who possess a full license.

Transitioning from voluntary certification to a statewide license requirement would potentially elevate the profession of massage therapy and align the industry with other therapeutic practices. It would no doubt implicate questions of how to appropriately treat those professionals currently practicing massage in jurisdictions that do not require a certificate from CAMTC, and a licensing program with all the associated expectations of due process would likely be both more expensive and less efficient than what is currently operated by CAMTC. Balancing these issues would likely require discussions by the Committees through the comprehensive sunrise review process.²³ In the meantime, the question of whether licensure would provide greater benefit than the current certification model should be discussed as the future of the profession is debated through the sunset review process.

Staff Recommendation: *CAMTC should provide its perspective on whether its voluntary certification program should be converted to a license requirement and what the potential benefits and complications of such a transition may be.*

CAMTC Response: Santa Clara District Attorney Jeff Rosen said it best when he said, the voluntary certification program works and should not be changed to licensure. Rosen believes, as do many others that the current program does exactly what it was designed to do. It elevates the profession and protects the public. It provides CAMTC with sufficient flexibility and adaptability to take swift denial and disciplinary action, all at a low cost while complying with the Fair Procedures doctrine and the Massage Therapy Act and protecting the rights of Certificate Holders for notice and an opportunity to be heard. It is making a real difference in abating crime and eliminating Human Trafficking within the industry.

While some organizations have expressed the opinion that licensure is the only way for massage professionals to be treated appropriately as members of a healing profession, that is not the case. CAMTC has successfully fought to have Certificate Holders recognized as health care professionals by the California Department of Public Health, who recently opined that Certified Massage professionals are “alternative healthcare providers” eligible for COVID-19 vaccinations. This was accomplished by the hard work of CAMTC’s staff. CAMTC has received an opinion from the Centers for Medicare and Medicaid Services (CMS) under the Dept. of Health & Human Services Division of Policy, Analysis, and Planning Medicare Part C Policy, stating that certified massage providers in California are also eligible for Medicare reimbursement for providing medically approved non-opioid pain management (essentially that licensure is not required in States like California where there is a certification program

instead). This communication dispels the notion that California Certified Massage Therapists are getting left behind.

Other States are reviewing their State licensure programs to see if they should be switching to a different model due to the increasing costs for enforcement, while CAMTC's costs have remained very stable due to its employment of staff attorneys and paralegals. CAMTC has made it safer and easier to identify legitimate massage professionals and schools. CAMTC is gaining momentum with cities and counties as more work hand in hand with CAMTC to address eliminating human trafficking.

CAMTC actively works on a daily basis with local law and code enforcement and local governments in cities and counties around the State to stop the hijacking of the profession, end the scourge of human trafficking, and prevent sexual assaults. CAMTC's aggressive actions to deny and discipline schools engaging in fraudulent activity cuts off the flow of human trafficking victims and protects students, many of whom are recent immigrants, victimized by unscrupulous schools who take their money but do not provide the education promised.

CAMTC's swift discipline for a low cost has been acknowledged as one of its strong points in the feasibility study performed by an outside consultant. CAMTC employs staff attorneys that do the vast majority of the individual denial and disciplinary work, and paralegals that do the related administrative work, instead of paying hourly fees for these services.

CAMTC has consistently out-performed its disciplinary performance measures since it began tracking them in 2015. For example, the average number of days from intake to final date of formal discipline (commonly referred to as PM4) from 2016 through the third quarter of 2019, has ranged from 83 days to 204 days, with an average PM4 of 128 days during that time period. This is well below the DCA Board performance target of 540 days, and the numbers from boards and bureaus the committees are used to seeing, who measure PM4s in years and months, not days.

CAMTC's swift discipline is an important component of its overall approach to elevating the profession and supporting local law and code enforcement and local government. When CAMTC disciplines a Certificate Holder by suspending or revoking their certificate, in many jurisdictions that allows a city or county to revoke that individual's local business permit, effectively shutting the business down. In this way, CAMTC works hand in hand with local law and code enforcement to stop massage being used as a subterfuge for prostitution and elevates the reputation of the profession.

CAMTC's process also allows it to take swift and decisive action against sexual predators. Its suspension process allows it to quickly suspend the certificates of sexual predators based either on criminal charges being filed by the DA's office, or receipt of a declaration signed by a victim under penalty of perjury asserting that the massage provider engaged in an act punishable as a sexually related crime. Suspensions can happen as quickly as one day. This swift action protects the public by stopping sexual predators from providing massage, even in situations where a criminal case has not been filed or can take years to resolve.

CAMTC's unique structure allows it to effectively protect the public and elevate the profession in its current format. CAMTC emphasizes the elevation of the profession.

Changing it to a State Board would take away all of these benefits and instead saddle the profession with excessive fees, slower denial and disciplinary actions, a resurgence of fraudulent schools selling transcripts, the licensure of unqualified individuals, and an increase in illicit massage establishments.

ISSUE #14: Fair Chance Licensing Act. Should the requirements of Assembly Bill 2138 (Chiu/Low) be applied to CAMTC's certification program??

Background: In 2018, Assembly Bill 2138 (Chiu/Low, Chapter 995, Statutes of 2018) was signed into law, making substantial reforms to the initial application process for individuals with criminal records seeking licensure through a board or bureau under the Department of Consumer Affairs. Under AB 2138, an application may only be denied on the basis of prior misconduct if the applicant was formally convicted of a substantially related crime or was subject to formal discipline by a licensing board. Further, prior conviction and discipline histories are ineligible for disqualification of applications after seven years, with the exception of serious and registerable felonies, as well as financial crimes for certain boards. Among other provisions, the bill additionally requires each board to report data on license denials, publish its criteria on determining if a prior offense is substantially related to licensure, and provide denied applicants with information about how to appeal the decision and how to request a copy of their conviction history. These provisions went into effect on July 1, 2020.

Because CAMTC is not a licensing board under the Department of Consumer Affairs, the provisions of AB 2138 do not apply to it. CAMTC is required to conduct a fingerprint background check of each applicant for a certificate through both the California Department of Justice and the Federal Bureau of Investigation. Statute prescribes what misconduct disqualifies an applicant from certification, resulting in the denial of applicants who have been “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,” or “committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.”²⁴

If AB 2138 were applied to massage therapy certificates, CAMTC would only be authorized to deny applicants who have actually been convicted of substantially related offenses; the council would no longer be allowed to deny applicants it has merely deemed to have committed “acts” that were not formally adjudicated. Arrests or mere acts underlying a conviction that is not substantially related to the massage profession would not be cause for a licensure denial. Further, nonserious, nonviolent, nonsexual convictions would also “wash out” after seven years and no longer be eligible after seven years.

Between January 1, 2016 and June 30, 2019, CAMTC denied 1,548 applicants out of a total of 89,592 applications for certification or recertification. CAMTC states that it does not keep track of how many of these denials were due to a criminal conviction or other background issue with the applicant (versus another issue such as failure to meet education requirements), so it is uncertain how many applicants would potentially become eligible for certification were the provisions of AB 2138 applied to the council. Whether these reforms that were enacted for state regulatory board licensing programs should be extended to certificates granted by CAMTC may be worthy of consideration given the sustained policy interests in removing barriers to economic opportunity for individuals with nonviolent criminal histories.

Staff Recommendation: *CAMTC should indicate whether it believes there is a significant reason why AB 2138's provisions should not be extended to applicants for certification as massage therapists.*

CAMTC Response: CAMTC’s mission is to protect the public. It regularly takes action against individuals that engage in acts punishable as a sexually related crime and suspends Certificate Holders based on criminal charges being filed or receiving declarations signed under penalty of perjury attesting that the individual engaged in acts punishable as a sexually related crime, such as sexually assaulting a massage client or engaging in prostitution related activity. The suspension process has allowed CAMTC to suspend a sexual predator in as short as a few hours from the time that criminal charges were filed. Quick and decisive action is key to stopping sexual predators from victimizing clients and taking human trafficking victims out of the stream of commerce.

By taking action as authorized in the Massage Therapy Act, CAMTC is able to elevate the profession, remove a criminal element that is trying to hijack the profession and use massage as a subterfuge for prostitution, and allow massage to be acknowledged as the ancient healing profession it is. CAMTC’s ability to take action as currently structured gets results that are needed and it is highly effective for massage, which is an industry that faces its own unique challenges.

DA’s and juries don’t like prostitution related cases, which results in them either not being prosecuted as a policy in certain jurisdictions, plead down to a lesser unrelated offense, such as trespass, or nullified by juries who mistakenly believe that undercover officers “entrap” individuals. Likewise, sexual assaults that occur when an individual is getting a massage are not regularly prosecuted due to a myriad of reasons, including victims not wanting to be victimized a second time by aggressive defense counsel, or inappropriate actions by massage providers failing to meet the legal definition of a crime. This results in a low level of convictions for actions that are substantially related to the qualifications, functions, or duties of a Certificate Holder. CAMTC’s current structure works very well to address the unique challenges the profession faces by allowing it to quickly take action on these conduct-based violations, and these provisions should be continued.

EDUCATION AND EXAMINATION ISSUES

ISSUE #15: *Competency Assessment Examination. Should applicants for certification be required to pass the MBLEx or a similar examination, or should the requirement be eliminated permanently?*

Background: Assembly Bill 1147 established new requirements for massage therapy certification, including a requirement that all applicants pass a massage and bodywork competency assessment examination that is approved by CAMTC. The following exams have been approved by the CAMTC: the Massage and Bodywork Licensing Examination (MBLEx); the National Certification Examination for Therapeutic Massage and Bodywork and the National Certification Examination for Therapeutic Massage if taken prior to February of 2015; and the Board Certification Examination for Therapeutic Massage and Bodywork.

In order to take the MBLEx, an individual is required to complete 500 hours of education, which is the certification requirement in California. The New York State Massage Therapy Examination is only available if an individual meets specified educational requirements from New York. The Board Certification Exam in Therapeutic Massage and Bodywork requires 750 hours. The National Certification Exam for Therapeutic Massage and Bodywork must have been taken on or before February 2015. Therefore, for applicants for certification who have studied in California, under the state’s 500-hour education requirements, the MBLEx is the only exam that can be taken to achieve certification.

The Federation of State Massage Therapy Board (FSMTB, the provider of the MBLEx) began requiring candidates seeking to take the MBLEx to demonstrate that they have received their education from an “approved massage therapy education program” beginning July 1, 2017. The massage therapy school must be approved or recognized by the state board or agency authorized to regulate massage therapy. In California, CAMTC is the body recognized by the FSMTB; to be eligible to sit for the MBLEx, an applicant must have attended a school that was affirmatively approved by the council.

The CAMTC only began approving schools in 2016; prior to that, schools were presumed approved until unapproved. Due to the ineligibility of many qualified applicants for certification as massage therapists in California to take the MBLEx, the examination requirement was suspended in 2018 through Senate Bill 1480 (Hill). This suspension was further extended in 2020 through Senate Bill 1474 (Committee on Business, Professions, and Economic Development). While CAMTC and the Committees have considered issues to resolve the outstanding issues with the FSMTB, it may also be considered whether an examination requirement is necessary for a massage therapist to provide services in California.

The suspension of the examination requirement is due to expire on January 1, 2022. Whether to extend or make permanent that suspension is a topic that should be addressed this year.

Staff Recommendation: *CAMTC should provide its opinion on whether an examination requirement should be restored and propose any newly identified solutions to the issues with MBLEx eligibility.*

CAMTC Response: CAMTC agrees it is important to continue exploring this issue with the committees and its Board. The issue has not been addressed by CAMTC’s Board since the pandemic, though prior to that time the Board voted to continue the exam requirement. In massage as in every profession there is a question as to whether exams should be required. There was an intensive discussion amongst the Board on this issue and the vote to continue to require an exam was a very close vote. There were strong positions on all sides, as there are on all testing questions.

ISSUE #16: Continuing Education. *Should massage therapists be required to take continuing education courses?*

Background: Continuing education is not and has never been a requirement for massage professionals in California. Only 500 hours of precertification education at an approved massage school is required. Massage therapists are not required to undergo any additional education or training once certified.

Continuing education is a requirement in some other states. For example, New York requires 36 hours of continuing education every three years. Courses offered by continuing education providers include topics like the treatment of conditions like fibromyalgia, sciatica, and myofascial pain syndrome; sports massage; business operations; and ethics. The cost for these courses ranges, with an average of around \$100 per four hours of continuing education.

Nothing prohibits massage therapists in California from pursuing continuing education. While many available continuing education courses in massage may appear interesting or beneficial, they would remain an option to California massage therapists without the need for a statewide requirement. Meanwhile, it is questionable whether the massage profession evolves so rapidly or requires such

constant educational refreshment that creating a new requirement for continuing education would be necessary or justified.

Staff Recommendation: *The council should share any insights it has into whether continuing education has proved successful in other states and whether it believes there is any reason for California to consider imposing such a requirement.*

CAMTC Response: CAMTC agrees it is important to continue exploring this issue with the committees and its Board. We discussed this issue with Senate Business and Professions staff years ago, and included in that discussion was the fact that some States have continuing education and some states don't. For those states that do require it, we have heard that it is a huge area of non-compliance. There are both good and bad sides to continuing education, but we are doing what the Legislature has required. We have heard that continuing education sometimes becomes a fund-raising tool for different entities, like schools, and California has told us they don't want continuing education in the past. CAMTC can take on this task if the Legislature requires it, but it would result in an increase in administrative fees for administering this function. The board will continue to engage on this issue.

ISSUE #17: *School Approval and Un-Approval. Does CAMTC's current process for approving and un-approving schools appropriately provide due process for schools and students?*

Background: Statute defines an "approved school" or an "approved massage school" as a school that is approved by CAMTC, has not been unapproved by CAMTC, and is approved by the BPPE, the Department of Consumer Affairs, or the organizations that accredit junior and community colleges, and corresponding agencies in other states.²⁵

Until 2014, CAMTC did not have a formal school approval process. However, during CAMTC's first sunset review, concerns were raised that many schools were potentially producing diplomas while not providing an actual massage therapy education to individuals, and CAMTC process was only reactive. This was especially important during a period of time when there were concerns about illicit businesses and practitioners infiltrating the legitimate massage therapy profession. In 2014, the Legislature questioned whether CAMTC's reactive unapproval process was the best mechanism to ensure that students were meeting important programmatic standards for massage therapy practice.

In order to alleviate that concern, Assembly Bill 1147 required CAMTC to restructure its school approval system from a complaint-driven unapproval process to a more thorough and proactive approval process. AB 1147 did not specify the parameters for what that approval process should entail, and instead required CAMTC to develop policies, procedures, rules or bylaws governing the requirement and process for the approval and unapproval of schools, including any corrective action required to return a school to approved status. Essentially, the parameters of how CAMTC would review schools, deny approval, the criteria necessary for a massage program, among others, was left for the CAMTC to develop.

Statute requires that CAMTC develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools, as specified, including any corrective action required to return a school to approved status.²⁶ These policies, procedures, rules, or bylaws shall address topics including, but not limited to, what constitutes acceptable curriculum, facility requirements, student-teacher ratios, clinical practice requirements, and provisions for the acceptance of accreditation from a recognized accreditation body or other form of acceptance. The required policies and procedures were

developed by CAMTC through the organization's board process and any alterations to CAMTC's policies continue to be done by the Board of Directors. The CAMTC Board of Directors has made numerous edits to policies and procures over the years, including the implementation of very detailed requirements for a school to meet minimum standards for training and curriculum in massage and related subjects.

Given that CAMTC is a voluntary certifying entity, a school operator does not need to have CAMTC approval to offer a massage therapy education in California to operate. However, individuals who attend non-CAMTC approved institutions are not able to obtain CAMTC's voluntary certification, unless they applied during specified-grace periods offered by CAMTC. Applications for schools approval became available on April 1, 2015. It took time for CAMTC to review schools and formally deny schools, which posed a challenge to individuals in the process of obtaining education at schools in the formal approval pipeline. In an effort to address those concerns, CAMTC established grace periods for students who may have attended or were in the process of attending a school that had not obtained a formal approval process. According to the CAMTC's web site: "If you attended a school that applied for CAMTC school approval on or before December 31, 2018, or applied for re-approval and is ultimately denied, you may still apply for CAMTC Certification using education from the denied school as long as your CAMTC Application for Certification is received within the applicable grace period and you provide additional proof of adequate education (in addition to a transcript and diploma) by passing an education hearing. Applications received after the grace period has ended will not be able to use education from a denied school or program to meet the educational requirements for CAMTC Certification."

A number of schools and students reached out to the Committees and the Legislature to share concerns about the prolonged school approval process, and as a result, Assembly Bill 775 (Chau, Chapter 290, Statutes of 2019) established timelines for the approval of a massage therapy school by CAMTC, and requires a school that is not approved by CAMTC to notify student applicants and obtain signed acknowledgements of confirmation that each applicant understands that the school is not approved and that the education will not count towards voluntary certification.

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. There are currently 78 unapproved schools. Of those, eleven have been unapproved since July 1, 2016.

Recently, a massage school with campuses in San José and Santa Cruz was informed by CAMTC that its application for re-approval would be denied. This denial was asserted violations of the Massage Therapy Act including, among other things, allegations that the school sold transcripts to students. CAMTC indicated that it believed that an "accelerated program" offered by the school at a greater cost than its standard program resulted in students completing their 500 hours unrealistically quickly and with home addresses listed in Southern California. In return, the school insists that these accusations are entirely false, and its students have stated that they attended the accelerated program, often from 6am to 2pm every day, in order to continue working while achieving their degree faster, with many of them traveling from Los Angeles and sleeping on their instructor's couch for weeks at a time.

The student of the denied school have presented the Committees with photographs, videos, and other documents to prove that they attended classes. Furthermore, the school claims that when the CAMTC inspector arrived for a surprise audit, three classes were actively underway and the students waited half an hour after the end time for the inspector to come see them in class, but he left without ever doing so.

The school points out that they operate a successful acupuncture program that has never been the subject of any allegations. The school also alleges that they were afforded very little due process.

Unapproved or denied schools may appeal a proposed decision in an oral telephonic hearing or through the submission of a written statement. Fees are charged for each of these hearings. The appeal is then considered by at least two Hearing Officers, who are also employees of CAMTC and whose decision is considered final. Essentially, a denied school such as the one in the recent case has no option for appealing a CAMTC decision except to different segments of CAMTC itself. Therefore it is unlikely that once a school has been determined by CAMTC to merit unapproval, there is very little recourse.

At the same time, CAMTC has made it clear that it takes its authority to unapprove schools very seriously and that it believes this function is part of its core mission as a way to prevent human traffickers from securing fraudulent credentials for those intended to engage in illicit sexual activity under the guise of massage therapy. While it is generally acknowledged that the due process provided to schools approved and unapproved by CAMTC is substantially lower than processes in place at state agencies, this is considered a tradeoff of the greater speed and efficiency that CAMTC possesses. While there may be concerning accusations and criticisms of CAMTC's process for unapproving schools, it should be considered whether its current operations remain the best way to quickly address fraudulent activity.

Staff Recommendation: *CAMTC should speak to whether any criticisms of its activities may be considered valid cause for changes to the Massage Therapy Act and its role in regulating schools.*

CAMTC Response: CAMTC's current approval process provides for appropriate "due process" for both schools and students. As addressed in response to question number 6, CAMTC provides a proper amount of Fair Procedure and has recently implemented the provisions of AB 775 in relation to schools. (Please note that CAMTC currently does not un-approve schools. It approves or denies approval to applicant schools and disciplines or revokes approval for currently approved schools.) CAMTC does not believe that the criticisms it faces are a valid cause for changes to the Massage Therapy Act. CAMTC notes that the most vocal critics of its school approval process and procedures are those entities that it has found engaged in fraudulent conduct and it therefore denied their applications.

For example, one of the schools that CAMTC recently denied had the opportunity to appeal the denial decision to the Board but failed to do so. This school and its students were found to have engaged in fraud, including providing attendance records showing students were in two places at the same time or that they were present in class on a date and time that the School Inspector arrived and they were not present. The denied school also initially provided transcripts and attendance records for students that failed to identify all of the exact classes they took, in violation of CAMTC's procedures. Instead, the school grouped 200 hours of various elective classes into one listing, characterizing all of these various classes with one title as if it were one 200-hour class. The practice occurred on the transcripts of approximately 100 students, who allegedly attended the school on various dates and times. It is important to note that not only did the transcripts include this generic identification of 200 hours of a 500-hour program, so did the attendance records. When confronted with this issue, the school then provided new transcripts listing the same exact "elective" classes for each of these students, even though students allegedly attended the school on different dates and times. No credible explanation was provided by the school as to how they knew which specific classes each individual student attended, given the fact that the attendance records did not list specific classes. Furthermore, when CAMTC pointed out that the elective classes listed on these replacement transcripts included a number of classes

that were not CAMTC approved, and therefore could not be used for CAMTC certification, the school then stated that it had made yet another “mistake” and issued a third transcript for these approximately 100 students which replaced the not approved classes with CAMTC approved classes, yet provided no credible information as to how the school knew which classes these students allegedly attended when the attendance records did not have this information listed.

Students who allegedly attended this school have been sent proposed denial letters based on evidence of fraud and failing to complete all of the hours of education listed on their transcripts. Instead of choosing to come to hearing and prove their education, the vast majority have decided instead to request an education extension and go to another massage school. If the students really attended this school for all of the hours listed on their transcripts, passing an education hearing should be simple, as hearings focus on entry-level rudimentary knowledge. The certification Hearing Officers (who only hear matters related to individual certification) who would hear the student’s cases are currently all CAMTC certified massage professionals who have taught massage, owned massage schools, and are active practitioners of the profession. The questions asked are about basic, entry-level concepts all individuals with massage education can easily answer.

As previously discussed in response to question number 6, School Hearing Officers (who hear only those matters related to school approval/denial/discipline) exercise their independent judgment when reviewing a proposed decision to deny or discipline made by the Educational Standards Division. School Hearing Officers have no pecuniary interest in any matter they preside over, they work on average about 20 hours a year for CAMTC, they have no relationship with the entities and individuals before them, and they were not involved in any manner with the investigation or fact finding performed by ESD that resulted in the issuance of a proposed denial or disciplinary letter.

Fair procedure and sufficient process is provided for both schools and students. Recently, in 2019, Assembly Member Chau put forth a bill, AB 775, that substantially changed the process requirements for school approvals. Those requirements became operative on January 1, 2020. CAMTC supported this bill and appreciates Assembly Member Chau’s willingness to work with CAMTC on this important issue and provide strong protections for both students and schools.

AB775 requires, among other things, that a process be engaged in with schools with short specified timelines for completion of applications, CAMTC notification to schools of deficiencies, and purging of incomplete applications.

Specifically, the bill requires, among other things, that:

- Within 30 days of receiving a school application, CAMTC must provide the school with a notice that the Application is Not Complete.
- The School then has 60 days to respond to the notice, and CAMTC can, in its discretion, allow the school an additional 30 days to respond.
- If the application is still not complete, then the application is purged by CAMTC.
- Applicants with purged applications must wait at least 180 days to re-apply.
- CAMTC must approve, propose to deny, or issue corrective action within 1 year from the date the application was submitted. (Only one corrective action allowed.)
- CAMTC must notify schools proposed for denial of the final decision within one year of the notice of proposed denial.

- Denied schools may appeal at the next Board meeting, but no less than 120 days. Discretion for appeal at a later Board meeting may be given for good cause.

AB775 also requires schools that are not CAMTC approved to notify students of this fact, and get their affirmation, in writing, that they understand that hours provided by the school can't be used for CAMTC certification.

It has only been a little more than one year since these new requirements were put into place, and during this last year the global pandemic resulted in the physical closure of all massage schools in March of last year, and most massage schools still remain physically closed. Due to the current pandemic situation, these new provisions haven't been used sufficiently for CAMTC to make any final determinations about whether they have adequately addressed the issue, though they do appear to have done what they were designed to do. CAMTC does not believe that new changes are needed to its school processes.

ISSUE #18: Foreign Education. Should statute be revised to enable CAMTC to accept education from massage schools located outside the United States?

Background: CAMTC previously accepted hours of education from a foreign school for purposes of certification if it determined that the education was “at least substantially equivalent to the requirements applied to California school programs.” However, on February 22, 2018, CAMTC’s Board of Directors formally voted to no longer accept any foreign transcripts for massage certification. Statute 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.”²⁷ CAMTC has interpreted this statute to prohibit acceptance of education from schools outside the United States.

In an April 2019 newsletter, CAMTC stated that it was “currently working with the Legislature to create a pathway for at least some acceptance of foreign education.” Meanwhile, a number of massage therapists trained in other countries including Canada and Costa Rica have contacted the Committees requesting that statute be amended to allow or require acceptance of their education. If CAMTC does believe that it should be authorized to consider applicants for certification with foreign education and training, it would seem appropriate to consider amending statute to provide for that authorization.

Staff Recommendation: *CAMTC should explain why it no longer believes it has authority to grant certificates to applicants who were educated at foreign massage schools and what language it believes would be necessary to allow for such education to be accepted again.*

CAMTC Response: CAMTC looks forward to working with the committees on this important issue. Creating a pathway to ensure that education received in other countries is equivalent to or exceeds the standards for education provided by CAMTC approved schools, and can therefore be used for certification, is a complicated task. CAMTC is happy to work hand-in-hand with the legislature and provide technical input on revisions to the Massage Therapy Act to ensure that education provided outside of the United States is verified to be equivalent to the education provided at CAMTC approved schools in California. We have previously met with legislative staff in the past about how to accomplish this. 80% of people who inquire about certifying with foreign education come from British Columbia and Ontario, Canada. We don't want to stand in the way of any highly qualified professionals and would welcome the ability to certify them. We look forward to working with the committees and reporting to the Legislature on this important issue.

ISSUE #19: Relationship with the BPPE. Does the shared responsibility for massage school approval with the Bureau for Postsecondary Education allow for efficient and effective regulation?

Background: CAMTC's approval process for many massage schools is carried out in conjunction with licensure by the BPPE, which primarily regulates for-profit private postsecondary schools. If a massage school is subject to the BPPE's oversight, then both the BPPE and CAMTC must approve a school for it to offer massage programs accepted for purposes of certification as a massage therapist. The BPPE's process for approving schools is distinct from CAMTC's—the BPPE is charged with student protection and ensuring financial solvency of a school, while CAMTC's statutory responsibility is to determine whether the school meets minimum standards for training and curriculum and is limited to approving the school in relation to CAMTC certification. This means schools can be unapproved by CAMTC and still operate massage programs, if they are approved by the BPPE, but students from those schools may not use educational units for CAMTC certification.

A recently unapproved school has pointed to its continued approval by the BPPE as evidence that it is not a “diploma mill” and should not have been subjected to unapproval. However, CAMTC points out that for the six schools denied since approval since July 1, 2016, all six were currently approved by the BPPE, and the vast majority of purged applications were from BPPE-approved schools. While many regulatory boards whose education requirements are met through programs offered at private for-profit institutions overseen by the BPPE do not engage in an additional level of approval, without CAMTC does not appear to believe that the BPPE is sufficient to deter the type of fraud that it asserts is rampant in the massage industry.

CAMTC and BPPE recently signed a memorandum of understanding related to information sharing, and CAMTC states that it works closely and consistently with the BPPE. Schools applying for CAMTC approval authorize the council to share information with other entities, including the BPPE. CAMTC also provides the BPPE with information related to schools upon request. This ongoing cooperation may allow for a balance of ensuring that massage schools are both actually providing quality education to students and are appropriately authorized to operate and charge tuition to massage students.

Staff Recommendation: *CAMTC should provide an update regarding its relationship with the BPPE and whether it believes it continues to be necessary for schools to receive approval from both the council and the bureau.*

CAMTC Response: CAMTC has a close working relationship with BPPE. In order for a school to be CAMTC approved, in the vast majority of cases it must first be approved by BPPE. BPPE focuses on financial and administrative issues for schools and CAMTC focuses on curriculum and the delivery of substantive education for the profession of massage therapy. This division of labor is logical and allows for efficient and effective regulation. As the subject matter expert, it makes sense that CAMTC is, and continues to be, the entity ensuring that appropriate education is provided to potential Certificate Holders.

ENFORCEMENT ISSUES

ISSUE #20: Human Trafficking. How does current regulation of the massage therapy profession contribute to statewide efforts to combat human trafficking?

Background: CAMTC states that it has been “at the forefront of anti-human trafficking efforts since inception.” According to the council, “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 instances where staff for CAMTC describe its purpose and work, combating human trafficking is nearly always one of the core topics raised.

Despite evidence suggesting that massage therapy has physiological benefits analogous to other healing arts licensed by the state, the industry has long been associated with commercial sexual activity. The result has been a treatment of massage therapy practice as a “vice” industry. The term “massage parlor” has in many discussions been treated as a euphemistic synonym for a bordello. This perception has persisted as national awareness of human trafficking has grown. In the California Attorney General’s 2012 report *Human Trafficking in California*, the definition of “sex trafficking” makes reference to “brothels disguised as massage parlors.”

In June of 2016, the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development held an informational hearing entitled *The Role of Regulated Professions in Combatting Human Trafficking*. In the background paper, the Committees examined how state legislation regarding massage therapy has contributed to localized anti-trafficking efforts. The paper described how “some licensed professionals may be uniquely situated to identify victims of human trafficking” and indicated that increased education for licensees could be an effective approach. The report further states that “strict and enforceable disciplinary standards may help alleviate licensed professions being infiltrated by illegal enterprises attempting to use legitimate businesses within California for human trafficking.”

In January of 2018, the Polaris Project, an anti-trafficking organization, released a report entitled *Human Trafficking in Illicit Massage Businesses*. This report, which analyzed tens of thousands of human trafficking cases reported through the project’s hotline cross-referenced with other data sources, identified massage establishments as the second most common context for sex trafficking after escort services. The Polaris Project believes that California is home to “over 35 percent of the country’s illicit massage businesses (IMBs) and contains two of the three main cities in the country to which victims are recruited.” The report found that as many as 42 percent of Mandarin-language ads recruiting women in California for massage therapy jobs “show one or more flags of trafficking.” California is also identified as a key “port of entry” for sex trafficking victims, with IMBs operating in networked connections with others across the country.

In a section of the report specifically titled “The Regulatory Landscape of California,” the Polaris Project acknowledges that the state’s Massage Therapy Act has resulted in “the enactment of many dramatically different laws at the county and city level,” and states that many counties have instituted strong regulatory schemes. However, the report goes on to express concern that “three counties with some of the highest concentration of IMBs in California, and therefore highest in the entire country, either do not have a law regulating massage business operations (Los Angeles County), have laws that regulate massage businesses as sexually-oriented businesses (San Diego County), or their major cities do not have laws regulating massage business operations (Santa Clara County).”

The report notes that because county laws are only enforceable in unincorporated areas, traffickers simply relocate to a specific large city to avoid strong regulations at the county level. An example given involves Santa Clara County, which worked with the Polaris Project to develop a new county-level law, wherein the result was simply that “traffickers simply picked up and moved to San José (the heart of Silicon Valley) or other cities with more permissive laws.” The core issue, Polaris Project states, is that “traffickers reap tremendous benefits from a lack of coordination between state, county and city legislation. The only way to cut them off at the pass is to undertake a coordinated effort to make sure they have nowhere else to go.”

The fact that California does not provide for universal statewide licensure of massage therapists has been identified as an impediment to the implementation of policies that would leverage the state’s regulatory function to identify and combat traffickers. Furthermore, the fractured nature of massage therapy regulation has been criticized by some as not only for producing inconsistent or insufficient local enforcement of illicit businesses. The strong association between massage therapy and sex trafficking has led some jurisdictions to pass what the massage industry regards as unduly onerous regulation that inappropriately burdens legitimate businesses. This criticism is compelling considering that many massage therapy services are provided by small businesses or sole proprietorships staffed and operated by vulnerable immigrant communities. A reasonable argument could be made that true sex trafficking enterprises are well-equipped to circumvent any constrictive local regulations, placing the weight of their impact on legitimate businesses.

On November 16, 2017, CAMTC issued a response to the Polaris Project’s findings, stating that in reviewing its data, it “does not have evidence that its certificate holders are either victims or perpetrators of human trafficking” and that “no CAMTC certificate holder has a criminal conviction for human trafficking and no certificate individual has stated to CAMTC that they have been trafficked.” CAMTC has made it clear that it believes its process for granting certifications and approving massage schools has a substantial impact on preventing human traffickers from operating massage establishments. Additionally, CAMTC’s Board of Directors specifically includes a designated representative of an anti-human trafficking organization.

The council’s role in combating trafficking is empowered by the Massage Therapy Act. Statute requires CAMTC to immediately suspend the certificate of any individual who is arrested for prostitution or any sexually related crime. CAMTC is also authorized to suspend the certificate of any individual whom they believe to have committed a sexually related crime or a felony absent an arrest, with requirements for notice and appeal. In addition, the Massage Therapy Act specifically prohibits massage services from being offered by individuals who are unclothed or dressed in an alluring manner, including transparent attire and swimsuits (except under specific circumstances).

When evaluating the significance of CAMTC’s actions against human trafficking, there are certain arguments that should be considered in the context of the council’s laudable endeavors. First, while certainly sex trafficking continues to be an active and abhorrent industry operated by transnational criminal organizations and other perpetrators, it may be reasonably assumed that not *all* paid sexual services offered by massage therapists are the result of force or coercion by a sex trafficker. While pimping, pandering, and prostitution remain illegal under state law and are a justifiable cause for revoking a massage therapist’s certificate, it may be considered ill advised to overzealously conflate all commercial sex acts with human trafficking, and recognize that in many instances the illicit activities being prevented may in fact be a form of consensual sex work.

Additionally, while human trafficking has certainly been identified as a pervasive issue in the massage industry, it is also not the only profession where victims of trafficking are forced to work. Studies indicate that human trafficking is also common in service industries such as nail salons, construction, and the restaurant industry. While forced sexual activity is arguably the most appalling form of trafficking, some anti-human trafficking advocates have postulated why only massage therapy appears to be subjected to often extreme restrictions in the interest of preventing activities that appear to be less zealously combated elsewhere.

Finally, as discussed next in Issue #21, CAMTC does not currently have authority over massage establishments, only certified massage therapists working within them. Therefore, insomuch as the council has a key role in combating sex trafficking operations through its enforcement activities, it is limited to taking action against those providing illicit services. If an unlawful massage business is indeed operating as a front for traffickers forcing massage professionals to engage in commercial sexual activity, it is debatable whether revoking the victim's certificate is in fact an urgent priority in law enforcement's response.

CAMTC should be applauded for its ongoing work to partner with local law enforcement to combat human trafficking. However, the sustained and stigmatic association between commercial sexual activity and the massage industry is doubtlessly harming the reputation of a legitimate healing art profession, and there continue to be reports of local governments enforcing draconian ordinances against lawful massage businesses in the furtherance of anti-trafficking policies. As CAMTC continues to root much of its mission in its work against sex trafficking, there should remain a mindfulness to ensure that supporting good actors within the profession is not unduly deprioritized.

Staff Recommendation: *The CAMTC should further discuss its commitment to combating human trafficking and provide its thoughts on how to avoid burdening legitimate operators in those efforts.*

CAMTC Response: Human trafficking is a source of tragedy and despair. We are proud that we have worked closely with law enforcement, prosecutors, and NGO's and are recognized as a national leader at battling an issue that must be addressed with urgency and continued vigilance.

CAMTC's unique structure allows it to sit in an unprecedented place where it has the flexibility and adaptability to quickly pivot and take real steps to actively combat human trafficking and sex acts exchanged for money performed under the guise of massage. We work every day in partnership with law and code enforcement and cities and counties to take decisive action that cuts off the lifeblood of human traffickers, and separates this illegal and incredibly lucrative, highly organized, criminal enterprise from the ancient healing art of massage. While some in the massage profession think that human trafficking should be left to law enforcement and not certifying boards or organizations, we understand that the profession is involved, like it or not. And we believe that if we are not at the table, we are on the menu.

CAMTC takes a strong three-pronged approach to attack the scourge of human trafficking: 1. Approving massage schools; 2. Quick and decisive denial and disciplinary action against individuals; and 3. Partnering with Local Government. By addressing this issue on a number of fronts, CAMTC is seeing real change occurring.

1. Massage Schools

Human trafficking is intricately entangled with fraudulent massage schools that sell transcripts while providing little to no real massage education. For human trafficking to thrive in massage, it helps to look as legitimate as possible. Illicit massage businesses that are really fronts for prostitution want their workers to have the cloak of certification to protect them when law enforcement comes knocking. To get certified by CAMTC requires education that appears legitimate. Thus, fraudulent massage schools proliferate as part of the human trafficking networks.

Prior to the current system of active school approval, which began on July 1, 2016, CAMTC unapproved schools. By 2014, CAMTC had unapproved over 60 schools. This sent a clear message that fraud and human trafficking was infiltrating the massage education industry and needed to be addressed. In 2015 the Legislature enacted new legislation that allowed, and actually required, CAMTC to proactively approve all massage programs from which it accepted education for purposes of certification. CAMTC has now unapproved or denied over 80 schools and kept dozens more at bay. Many fraudulent schools initially applied but failed to complete the process, and others decided it wasn't worth even applying. Before CAMTC, there were over 300 massage programs in the state. Now, there are only 73 CAMTC Approved Schools. To say we have clamped down on fraudulent massage schools is an understatement. CAMTC's school approval process has been so successful that many local jurisdictions, even some that do not require CAMTC Certification, accept education only from CAMTC approved schools.

But fraudulent schools and human trafficking rings don't give up easily. They continually look for new ways to thwart the system. There is a lot of money to be made. As with illicit massage businesses, we often compare fraudulent massage schools and the people behind them to the Whack-A-Mole game. Just when we think we've knocked them out, they pop up somewhere else. This has required CAMTC to remain vigilant in its quest to expose fraudulent schools. We continue to vet each new school thoroughly and monitor approved schools through regular unscheduled site visits.

A fraudulent massage school can take on many forms. Often, fraudulent schools don't always start out that way, and some don't even have a bad intent. Organized crime and human traffickers prey on financially troubled and naïve school owners looking to improve their monetary situation. School owners may be told a sob story about allegedly well-qualified individuals who received education in other countries but can't practice massage in the U.S. because their education doesn't transfer. These individuals sometimes convince school owners to cut corners and issue transcripts when not all hours of education have been received. Over time, school owners become accustomed to the fast money and move from a place of questionable practices to outright sale of transcripts, with the deluded notion that they are helping disadvantaged people. In reality, they are setting them up to be the victims of human trafficking.

During the pandemic, schools have generally been forced to limit in-person classes. This has pushed education online, something CAMTC did not accept before, but has allowed for temporarily. While many approved schools have done a terrific job teaching certain materials online, a few approved schools have fallen off the wagon and allowed fraudulent education to occur. CAMTC has established new protocols to allow our unscheduled site visits to continue virtually. This has allowed us to catch fraudulent behavior quickly and impose disciplinary actions on these schools when we see it.

Still, these fraudulent schools continue to find a way. To combat fraudulent massage programs trying to circumvent CAMTC's approval process, CAMTC supported legislation in 2019 that requires all massage programs in the state that are not approved by CAMTC to inform students that they are not CAMTC approved and to get the students' acknowledgment in writing.

In addition to going after the schools themselves, CAMTC has worked to educate potential students who may be taken advantage of or, worse, become victims of human trafficking. New students may not even know that they need CAMTC Certification or a local permit to massage in their area. Through broad distribution of brochures and its website, CAMTC has targeted these prospective students in order to educate them about massage requirements, proper education, and how to identify human trafficking.

2. Quick and Decisive Denial and Disciplinary Action

Taking quick and decisive action when it comes to individual certification denials and discipline works to combat human trafficking. When CAMTC takes action against an individual's certificate (denial, suspension, or revocation for example), this information is quickly communicated to local law and code enforcement representatives in the jurisdictions where the individual lives and works. The Massage Therapy Act allows for significant information sharing pursuant to Business and Professions Code section 4614. CAMTC has a system in place to notify cities and counties quickly when suspension or revocation occurs. This allows the city or county to piggyback on CAMTC's action and revoke the individual's local business license or permit. If the city or county has appropriate provisions in their municipal code, they can act very quickly to shut the business down by revoking their business permit or registration, even if they don't require certification. Prior to CAMTC, many cities and counties had red-light abatement provisions that they used to address illicit massage establishments, but the terms of those provisions were onerous to enforce. It took a significant amount of resources and time, usually years, to shut down illicit massage establishments. By partnering with CAMTC, business can be shut down by cities and counties very quickly.

Quick action also works to take victims of human trafficking out of the stream of commerce. If these victims are not certified, then they can't be openly set up in illicit massage establishments as massage providers. Human traffickers want victims with clean records. Denial, suspension, or revocation by CAMTC blemishes the records of these individuals and puts them on the radar of local law and code enforcement, making them less able to be used by human traffickers in massage establishments.

3. Partnership with Local Government

CAMTC works every single day with local law and code enforcement. We have strong relationships with local government that involve sharing of information back and forth which allows CAMTC to take action against applicants and Certificate Holders that violate the law and in turn also allows cities and counties to revoke local permits and massage business licenses based on CAMTC's quick action. CAMTC regulates individuals, and cities and counties regulate businesses. Working together allows us all to make inroads against human trafficking. CAMTC does not have staff that are physically present at local businesses, to ensure compliance, but cities and counties do. They regularly send in law and code enforcement to determine if businesses are complying with the law. When they aren't, cities and counties send that information to CAMTC,

who can then turn around and use that information to deny applicants or discipline Certificate Holders. If cities or counties require certification, they can then use the revocation of a certificate to also revoke a business license, thereby resulting in quickly shutting down a business engaged in illicit activity.

CAMTC has been honored by a dozen groups who have sent letters thanking CAMTC for its help with human trafficking issues. In a recent report, published by the South Bay Coalition to End Human Trafficking, to the County of Santa Clara, one of ways that the illicit massage industry currently operates with little to no repercussions is because of government bureaucracy.

It would not serve the interests of the state to have the massage industry regulated by a state body. CAMTC is a unique model in that it operates with jurisdiction provided by state law, but with the flexibility to operate as a nonprofit. The Bay Area Anti-Trafficking Coalition has written that CAMTC's ...work ... "as an effective non-profit, is an integral part of making the very visible massage industry a safe place for owners, therapists and clients."

John Vanek was the first Human Trafficking officer in San Jose and is currently the Human Trafficking Coordinator for San Mateo County. John is a nationally recognized expert on this subject. He said CAMTC is the only expert in Human Trafficking in massage and has encouraged us to claim leadership in this arena.

The current voluntary regulation of the massage therapy profession and massage programs is well recognized and supported by local governments as well as human trafficking organizations. It fits right into the paradigm of "prevention, protection, prosecution and partnership" that make up the international framework used by the United States and the world to combat human trafficking.

CAMTC plays a unique role here. CAMTC sends brochures every two years to Certificate Holders to help educate them on this important issue and to provide contacts to those who may indeed be victims. CAMTC has and continues to train law and code enforcement officers on human trafficking and other crimes within the massage industry. CAMTC has shared information during some of the largest massage related human trafficking operations in the state, including a recent one across Santa Clara, San Mateo, and Ventura counties.

Working closely with Victim Service Providers that directly serve this population, CAMTC supports outreach to help potential victims understand their options, including the possibility of qualifying to provide massage therapy in a legitimate establishment. CAMTC is directly engaged in helping implement best practices in victim centered approaches. For these reasons, Human Trafficking organizations, coalitions, collaboratives, and taskforces throughout the state have welcomed partnerships with CAMTC.

CAMTC regularly works with local government to ensure that municipal code requirements are fair to legitimate massage providers and are not unduly burdensome. In fact, some of the requirements in local massage regulations that are most burdensome to legitimate operators have in the past been naively promoted by human trafficking organizations themselves. These regional and national organizations have come to appreciate partnering with CAMTC for expertise and experience in Best Practices that do not harm the professional massage community. CAMTC is committed to continuing to work on local massage ordinances that are fair to legitimate providers.

ISSUE #21: Massage Establishments. Does CAMTC’s lack of oversight over massage establishments and their owners represent a gap in its enforcement authority?

Background: The Massage Therapy Act currently does not grant CAMTC authority over massage establishments, which are defined as “a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.”²⁸ The council has oversight over massage professionals who seek and receive voluntary certification, as well as schools that wish to have their programs count toward certificate requirements. In regards to places of business where massage services occur, however, CAMTC’s authority is very limited.

Statute does allow CAMTC to discipline an owner or operator of a massage business or establishment “for the conduct of all individuals providing massage for compensation on the business premises.” However, this only applies when the business owner or operator is themselves a certified massage therapist already subject to CAMTC’s oversight.²⁹ CAMTC cannot take any direct enforcement against uncertified massage establishment owners, or place requirements specifically on massage establishments that fall outside their regulation of certified professionals.

Instead, power to regulate massage establishments belongs to local governments. Provisions in the Government Code expressly recognize the right of cities and counties to “enact an ordinance which provides for the licensing for regulation of the business of massage when carried on within the city or county.”³⁰ These ordinances are limited in terms of what requirements may be placed on massage professionals working within those businesses that conflict with the provisions of the Massage Therapy Act, but generally local governments retain authority to regulate and take enforcement action against establishments. (More on the role of local government is discussed under Issue #24.) CAMTC therefore often states that it sees its role as providing support to local governments in their oversight of massage businesses.

The question of whether CAMTC’s authority should extend beyond massage professionals and bring massage establishments under their oversight has long been raised. During the council’s first sunset review in 2014, the background paper raised the question: “Should CAMTC certify or regulate massage businesses or establishments?” The background paper pointed out that were CAMTC given that authority, “a business or establishment registration or certification would be eligible for denial, suspension or revocation for specified unprofessional conduct and other reasons as to be determined by CAMTC and other stakeholders, making it more difficult for improperly managed businesses to remain in operation.”

Ultimately, the Legislature chose not to extend CAMTC’s oversight to massage establishments, and instead local government’s authority to regulate those businesses was expanded and restored. A bill proposed in 2018, Assembly Bill 3061 (Gloria), would have created a statewide registration program for massage establishments within CAMTC. However, this bill ultimately did not pass with that language in place.

Recent high-profile incidents regarding misconduct at massage establishments further invoked the question of whether CAMTC should possess greater oversight authority. In November 2017, a major franchise chain of massage establishments was the subject of an article reporting that there had been over 180 complaints of sexual misconduct against the company and its employees. When some accused the national company of having policies in place that were partially responsible for allowing this misconduct to persist, there was little authority for CAMTC to investigate or take action against the

owners of the establishment; instead, their jurisdiction was limited to specific therapists accused of misconduct who had been certified by the council.

Whether CAMTC should have authority over massage establishments remains a topic of discussion. Part of the consideration is whether local governments are exercising sufficient oversight over these service settings to satisfy the role that CAMTC would play were its jurisdiction expanded. This question will also serve generally as part of the larger question as to what the Legislature expects from CAMTC's regulatory role and whether it is adequately empowered to carry out that role in a way that protects the public and advances the profession of massage.

Staff Recommendation: *CAMTC should provide its perspective to the Committees regarding whether it believes there would be benefit from providing the council with jurisdiction over massage establishments and whether there have been any new developments since the last time the issue was raised.*

CAMTC Response: CAMTC has a robust program for certifying massage professionals while still allowing for local control. CAMTC strikes a balance between local control and a statewide program for massage certification. The Massage Therapy Act maintains local control but minimizes local abuse. The current authority is working very well and we don't see a reason to change it.

Local governments are the appropriate parties to determine what works best for each of them in their local jurisdictions. Each city and county regulates their local businesses in a manner that is appropriate for their specific area. California is a highly diverse state with city, urban, suburban, and rural counties. What works in San Francisco does not necessarily work in Orange County or Humboldt County. CAMTC has the legal authority to take action against Certified owners of massage establishments, and regularly does so. Certified owners and operators of massage establishments are responsible for all of the conduct that occurs on the premises of the business under current law. (Bus. & Prof. Code §4607.) CAMTC works closely with cities and counties and has built strong relationships that work for the benefit of all.

One of the great successes of Sunset hearings is that the push and pull between CAMTC and local governments over who was in charge of what has ended with the various previous amendments made to the Massage Therapy Act. At this point in time both CAMTC and local governments generally understand the boundaries of each other's authority and work very well together within their own jurisdictions. While there are of course outliers, and issues do sometimes occur, they are usually quickly and easily resolved.

ISSUE #22: *Complaints. Does CAMTC's current process for receiving and enforcing complaints sufficiently protect the public?*

Background: Consistent with many other licensing entities, CAMTC receives complaints about individual certificate holders. Complaints can come from anywhere (cities, law enforcement, individuals, students, schools, and the public); however, CAMTC's inquiry is limited to investigating conduct by CAMTC certificate holders and applicants that is substantially related to the qualifications, functions, or duties of a certificate holder. As previously discussed, CAMTC does not have any authority to revoke a business license or permit.

Approximately 1,156 complaints received between 2016 and June 30, 2019. CAMTC has demonstrated significant pride in its complaint resolution timelines, which it believes are much faster than those for boards under the Department of Consumer Affairs. CAMTC notes that it seeks to quickly address all complaints received and 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.

As noted on the CAMTC website, through the council's complaint guidelines, in order to make a complaint, an individual must provide their name and contact information, including any information about filed police reports. In addition, if the CAMTC decides to investigate the complaints, the individual who levied the complaint must be willing to provide a signed declaration under penalty of perjury; possibly testify to the allegations; explain the relationship with the massage professional; and provide any other evidence in your possession. CAMTC does not investigate anonymous complaints. While other licensing boards acknowledge that anonymous complaints are much harder to investigate and resolve, there may be a legitimate question as to whether CAMTC's policy of requiring identifying information from each complainant is appropriate given its mission of protecting the public.

Staff Recommendation: *CAMTC should provide an overview of its complaint intake and resolution process and explain why it has chosen not to accept or investigate anonymous complaints.*

CAMTC Response: CAMTC has a robust process for receiving, reviewing, and acting on complaints against individuals. Complaints are received and immediately reviewed by BRD personnel (including nights and weekends) to determine how to address them. All complaints received are immediately responded to by an email message notifying the individual that the complaint has been received and a short time later a follow up email is sent by the BRD Supervisor.

Complaints are initially reviewed to determine if the individual the complaint is against is an applicant or Certificate Holder. If the complaint looks actionable, it is then sent to the Investigations department for further review and investigation. If there is insufficient evidence then the case is ended. If there is sufficient evidence, then cases are moved forward, reviewed by BRD and then proposed action is taken, such as sending a warning letter or proposed denial, revocation, or discipline letter. While complaints are reviewed and investigated, this is not done at the expense of the rights of Certificate Holders, who are always given notice and an opportunity to be heard.

CAMTC does not currently accept anonymous complaints against individuals in an effort to protect the rights of its applicants and Certificate Holders. CAMTC requires those making a complaint against an applicant or Certificate Holder to stand behind their statements. Because actions against applicants and Certificate Holders may be taken based on a declaration signed under penalty of perjury, requiring those making complaints to stand behind their statements is one way that it ensures the veracity of those statements and protects the rights of applicants and Certificate Holders, including knowing the identity of their accuser so that they may properly counter the accusations made against them.

ISSUE #23: *Enforcement Process. Is sufficient due process provided throughout CAMTC's procedure for certificate revocation, suspension, or other discipline?*

Background: The Massage Therapy Act grants CAMTC broad authority to take disciplinary action against certificate holders, including through suspensions and revocations of certificates. Statute

identifies a broad range of specific causes for discipline for acts constituting professional misconduct. As with any regulatory program, taking swift and effective action against professionals who have engaged in misconduct or gross negligence is a core component of CAMTC's mission to protect the public.

Unlike other regulatory boards, however, the investigation, enforcement, and adjudication processes for allegations against massage therapists are all entirely placed within the purview of the council. Whereas boards and bureaus under the Department of Consumer Affairs typically utilize the Attorney General's office to prosecute discipline cases, with many ultimately being heard by an Administrative Law Judge within the Office of Administrative Hearings, CAMTC does not implicate any of these entities and handles all disciplinary matters itself. As previously discussed, the Administrative Procedures Act has limited applicability to CAMTC when it comes to how cases are brought and decided following a complaint or accusation.

The discipline process begins when a potential case against a certificate holder is identified by way of a complaint from the public or local law enforcement, or through CAMTC directly suspecting a certificate holder of misconduct. Once a potential disciplinary action has been identified, a file is initiated by the council employees within its Background Review Department (BRD), which will "put these individuals in line to be reviewed." CAMTC states that BRD will then review potential cases during a weekly call or meeting to assess the seriousness of the potential misconduct. According to CAMTC, "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."

If the complaint or suspected misconduct is easily deemed not subject to discipline by CAMTC, then BRD will send it to "In-House Clearance." These matters will then be formally resolved with no action taken against the certificate holder. As an example, CAMTC states that if the complaint is linked to a subsequent arrest notification or criminal conviction for offenses that are clearly not substantially related to the certificate, it will send the matter to In-House Clearance.

"Minor Review Cases" are considered ineligible for In-House Clearance but still likely to be resolved without action. BRD has monthly calls or meetings to discuss these issues, which are also generally cleared without any disciplinary action taken. Examples provided by CAMTC for these Minor Review Cases are complaints that a massage therapist charged too much for a massage or smelled like cigarettes. CAMTC states that all Minimum 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."

The third categorization of complaints and allegations that BRD determines must be investigated. These are then referred out to investigators in a separate Investigations Unit, which are simply a different branch of CAMTC employees. (Investigations and BRD were once part of the same Professional Standards Division before being split off in 2019.) These investigators then engage in gathering evidence against the certificate holder by interviewing witnesses and victims and obtaining documents. Once an investigation is complete, the investigators make a recommendation to the BRD regarding what violations they believe the certificate holder committed and what discipline would be appropriate. However, only BRD may make the decision to proceed with discipline or close a case.

BRD has weekly telephone calls to discuss these investigated cases. BRD employees discuss the evidence and determine whether they think a disciplinary action is justified and appropriate. CAMTC states that if a majority of the BRD employees on the call believe that there is sufficient evidence to take

action against a certificate holder, then a proposed decision is officially made, including the type of discipline to be imposed.

Certificate holders are then provided at least fifteen days' notice of the proposed discipline in the form of a "Proposed Revocation/Discipline Letter" (PRL). This letter includes the factual and legal basis for the proposed action and the violations that the certificate holder is accused of. The certificate holder is then also notified of their opportunity to be heard.

Certificate holders being accused of misconduct may pay CAMTC a fee to have either a telephonic hearing or to submit a written statement. CAMTC charges certificate holders a \$270 fee for telephonic hearings and a \$180 fee for consideration of a written statement. These hearings are then held by at least two Hearing Officers. These Hearing Officers are also employees of CAMTC. The Hearing Officers review all the evidence submitted, including evidence provided by the certificate holder in the hearing or through written statement, and deciding whether to uphold, reject, or modify the proposed decision.

According to CAMTC, "the decision of the Hearing Officers shall be final." If a certificate holder wishes to continue to protest the decision, their only option is to file a lawsuit against CAMTC in superior court. This lawsuit must be filed within ninety days of the effective date of the discipline.

In essence, the Hearing Officers are considered the appellate level reviewers of the proposed disciplinary action brought by BRD based on the recommendations and evidence submitted by Investigations. Each one of these individuals is an employee of CAMTC. At no point in time does an independent entity consider the case. CAMTC appears to believe that additional due process is created by ensuring that there is consensus among multiple employees as to the appropriate action to be taken. If a certificate holder truly believes CAMTC's employees acted wrongly in their proposed discipline, then a lawsuit against the council is their opportunity to have a third party weigh in.

It is additionally unclear whether CAMTC requires each of the employees involved in this process to meet any particular qualifications. For example, it is not apparent that either BRD or Investigations staff are required to have a law enforcement or criminal justice background, though it is possible that some do. While Hearing Officers are divisionally placed under CAMTC's Special Counsel and Senior Staff Attorney on its organizational chart, it is not known if these individuals themselves must be licensed attorneys. While nothing in the Massage Practice Act requires minimum qualifications for these employees, there is a question as to how distantly related these CAMTC employees are to the investigators, prosecutors, and judges involved in a disciplinary action brought by a board under the Department of Consumer Affairs.

As has been discussed, there is no denying that CAMTC's disciplinary process is tremendously efficient when compared to enforcement activities at similar state agencies. Meanwhile, because CAMTC's certification is voluntary, there is a valid reasoning that the expectations for due process should not rise to that same level. However, given the enormous amount of discretion that clearly exists solely within the jurisdiction of CAMTC and its employees regarding whether a massage therapist will be subjected to formal discipline, there should be a discussion of whether additional steps to ensure accountability and transparency in the enforcement process are justified.

Staff Recommendation: CAMTC should explain its current enforcement processes for disciplinary actions against certificate holders, including what qualifications and standards are applied to those working within BRD, Investigations, and as Hearing Officers, and speak to whether it believes there could be any improvements to enhance due process for certificate holders.

CAMTC Response: CAMTC goes well beyond the legal standard in its absolute commitment to fairness to Certificate Holders. This can be seen by the fact that CAMTC has faced very few lawsuits over its denial and disciplinary actions and has been largely successful in defending against those lawsuits. CAMTC fully complies with the Fair Procedure doctrine and the provisions of the Massage Therapy Act, which requires that any denial or discipline be “decided upon and imposed in good faith and in a fair and reasonable manner.” (Bus. & Prof. Code §4610(d).) Before taking action against an individual, CAMTC sends a letter detailing the legal and factual basis for the proposed action. This detailed notice more than meets the statutory requirement that an individual be provided with the “reasons for the denial or discipline.” (Bus. & Prof. Code §4610(e)(3).) While the law requires 15-days of notice before the denial or discipline becomes final and effective (Bus. & Prof. Code §4610(e)(3)), CAMTC normally sends letters 30 days before a scheduled hearing date, and the final decision does not become final and effective until 21 days from the date of the hearing, for a total of approximately 51-days of notice, not 15. The law also requires that an individual be provided with the opportunity to be heard 5 days before a decision to deny or impose discipline becomes final and effect. (Bus. & Prof. Code §4610(e)(4).) CAMTC holds hearings 21 days before a decision becomes final and effective, providing well more than the required notice. Individuals are also able to request continuances, which are freely granted to applicants and suspended Certificate Holders.

CAMTC sends a proposed letter before taking any denial or disciplinary action against an individual. In the letter the individual is provided with the legal and factual basis for the proposed action and notified of their opportunity to request an oral telephone hearing or consideration of a written statement. The Denial Procedures accompany every letter as well as all declarations and their criminal history record, if those formed the basis of a proposed action. The proposed denial and disciplinary letters clearly identify timelines and due dates. Individuals appearing at oral telephonic hearings may provide their own testimony and bring other witnesses to provide testimony as well. The oral hearings are telephonic, which allows individuals from all over the state to easily access hearings without the need for costly travel and lots of time off of work. Individuals may be represented by counsel or other representatives and are not limited in the length or breath of evidence they can provide in opposition to a proposed action. We routinely see the following types of evidence submitted in opposition: declarations; various types of documentary evidence; audio recordings; video recordings; and legal briefs drafted by counsel, with some opposing counsels regularly submitting more than 50-page briefs in individual cases. All evidence submitted is considered by dedicated Hearing Officers that serve no other function.

Employees working for BRD, Investigations, and as Hearing Officers are all well qualified for their positions. Most are either former law enforcement, massage professionals, or both. Others were well qualified individuals with other backgrounds, such as paralegal or investigator, and learned their current positions on the job. In many instances, a background as a massage professional is key to understanding when an individual has engaged in unprofessional conduct that is not in conformance with the norms of a professional massage. This is why many employees in BRD, Investigations, and Hearing Officers have massage professional backgrounds. Hearing Officers have also had backgrounds as massage school owners, instructors, and massage business owners in addition to being Certified Massage Therapists.

LOCAL GOVERNMENT ISSUES

ISSUE #24: Relationship with Local Governments. Is the relationship between local government and CAMTC an effective model for regulation of the profession and prevention of illicit activity?

Background: A key element of an effective massage regulatory system in California is open communication, specifically uniform sharing of information that leads to consistent regulation of the profession in every jurisdiction. Since the inception of a statewide, voluntary certification program in California, the relationship between CAMTC, local governments, and practitioners has been fraught with issues and has been a consistent topic addressed during every sunset review oversight effort for CAMTC.

There are many layers that establish oversight of the massage therapy profession in California. As previously discussed, CAMTC is responsible for the voluntary certification of individuals, while local governments are responsible for regulating businesses and establishments, as well as the individuals who choose not to obtain certification from CAMTC. Although some local jurisdictions require CAMTC certification in order to practice within their area, not all cities or counties do. Since CAMTC only certifies an individual, and does not have authority over any business or establishment operator or owner (unless the business owner happens to be a sole-proprietor who has certification), a transparent and communicative relationship between CAMTC, local governments, and law enforcement is imperative.

As a result of changes made to the Massage Therapy Act during the CAMTC's first sunset review, Assembly Bill 1147 more clearly delineated regulatory oversight of massage therapy businesses for cities and counties related to land use for massage establishments and businesses. AB 1147 also established a number of new protections for certified massage professionals, including restrictions on local governments from requiring certificated individuals to do the following: complete a medical examination; complete a separate background check; comply with any additional education requirements beyond those required for certification and; obtain any other license, permit, certificate or authorization to provide massage for compensation in excess of what CAMTC already considers.

One challenge to a consistent regulatory landscape is the illicit industry that cities and local jurisdictions continue to contend with. While CAMTC can swiftly revoke or provide probationary status for a certificate holder, local jurisdictions have a greater challenge in addressing bad business operators (non-certified business owners). There have been discussions about CAMTC expanding its regulatory authority to help combat illicit business through the regulation of establishments; however, to date, the CAMTC continues to provide a voluntary certification of individual massage practitioners only and does not certify or have any relationship with businesses owners or establishments throughout the state.

CAMTC, law enforcement, and local jurisdictions, must rely on communication with each other to help combat bad actors. Currently, the CAMTC provides a no-cost *CAMTC Law & Code Enforcement Training* to law and code enforcement and local agencies. CAMTC noted in its 2019 Sunset Review Report that "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."

Additionally, communication between the local governments and CAMTC is imperative in addressing enforcement related challenges. While issues have been raised in past sunset reviews as to whether or

not there was effective communication between all parties, CAMTC noted in its 2019 sunset review report, “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.”

Staff Recommendation: *The council should update the Committees on the status of its relationship with local governments, particularly local law enforcement, and whether any action by the Legislature would further strengthen these critical partnerships.*

CAMTC Response: CAMTC’s relationship with local government is broad and effective. The strategic partnership with law enforcement, code enforcement and other local government staff includes regular no-cost training by CAMTC and robust sharing of information and best practices. The California Association of Code Enforcement Officers (CACEO) has written “In recent years, code enforcement officers’ roles have continued to expand to include more traditional law enforcement investigations such as illicit massage establishments. In response to these expanding duties, CAMTC and CACEO have formed an effective partnership to train code enforcement officers on how to identify massage establishments being used for prostitution, human trafficking and a variety of other crimes adversely affecting our communities.”

Cooperation with local government 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. While we don’t expect all local governments to collaborate with CAMTC, it is a dynamic growing relationship between CAMTC and local government and is gaining momentum.

CAMTC maintains an extensive database of massage ordinances, including regulations of businesses, zoning and fees. New ordinances are analyzed by our staff and newly identified or worded “Best Practices” are saved. These become the samples available to local officials. Requests for samples of complete ordinances or specific sections are selected based on proximity and size of the city or county and expressed priorities of the requesting jurisdiction. CAMTC continues to reach out to local government to support ordinances which are congruent with the Massage Therapy Act.

Along with the robust information sharing services between CAMTC and local government staff, including after hour and weekend availability of CAMTC staff, CAMTC is considered a crucial partner in the efforts to prevent and abate illicit activity under the guise of massage. This also directly benefits the profession as provisions for fair and effective zoning and business regulations are adopted by more and more jurisdictions.

While the relationship between CAMTC and local jurisdictions is strong, supportive, and mutually beneficial, there are some outliers. The Massage Therapy Act speaks very clearly about what cities and counties can and cannot require, yet to address the small number of outliers, the legislature may want to consider clarifying certain provisions in the Act.

Here are a few examples where some local jurisdictions are not complying with the current provisions of the law. Further clarifying the law may help to address these issues.

Business and Professions Code section 4603.1 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.

In 2017 this section was moved from Legislative Intent provisions into the body of the statute (AB 2194) to make it directive, yet clearly not all local regulations comply with its provisions. For example, one city charges \$2,000 a year for a business license (reduced from \$3,800), the same fee it charges Escort service businesses, while professionals, including physicians, attorneys, chiropractors, and physical therapists, pay \$150 per year. The result is that not a single solo massage provider or even small massage group practice operates in the city. This bundling of massage with escort services further seems to violate Government Code section 51034 (c), which states the following:

Nothing contained in this chapter shall authorize a city, county, or city and county to do any of the following:

(2) Define a massage establishment as an adult entertainment business, or otherwise regulate a massage establishment as adult entertainment.

This is one example of a city that has simply moved land use of massage out of the Adult Entertainment zoning section of its ordinance and into a new section, or within the massage ordinance itself, yet not changed the actual requirements. What other businesses, other than liquor stores and adult businesses, are restricted from being located within one thousand feet of any other massage establishment or adult entertainment establishment? Or within five hundred feet of any parcel of land zoned for residential use? Or within six hundred feet of any parcel of land that contains any one or more of the following specific land uses: Church; Courthouse; Public playground/park/recreation area; or School? These are clearly adult entertainment zoning requirements regardless of where they are located in the local ordinance. Distance limitations such as this have also prohibited individual massage therapists from sharing office suites or even single offices.

Another city amended their ordinance in 2018 to include provisions such as limited zoning for massage businesses, required conditional use permits (CUPs) with no grandfathering option, and imposed restrictive parking requirements that do not consider the fact that massage therapists can only see one client at a time, unlike medical offices, and included distance restrictions similar to those described above. In 2020, after being closed for most of the preceding year due to the pandemic, this city informed a very reputable small massage business owned by a longtime local resident, with a 10-year history in the city, that they had to pay \$4,500 plus other costs to apply for a CUP or close. With no assurance of approval, and after exhausting all avenues for assistance, the business shut its doors in March of 2021. Further consideration of the restrictions would have cost the business over \$6,000. The city has apparently lost 2/3rds of the massage businesses as a result of these restrictions.

CUPs are applied to other businesses, though they are mostly applied to those businesses located in specific districts. However, many cities require CUPs for all massage establishments and prohibit CUPs in districts where personal services can locate, or similar healthcare professions (such as physical therapy or chiropractic). Fees for CUPs can easily exceed \$10,000, which is prohibitive for most small massage business, and certainly for sole proprietors.

In 2014 (AB 1147), the legislature revised Government Code Section 51034 (c) to state the following:

Nothing contained in this chapter shall authorize a city, county, or city and county to do any of the following:

...

(7) Impose a requirement that a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code take any test, medical examination, or background check or comply with education requirements beyond what is required by Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.

As a result of certain jurisdictions claiming that they could still conduct criminal background checks of certified massage therapists who were also massage business owners, even if sole providers, the legislature, in 2017 (AB 2194), strengthened the language in Government Code Section 51034(c) to the following:

Nothing contained in this chapter shall authorize a city, county, or city and county to do any of the following:

...

(8) Impose a requirement that a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code take any test, medical examination, or background check, including a criminal background check or requiring submission of fingerprints for a federal or state criminal background check, or comply with education requirements beyond what is required by Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.

CAMTC has vetted these individuals already and the law is quite clear in this section, however this has not convinced all cities that no further fingerprint background check can be performed on Certificate Holders. Meanwhile, applicants for massage business permits are left paying for a redundant live scan and background check in these cities while they also must wait up to several months for approval, all the while hoping not to lose a lease opportunity. Obviously, waiting months for local jurisdictions to process CUPs presents the same dilemma of whether to pay the fees, sign a lease, and hope for city approval. Meanwhile, CAMTC receives subsequent arrest notifications from DOJ and reviews all notices for potential investigation and discipline.

Business and Profession Code section 460 states:

(a) No city, county, or city and county shall prohibit a person or group of persons, authorized by one of the agencies in the Department of Consumer Affairs or an entity established pursuant to this code by a license, certificate, or other means to engage in a particular business, from engaging in that business, occupation, or profession or any portion of that business, occupation, or profession.

(b) (1) No city, county, or city and county shall prohibit a healing arts professional licensed with the state under Division 2 (commencing with Section 500) or licensed or certified by an entity established pursuant to this code from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

A number of jurisdictions prohibit mobile massage (also referred to as out-call or off-premises massage), yet these are common practices that provide a much-needed service to house-bound populations such as: the elderly; injured; ill; parents of small children; and pregnant women who may be restricted to bed with fetal monitors. Several companies, operating much like Uber, exclusively send massage therapists to homes and businesses. CAMTC requires all certificate Holders to acknowledge that they are required to obtain business licenses in any city where they conduct business, if the city so requires. Some jurisdictions require a brick-and-mortar location to operate out of, requiring Certified massage professionals to incur the expense of an office, or to be employed by a massage facility, when they can save money by conducting the administrative aspect of their businesses from their homes. Requiring a brick-and-mortar location fails to acknowledge the prevalence of new modes of operation for businesses.

COVID-19 PANDEMIC ISSUES

ISSUE #25: Pandemic Response. How has CAMTC responded to the COVID-19 public health crisis in its regulatory activities?

Background: CAMTC was able to swiftly respond to the COVID-19 pandemic, in part due to its unique status as a nongovernmental entity. For example, CAMTC explains that its employees have always telecommuted, and that there is no centralized office for the council beyond the building where AMG’s employees traditionally work. The council therefore did not have to implement any new remote work policies to accommodate state and local stay-at-home orders. For operations conducted by AMG employees, CAMTC states that their contractor quickly adapted and continued its administrative activities with little interruption, though some physical services were initially suspended.

CAMTC states that during the initial stages of the pandemic, it assisted with seeking clarify for its certificate holders regarding how the stay-at-home orders impacted their services and whether they would be considered essential. According to the council, whether massage was considered “healthcare” was a central debate during the lockdown and a “hugely divisive and contested issue.” CAMTC sent a formal letter to the Governor’s Office seeking clarification of this issue. The California Department of Public Health clarified that only massage therapists providing “medical massage” based on the referral from a doctor or chiropractor would be permitted indoors as an essential service. Ultimately, massage therapy studios were included under the Governor’s guidance for “personal care services” and massage services in non-healthcare settings became allowed indoors with modifications and restrictions.³¹

Because CAMTC is not a board or bureau under the Department of Consumer Affairs, it is not eligible for any waivers of law pursuant to the Governor’s Executive Orders N-40-20 and N-75-20. Instead, CAMTC took proactive steps to help certified massage therapists and applicants during the health crisis. The council temporarily suspended late fees for certificate holders as a way to ease any financial burdens. CAMTC also changed its education policies to temporarily allow Interactive Distance Learning (IDL) hours for lecture based subject matters at massage schools. CAMTC also allowed schools to provide IDL for hands-on hours, but required that at least 75 of those hours be provided in-person under the active and direct supervision of a qualified instructor.

Generally throughout the pandemic, CAMTC has worked to help provide information to certificate holders and other massage stakeholders through FAQs, interactive maps, and even podcasts. As state directives governing what businesses may continue to operate under what conditions have rapidly changed and been considered at times ambiguous, CAMTC has served as an information hub and has

worked with stakeholders to ensure as much continuity of services as possible. Generally speaking, CAMTC should be commended for its ability to minimize interruption of its services while enabling its certificate holders to adapt to the limitations brought by the COVID-19 pandemic.

Staff Recommendation: *CAMTC should inform the Committees of any significant challenges it faced in responding to the COVID-19 pandemic and whether any action by the Legislature would better enable it to be flexible and responsive as needed for the duration of the public health crisis.*

CAMTC Response: CAMTC rose to the challenges brought on by the Pandemic, and has been tireless in its wide-ranging actions to address the global pandemic and its impact on massage professionals. It has provided unequalled customer service, even during the time that its customer service agents were newly dispersed to remote locations and learning new technologies, connecting callers to a live customer service agent in less than 30 seconds. It actively fought (and prevailed) to have massage recognized by the State as the healing art it is when the identification of healthcare “essential workers” who were allowed to practice in person during lockdown did not include any massage therapists. It has aggressively pursued inclusion of certified massage therapists in the CDPH’s definition of health care workers eligible for COVID-19 vaccinations. It has waived late fees for applications for more than one year. It changed School Policies and Procedures to allow acceptance of Interactive Distance Learning for lecture hours and all but 75 hours of hands-on practice.

It has taken more actions than can be fully addressed here (please see the Addendum to the Sunset report for more detail), but here is a highlight of some of the most important actions it has taken in addition to those already noted. It has:

- Issued 58 bulletins to date related to COVID-19;
- Requested that FSMTB work to provide massage specific guidelines for practicing during the pandemic (which they did);
- Provided an informational podcast with world renowned experts addressing COVID-19 issues specific to massage; and
- Partnered with a leading massage magazine to make content available related to massage and blood clotting issues related to COVID-19.

CAMTC is happy to discuss this issue with the committees but it does not believe that any additional flexibility or responsiveness is needed for the duration of the pandemic. However, it might be helpful for the Legislature to clarify in statute that Certified Massage professional are healthcare providers.

Unlike other regulatory bodies, we stayed open and shared information with others throughout the pandemic. CAMTC was and still is a hub of information for all massage related parties.

TECHNICAL CLEANUP

ISSUE #26: Technical Cleanup. Is there a need for technical cleanup?

Background: As the massage profession continues to evolve and new laws are enacted, many provisions of the Business and Professions Code relating to massage therapy become outmoded or superfluous. The council should recommend cleanup amendments for statute.

Staff Recommendation: *CAMTC should work with the committees to enact any technical changes to the Business and Professions Code needed to add clarity and remove unnecessary language.*

CAMTC Response: CAMTC has requested technical clean-up for a few issues identified in its Sunset Report. It looks forward to working with the committees on these technical issues.

CONTINUED REGULATION OF THE MASSAGE PROFESSION
BY THE CALIFORNIA MASSAGE THERAPY COUNCIL

ISSUE #27: *Continued Regulation. Should the certification of massage professionals be continued by the California Massage Therapy Council?*

Background: Since CAMTC was first established through the enactment of Senate Bill 731 in 2008, the Legislature's core intent to provide for consistent, statewide standards and qualifications for massage therapists has arguably been achieved. Subsequent legislation has continued to restructure the council and adjust the balance of responsibility between CAMTC and local governments. However, continuation of the entity as a nonprofit regulator has been the recommended result of both of its prior sunset reviews.

There is little argument to be made that the state should not continue to revert to the so-called "chaotic mish-mash" of local ordinances governing the requirements to practice massage therapy in California. The certificate program operated by CAMTC has greatly increased mobility and clarity within the profession, though as previously discussed, inconsistencies in whether the certificate is featured as a requirement for a particular locality continues to frustrate historical efforts by the profession to achieve the universal scheme that exists in other states. As previously discussed, this has led to the persistent debate about whether the Massage Therapy Act should transition from a Title Act to a Practice Act and require licensure for all massage therapists practicing within the state.

From an administrative perspective, CAMTC has certainly delivered upon the promises inherent with the nongovernmental regulator model. The council is able to act swiftly, flexibly, and inexpensively in its operations, particularly when compared to analogous boards and bureaus under the Department of Consumer Affairs. If the Legislature wishes to prioritize these traits in its regulation of professionals, then CAMTC could certainly be held up as a paragon of the nonprofit structure.

However, as discussed throughout this paper, there are a number of potential downsides to empowering an entity outside the auspices of state government to exercise regulatory control over a profession. Some may argue that the efficiencies boasted by CAMTC come at the cost of transparency, accountability, and due process. With so many so-called "good government laws" passed over the years to promote public confidence in bureaucracy inapplicable to CAMTC, the balance of interests remains subject to adjustment by the Legislature.

There are many reforms, both minor and significant, that may be contemplated by the Committees as CAMTC undergoes its current sunset review. There is little doubt that statute could be revised to require the council to further emulate the state licensing board model in areas that would increase public confidence and allow the industry to more closely resemble other health care professionals. However, each potential new mandate or structural change would likely be at the expense of the advantages that come with constructing CAMTC as a nonprofit corporation.

This essentially raises an existential question for the Committees to consider as they review CAMTC in advance of its repeal date. Are the arguable disadvantages to how the council currently operates its certification program justified by its benefits? Further, if the Legislature were to address these issues through significant reform, at what point would it no longer be practical for the regulatory authority to be placed with CAMTC as it is currently constituted? It is likely that the nuances and urgencies of these unresolved questions would prompt the Committees to discuss any structural changes to the council through the sunrise review process, which is intended to ensure that regulatory mechanisms are imposed only when proven to be the most effective way of protecting the public health, safety, and welfare.

If the Legislature were ultimately to explore resolving perceived deficiencies in the administration of the Massage Therapy Act by transitioning CAMTC from a nonprofit council to a state board under an agency like the Department of Consumer Affairs, it should consider seriously the impact on those who work within the profession. While many within the massage industry have called for full licensure by an entity more closely resembling other healing arts boards, this change would potentially burden many massage professionals through increased fees, longer application processing timelines, and slower reactions to changes in the industry. Any change to how CAMTC is currently structured would also likely require readjustments on behalf of local governments, which have by now adapted to working with the current council in exercising its share of oversight.

As the Committees carry out this discussion, the original goals for enacting state law to regulate the practice of massage should be kept in mind: protecting the public, creating uniformity, and elevating the profession. These objectives can certainly no longer be achieved were the Massage Therapy Act to simply be repealed. However, whether CAMTC's current structure and authority should be simply extended is also a subject for fair debate, and the Committees should seek closure on some of these questions over the course of this sunset review.

Staff Recommendation: *Some mode of state-level oversight of the massage profession should be continued as the Legislature contemplates whether solutions to the issues raised in this background paper may reasonably be implemented by CAMTC in its current form.*

CAMTC Response: CAMTC elevates the profession, takes swift and decisive denial and disciplinary action, and works with local entities for no State cost, all while providing Fair Procedure and conforming to the requirements of the Massage Therapy Act. While working with the Legislature and a wide range of stakeholders, the unique structure of CAMTC continues to strengthen and accomplish what it was designed to do. CAMTC has already addressed the bulk of this question in response to question #13 above, but also adds the following.

CAMTC's individual certification program is fair, responsive, reliable, and proven to be successful. 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 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 and deny approval to schools engaged in fraudulent activity 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 and stops schools from victimizing students by taking their money and not providing real massage education. 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. Its swift action to suspend sexual predators protects the public and makes all customers receiving massages safer. Through these efforts and its cooperation with local law and code enforcement agencies and local government, CAMTC is working to stem the tide of human trafficking, and protect the public. CAMTC believes it should be reauthorized for another four years.

Legislative Update

AB 1537 (Low) - The California Massage Therapy Council - This bill was introduced on February 19, 2021 and was amended on April 26, 2021. According to the Legislative Counsel's Digest this bill would extend *the operation of the Massage Therapy Act to January 1, 2023, and make conforming changes relating to massage therapist certification requirements. The bill would state that it is the intent of the Legislature, in extending the operation of the act, that there be subsequent consideration of legislation to create a new state board and a new category of licensed professional, as specified.*

As Amends the Law Today

1. **SECTION 1.**

Section 4604 of the Business and Professions Code is amended to read:

(a) 4604.

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

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

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

(A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.

(B) All of the 500 hours shall be from approved schools. The council shall accept the 500 hours if, at the time all of the hours were completed, the school or schools were approved. The 500 hours may be completed at more than one approved school. 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 providing education in this state that was unapproved 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. For purposes of this section, "unapproved" means that the council determined that it will not accept hours from a school toward certification.

(3) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates. This paragraph shall be inoperative commencing on January 1, 2019, and shall become operative on January 1, ~~2022~~ 2023.

(4) The applicant has successfully passed a background investigation pursuant to Section 4606, and has not violated any of the provisions of this chapter.

(5) All fees required by the council have been paid.

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

(b) A certificate issued pursuant to this chapter and any identification card issued by the council shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

2. SEC. 2.

Section 4621 of the Business and Professions Code is amended to read:

(a) 4621.

(a) This chapter shall remain in effect only until January 1, ~~2022~~, 2023, and as of that date is repealed.

(b) Notwithstanding any other law, the powers and duties of the council shall be subject to review by the appropriate policy committees of the Legislature.

(c) It is the intent of the Legislature, in extending the operation of this chapter to January 1, 2023, that there be subsequent consideration of legislation to create a new state board and a new category of licensed professional in accordance with Section 9148.4 of the Government Code.

On April 27, AB 1537 was heard by the Assembly Standing Committee on Business and Professions. There were some public comments in support of licensure, but the majority of the comments were in support of CAMTC remaining a private nonprofit and in opposition to licensure.

Two of the primary witnesses during the hearing were Dr. Jeffrey Forman and District Attorney Jeff Rosen. Their testimonies are below.

Dr. Forman:

“Mr. Chairman and Members of the Committee:

My Name is Dr. Jeffrey Forman, and I am the elected Chair of the CAMTC board. I was chosen AMTA Educator of the Year in 2017 and for 36-years I was a tenured professor of physical education at De Anza College and in the early 1990’s I founded and became coordinator of the professional Massage Therapy degree and certificate programs at De Anza.

I am opposed, unless amended to this legislation. My opposition is to the burdensome, expensive and ineffective adoption of a licensing board to regulate massage therapy.

There was a time when I agreed with AMTA’s support of licensure.

That support pre-dated the legislature’s decision to create CAMTC and allow a public-private partnership that takes advantage of the transparency of local and state collaboration to protect consumers and advance the education and training of providers.

I am deeply concerned by the assertions that CAMTC is not transparent, does not afford due process and that a state certification or licensing agency should not be allowed to confront the grim issues of exploitation and sexual trafficking.

I am also bothered by the allegation suggesting that a lack of a license precludes billing MediCare for non-opioid pain control treatment when such a suggestion is patently false.

Sunset has been a constructive experience in the past for CAMTC.

I am committed to working with the author and the committee to further protect consumers by strengthening CAMTC.

We have received a stack of letters from sources as varied as DA’s, Sheriffs, police chiefs and

Ethnic Associations with whom we have worked to protect immigrants - we have support from schools, businesses, and the experts in dealing with sex trafficking, labor trafficking, and sexual assault.

In a relatively short time CAMTC has made a difference in bringing massage therapy out of the shadows and into the mainstream.

We look to improve. We ask that the bill be amended to work towards perfecting CAMTC. “

DA Rosen:

“Mr. Chairman and Members of the Committee:

Good morning. My name is Jeff Rosen and I'm the District Attorney for Santa Clara County.

I am here this morning in support of this legislation, only if the language is in place to discuss how to enhance the extraordinary capacity of CAMTC.

With CAMTC, we have a system in place that works remarkably well. CAMTC allows for legitimate massage to thrive and provide relaxation and health care benefits, in a safe environment, that are an important part of many Californians' lives.

As DA, I'm responsible for protecting the community's safety and I'm absolutely opposed to the creation of a State Board for massage therapy and a statewide license.

The creation of a slow-moving, bureaucratic, Sacramento-centric board that is expensive, ponderous, distanced from local involvement, and unable to respond effectively to the complexities in the massage industry - is simply a bad idea, and would be a giant step backward.

I join with police chiefs, local businesses, consumers, and groups which protect our most vulnerable, in support of CAMTC and strongly against the idea of a state board.

As DA, I became a believer in CAMTC by witnessing first-hand the collaboration and efficiency CAMTC brings in our battle against sex trafficking. A state board lacks the dexterity of CAMTC and would open the floodgates of human exploitation.

The CAMTC model, created by the California Legislature, is an enviable example of how our communities' benefit from a dedicated public and private partnership. CAMTC has clearly understood standards and a disciplinary model based upon due process that is fair, transparent, and protects the community.

During the toughest moments of the COVID crisis, we could still rely on CAMTC to answer the call quickly and respond both quickly and effectively.

CAMTC is a model that works. I believe that CAMTC can work with my friend, Assemblyman Low, and this Legislature, as they have in past Sunset hearings to continue to improve.

Thank you.”

AB 1537 passed the assembly on May 6, 2021 and was referred to policy committees in the Senate on May 19, 2021. It is expected that the bill will be heard at Senate Committee on Business, Professions & Economic Development by July 15, 2021. CAMTC has been having constructive discussions with the bill's author and legislative staff regarding potential improvements to the Massage Therapy Act.

SB 803 (Roth) - Barbering and Cosmetology

On May 12, 2021, CAMTC's Director of Governmental Affairs, Beverly May, alerted me to amendments which were made to the Sunset bill of the Board of Barbering and Cosmetology (BBC). Close examination of the amendments related to the practice of skincare, revealed substantive departure from current law that can have significant impact on massage professionals in general and especially on the viability of massage schools in California.

Current law specifies that cosmetology and skin care include massaging the face, neck, arms, or upper part of the human body and that barbering authorizes facial and scalp massages; the bill now defines skin care to include massaging the face, scalp, *or body*. The changes in SB 803 stem from the recent Sunset review oversight efforts for the BBC; this specific language came directly from the BBC's Sunset report to the Legislature, specifically new Issue #1 where the BBC requested changes to reflect the reality of how services are currently provided.

The report, as well as our staff prepared background paper are available online:

https://www.barbercosmo.ca.gov/forms_pubs/sunsetreview1.pdf (page 159)

<https://sbp.senate.ca.gov/sites/sbp.senate.ca.gov/files/BBC%20Background%20Paper%202021.pdf>

CAMTC immediately reached out to senior staff at Senate Committee on Business, Professions & Economic Development. A meeting was scheduled to discuss the changes to the definition of "skin care" currently contained in the bill.

Committee staff was gracious and committed to working toward a resolution to ensure that massage therapy practice and the Massage Therapy Act are not impacted, and that SB 803 is clear so as to not confer practice authority beyond the confines of beautification services regulated by BBC. We were assured that there is no intention for personal appearance professionals to inadvertently be authorized for voluntary certification as massage therapists or authorized under provisions of the Massage Therapy Act or by local government entities with requirements for massage therapy standards.

While CAMTC understands the intent of these amendments, we believe intent is irrelevant - what matters is the negative practical impact of the proposed change, which would allow skin care professionals to provide full body massage without a fingerprint background check and no full body massage specific education. .

On the request of the Committee, CAMTC submitted on June 3, 2021 the following proposed amendments:

June 1, 2021

Proposed amendments to SB 803, new language in **green, bold, deletions in strikethrough.**

Business and Professions Code section 7317:

Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, **skin care, nail care**, or electrolysis for compensation without a valid, unexpired license issued by the board, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, **skin care, nail care**, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor.

SEC. 6.

Section 7316 of the Business and Professions Code is amended to read:

7316.

(a) The practice of barbering is all or any combination of the following practices:

- (1) Shaving or trimming the ~~beard or cutting the hair.~~ **beard.**
- (2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
- (3) ~~Singeing, shampooing, arranging, dressing, curling, waving, chemical~~ **Chemical** waving, hair relaxing, or dyeing the hair or applying hair tonics.
- (4) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.
- ~~(5) Hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling.~~

(b) The practice of cosmetology is all or any combination of the following practices:

- (1) ~~Arranging, dressing, curling, waving, machineless permanent waving,~~ **Permanent** waving, ~~cleansing, cutting, shampooing,~~ relaxing, ~~singeing,~~ bleaching, tinting, coloring, **chemical** straightening, dyeing, **or** applying hair tonics ~~to, beautifying, or otherwise treating by any means, to~~ the hair of any person.
- (2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- (3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- (4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.
- (5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.
- (6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.

~~(c) Within the practice of cosmetology there exist the specialty branches of skin care and nail care.~~

~~(1) Skin care is any one or more of the following practices:~~

(c) The practice of skin care is all or any combination of the following practices:

~~(A)~~

~~(1) Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any~~

~~person.~~ *massaging, stimulating, exfoliating, cleansing, or beautifying the face, scalp, neck, hands, arms, feet, legs, or upper part of the human body by the use of hands, esthetic devices, cosmetic products, antiseptics, lotions, tonics, or creams, for the purpose of and in conjunction with improving the appearance or well-being of the skin, that do not result in the ablation or destruction of the live tissue. The term "massaging" as used herein means the use of hands or esthetic devices for the purpose of improving the appearance or well-being of the skin. "Massaging" as used herein does not mean or include the scientific manipulation of the soft tissues.*

~~(B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.~~

~~(C) Massaging, cleaning, or stimulating the face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.~~

(2) Tinting and perming of the eyelashes and brows.

(3) Removing superfluous hair from the body of any person by use of depilatories, tweezers, sugaring, nonprescription chemical, or waxing, or by the use of devices and appliances of any kind or description, except by the use of lasers or light waves, which are commonly known as rays. As a secondary practice, incidental to and necessary for removing superfluous hair from the body of any person, Estheticians may apply to the skin or use on the skin, by the means of hands or esthetic devices, any of the following: cosmetic products, antiseptics, lotions, tonics, or creams, that do not result in the ablation or destruction of the live tissue.

(4) This section (c) does not allow Estheticians to provide full body massage. Estheticians may not provide partial body massage that is not directly necessary and incidental to a specific skin care procedure.

(5) Barbers, Cosmetologists, Estheticians, and Manicurists may not advertise massage services or act as or hold themselves out as a massage therapist or massage provider.

~~(2) Nail~~

(d) The practice of nail care is ~~the practice of cutting~~, all or a combination of trimming, polishing, coloring, tinting, cleansing, manicuring, or pedicuring the nails of any person or massaging, cleansing, or beautifying from the elbow to the fingertips or the knee to the toes of any person.

~~(d)~~

(e) The practice of barbering and the practice of cosmetology do not include any of the following:

(1) The mere sale, fitting, or styling of wigs or hairpieces.

(2) Natural hair braiding. Natural hair braiding is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include haircutting or the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

(3) Threading. Threading is a technique that results in removing hair by twisting thread around unwanted hair and pulling it from the skin and the incidental trimming of eyebrow hair.

(4) Cutting, cleansing, shampooing, arranging, dressing, curling, waving, blow-drying, or nonchemically straightening the hair of any person.

~~(e)~~

(f) Notwithstanding paragraph (2) of subdivision ~~(d)~~, (e), a person who engages in natural hairstyling, which is defined as the provision of natural hair braiding services together with any of the services or procedures defined within the regulated practices of barbering or cosmetology, is subject to regulation pursuant to this chapter and shall obtain and maintain a barbering or cosmetology license as applicable to the services respectively offered or performed.

~~(f)~~

(g) (1) Electrolysis is the practice of removing hair from, or destroying hair on, the human body by the use of an electric needle only.

~~“Electrolysis”~~

(2) “*Electrolysis*” as used in this chapter includes electrolysis or thermolysis.

SB 803 was presented on June 3, 2021 on the Senate Floor. There was a significant amount of debate on the bill that was unrelated to massage issues. Much of it was about how many hours are required to be a cosmetologist. The bill passed out of the Senate and will now go to the Assembly for consideration and action.

Here is the link to the presentation and discussion <https://www.senate.ca.gov/media-archive>
I would encourage you to review it. It is educational to observe how the legislature thinks about barriers to entry to licensed vocations.

Actions approved by the Chair and Vice Chair since December 10, 2020 meeting

Late Fee Forgiveness Program - On my request and with the approval of the Chair and Vice Chair, on March 23, 2020, CAMTC announced that in order to help certificate holders mitigate some of the hardship they were experiencing during the pandemic, late fees were waived through June 23, 2020. This program was extended through December 15, 2020. On December 10, 2020, the Board unanimously ratified this action. After the December 10, 2020 Board meeting, on my request and the approval of the Chair and Vice Chair this program was extended through April 30, 2021. In total, over \$350,000 of late fees were either waived or automatically refunded to more than 2,500 certificate holders who recertified after their expiration date. I recommend that the Board ratify this action.

Limited Recertification Policy- CAMTC's policy on recertification allows certified individuals to apply for recertification within eighteen months of expiration of their certificate. In the past, the Board approved a temporary Limited Recertification policy which allowed individuals who did not meet current educational requirements to apply for recertification. Under current policy, those whose certificates have been expired for more than eighteen months must reapply as a new applicant and must therefore meet all of the current requirements for certification. On February 22, 2021, on my request and with the Chair and Vice Chair approval, staff tested the reinstitution of this policy. After extensive consultation with CAMTC's Director of Operations, Jon Walters, it became clear that at this point the deployment of this program was going to adversely impact the turnaround time of processing new applications and applications for recertification. Therefore, I decided to suspend the full implementation of such program at this time. Staff may recommend redeploying such program in the future. I recommend that the Board ratify this action.

Covid-19 response

Since December 6, 2020, CAMTC has issued sixteen COVID-19 related bulletins (attached on CEO Report Page 129), bringing the total number of bulletins since the start of the pandemic to 61. As the bulletins indicate, since the beginning of January 2021, CAMTC has been on the forefront in making vaccines available to CAMTC's certificate holders.

We actively communicated with State and local public health officials our position that by including the Massage Therapy Act in the Business and Professions Code Division 2 - Healing Arts, along with Physicians, Nurses, Chiropractors, and Respiratory Therapists - the California

Legislature clearly regards CAMTC's Certificate Holders as healthcare providers. As such, we advocated to include CAMTC Certificate Holders in Phase 1A for COVID-19 vaccinations.

On February 9, 2021 CAMTC announced that CDPH decreed that CAMTC certificate holders were eligible for vaccination. In a written confirmation received from the California Department of Public Health (CDPH) the State of California stated the following:

“Massage Therapists are considered Alternative Medical Practitioners. They may receive their vaccine under Phase 1a, tier 3.”

Since counties continued to be in charge of local vaccine distribution and many of them had to ration vaccine availability, vaccination phases varied by counties. Recognizing that many local health officials might not be aware of CDPH's determination, I reached out individually to each of the Public Health Officers in the 58 Counties with a personalized email (see two examples below). It made a difference. Many vaccination sites that have been turning away CAMTC certificate holders, started welcoming those who chose to get vaccinated. I'm especially gratified that these communications opened the door to an ongoing direct working relationship with the leadership of many local public health departments.

From: Ahmos Netanel

Subject: COVID-19 Vaccination for Massage Therapists

Date: February 10, 2021 at 12:19:57 PM PST

To: MuDavis

Cc: Jeffrey Gunzenhauser ,Liza Frias ,Timothy Gilman ,Scott Abbott, DPH-LiaisonCOVID19 , LiaisonCOVID19

Dear Dr. Davis:

In a response to an inquiry to Dr. Tomás Aragón, Director of the California Department of Public Health (CDPH), Amy Yan, the Vaccine Eligibility Coordinator of CDPH, stated the following:

“Massage Therapists are considered Alternative Medical Practitioners. They may receive their vaccine under Phase 1a, tier 3.”

This decree is congruent with California State law. By including Massage Therapy with other medical professions under Division 2 (Healing Arts) of the Business and Professions Code, 4600 *et. seq.*, the State Legislature clearly considers Massage Therapy to be a health care profession.

Protection of the public is CAMTC's paramount legislative mandate. We appreciate the ongoing partnership we forged last year with the Los Angeles County Department of Public Health. Since July 8, 2020, I participated as a subject matter expert with your Chief Medical Officer, Dr. Jeffrey Gunzenhauser, on eight public telebriefings. On February 12, 2021, I'll be part of another such telebriefing, and we fully expect many vaccination related questions from certified massage professionals.

Vaccination of CAMTC Certificate Holders is a significant public health issue. According to our data, California has more than 51,000 massage therapists who hold state recognized certification. If each one of them treats two patients a day (an extremely conservative estimate), it is reasonable to estimate that 3 million California residents will be in extended close contact with a certified massage professional. I believe that the county effort to be collaborative with the state by vaccinating massage therapists—in the order to which they are legally entitled—is a socially wise effort to curb the COVID-19 pandemic.

In a statewide announcement we sent yesterday, we reminded our 51,000 Certificate Holders that while the state of California has clarified eligibility, counties continue to be in charge of local vaccine distribution. Due to vaccine availability, each county may be in a different phase of providing vaccinations.

CAMTC is ready to support Los Angeles County by disseminating communications to our Certificate Holders that you may find important. Please be advised that any input from us that is needed will be provided as a resource to you. We look forward to assisting Los Angeles County in this effort to keep Californians safe.

Please contact me directly if I may be of help.

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

From: Ahmos Netanel
Subject: COVID-19 Vaccination for Massage Therapists
Date: February 10, 2021 at 4:57:44 PM PST
To: sara.cody
Cc: Cindy Chavez, Marty Fenstersheib, Jenny Lam, Jeff Rosen, Alison Siegel

Dear Dr. Cody,

First, congratulations on today's opening of the large COVID-19 vaccination site at Levi's Stadium. You have much to be proud of.

In last week's response to an inquiry to Dr. Tomás Aragón, Director of the California Department of Public Health (CDPH), Amy Yan, the Vaccine Eligibility Coordinator of CDPH, stated the following:

"Massage Therapists are considered Alternative Medical Practitioners. They may receive their vaccine under Phase 1a, tier 3."

This decree is congruent with California State law. By including Massage Therapy with other medical professions under Division 2 (Healing Arts) of the Business and Professions Code, 4600 *et. seq.*, the State Legislature clearly considers Massage Therapy to be a health care profession.

Protection of the public is CAMTC's paramount legislative mandate. We appreciate the ongoing partnership we already forged with Santa Clara County. In addition to working on public safety issues with Supervisors Cindy Chavez (copied), we also have worked closely with DA Jeff Rosen (copied) with an MOU we entered into last year.

Vaccination of CAMTC Certificate Holders is a significant public health issue. According to our data, California has more than 51,000 massage therapists who hold state recognized certification. If each one of them treats two patients a day (an extremely conservative estimate), it is reasonable to estimate that 3 million California residents will be in extended close contact with a certified massage professional. I believe that the county effort to be collaborative with the state by vaccinating massage therapists—in the order to which they are legally entitled—is a socially wise effort to curb the COVID-19 pandemic.

In a statewide announcement we sent yesterday, we reminded our 51,000 Certificate Holders that while the state of California has clarified eligibility, counties continue to be in charge of local vaccine distribution. Due to vaccine availability, each county may be in a different phase of providing vaccinations.

CAMTC is ready to support Santa Clara County by disseminating communications to our Certificate Holders that you may find important. Please be advised that any input from us that is needed will be provided as a resource to you. We look forward to assisting your County in this effort to keep Californians safe.

Please contact me directly if I may be of help.

Sincerely,

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

In many circumstances, CAMTC proactively advocated to county officials to make vaccines available to certificate holders. The thread on the next page demonstrates the level of engagement often needed to get the outcome we were looking for.

On Jan 20, 2021, at 1:44 PM, Jeff Rosen wrote:

Dear Marty,

I hope you are well. We appreciate you coming back and helping Santa Clara County during this pandemic.

Earlier today, I spoke to Ahmos Netanel who is the Executive Director of the California Massage Therapy Council - the organization that licenses and certifies massage therapists in California. The California Business and Professions Code classifies massage therapists as part of the healing arts along with physicians and nurses. In Los Angeles County, massage therapists have been getting vaccinated in Tier 1a and Ahmos wanted to speak with you about Santa Clara County doing the same thing.

Could you please contact Mr. Netanel about vaccinations for certified massage therapists in Santa Clara County?

Sincerely,

Jeff

From: Ahmos Netanel
Sent: Wednesday, January 20, 2021 2:01 PM
To: Jeff Rosen; Fenstersheib, Marty
Subject: [EXTERNAL] Re: Vaccinations For Massage Therapists

Thank you Jeff for the introduction.

Marty,

Our data shows that we currently have 2,266 active Certified Massage Therapist in Santa Clara County that, when providing medical massage, are considered by CDPH to be essential healthcare providers.

Since they treat many patients in the county, I believe the public will be well served if CMT's take advantage of COVID vaccination.

Please let me know when can we take few minutes to discuss this.

Thanks,

Ahmos Netanel
Chief Executive Officer
California Massage Therapy Council

From: "Lam, Jenny (County Counsel)"
Subject: RE: Vaccinations For Massage Therapists
Date: January 25, 2021 at 10:34:39 PM PST
To: Ahmos Netanel
Cc: "Fenstersheib, Marty", Jeff Rosen

Hi Ahmos,

Your email was forwarded to me for response. It's my understanding that persons providing medical massage may already be separately licensed as healthcare providers and working in a healthcare setting, in which case they're already eligible under Phase 1A.

Additionally, individuals providing medical massage in support of a licensed healthcare provider in a healthcare facility are eligible for vaccination under Phase 1A. The massage must be part of providing a service that is within the scope of the licensed healthcare professional's healthcare license. For these purposes, a "healthcare facility" means a facility or worksite operated by a business which employs at least one licensed healthcare professional to perform services at the facility or worksite which are within the scope of that person's healthcare license, and "licensed healthcare professionals" are those providers who are considered Licensed Health Professionals by the California Department of Consumer Affairs (www.dca.ca.gov/publications/healthcare_providers.shtml#professionals). If the facility is used for other functions in addition to healthcare, the "healthcare facility" is limited to that portion of the overall facility in which licensed healthcare professionals and their support staff are operating.

Thanks,
Jenny

Jenny S. Lam | Deputy County Counsel
Office of the County Counsel, County of Santa Clara

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From: Alison Siegel
Subject: Fwd: Vaccinations For Massage Therapists
Date: January 29, 2021 at 4:38:32 PM PST
To: Jenny Lam
Cc: Ahmos Netanel, Mary Fenstersheib, Jeff Rosen

Hi Jenny

I am the California Massage Therapy Council's Special Counsel and Ahmos Netanel, CEO, has forwarded your email message on to me and asked that I respond.

In order to set the stage properly, I'd like to share some facts with you about CAMTC and the massage profession.

1. *CAMTC is the entity that oversees the certification of massage professionals pursuant to state law.* CAMTC is a public benefit, non-profit organization that was given the legislative mandate to issue voluntary certification to qualified individuals that meet the requirements in the Massage Therapy Act (Business and Professions Code section 4600 *et. seq.*). Santa Clara county's municipal code requires that all individuals that provide massage for compensation be CAMTC certified.
2. *The Massage Therapy Act is located in the Business and Professions Code under Division 2, Healing Arts.* This is the same division that provides for licensure of physicians, nurses, chiropractors, and respiratory therapists, to name just a few.
3. *There is no separate certificate for Medical Massage, it is just a type of massage.* All Certificate Holders may provide all massage modalities.
4. *All Certificate Holders are legally authorized to provide "medical massage."* CDPH has defined "medical massage" as massage provided based on a referral from a physician or chiropractor. CDPH has defined these individuals as essential workers. All CAMTC Certificate Holders are authorized to perform medical massage.
5. *The vast majority of Certificate Holders work from their own office, not at a medical facility.* The CDPH has recognized this fact as it has defined medical massage merely to be massage provided based on a referral from a physician or chiropractor. It has also specifically stated the following: "Medical Massage can be done indoors as it is considered essential as healthcare and therefore not under personal services. *There is no requirement that it be in a medical office, only that it be done based on a referral from a doctor or chiropractor.*" (Emphasis added.)
6. *CAMTC's mission is to protect the public.* (Business and Professions Code section 4603.) *Vaccination of Certificate Holders is a Public Health Issue.* CAMTC is seeking clarification on this important issue as it has approximately 2,266 Certificate Holders in your county, all of whom may provide medical massage. Certificate Holders are in close personal contact with members of the public, and if we estimate that each Certificate Holder provides only 5 massages a week (this is an exceedingly low number as those working full time typically provide 5 massages a day), multiplied by 2,266 individuals, it equals about 45,320 treatments a month. Given these numbers, public health will be greatly served by allowing Certified Massage professionals to get vaccinated.

Since CAMTC Certificate Holders are healthcare providers, CAMTC believes that it is in the interests of the county to include them in Tier 1A for vaccination. If you agree, we would be happy to support the county by initiating an outreach effort to Certificate Holders to communicate the protocols and guidelines in your county.

Below please see a recent communication from a Certificate Holder in your county who was rejected when she went to receive the vaccine (her personal information has been removed).

-----Original Message-----

From:
Sent: Thursday, January 28, 2021 1:29 PM
To: Customer Service
Cc:
Subject: Vaccine info

Hello from Santa Clara County:

This is to inform you (and I KNOW you're working on it!) that I was turned away from getting the vaccine today at the Santa Clara County Fairgrounds. Even though I work in a medical clinic and everyone in that clinic (PTs, DCs, Acu and MDs) were allowed to get their vaccine, I was turned away and was told "Massage Therapy, while 'essential' is not 'medical'". We have been categorized, allegedly, as '1b' and they are only allowing '1a' right now. It seems to change every week.

You probably were already aware of this, but thought you may like info from "boots on the (soggy) ground."

In best health,

Best,

Alison

From: Alison Siegel

Sent: Monday, February 15, 2021 12:37 PM

To: Ahmos Netanel

Cc: Lam, Jenny (County Counsel); Cody, Sara (Health Officer); Chavez, Cindy; Fenstersheib, Marty; Jeff Rosen

Subject: [EXTERNAL] Re: COVID-19 Vaccination for Massage Therapists

Hi Jenny:

CAMTC is receiving reports that CMTs are still being turned away for vaccination in your county. Please see the communication below.

From:

Sent: Friday, February 12, 2021 1:28 PM

To: CAMTC Info

Subject: Some clarification on Covid-19 vaccine eligibility

Dear CAMTC

Just tried to get a vaccination in Santa Clara County, and I was told because I don't work in a clinical setting ie. Chiropractor or medical office, I am Tier B and not eligible at this time.

So there will be some confusion on this

Best,

Alison

From: "Lam, Jenny (County Counsel)"

Subject: RE: [EXTERNAL] Re: COVID-19 Vaccination for Massage Therapists

Date: February 15, 2021 at 12:56:40 PM PST

To: Alison Siegel, Ahmos Netanel

Cc: "Cody, Sara (Health Officer)", "Chavez, Cindy", "Fenstersheib, Marty", Jeff Rosen

Hi Alison,

Thank you for following up. I'm writing to confirm that our County Health System will begin vaccinating any massage therapist who resides in Santa Clara County. Please note that it will take a little time to provide updated direction to our vaccine sites and for staff at each site to be made aware of the change. We appreciate your patience in the meantime.

Jenny

06/01/2021 LA Coronavirus Update Telebriefing: Wednesday, June 2, 2021, 4:00 - 5:00 pm

CAMTC COVID-19 Bulletin #61

Dear CAMTC Certificate Holders,

The Los Angeles County Department of Public Health has just informed CAMTC that they are having a telebriefing for Personal Care Services this Wednesday, June 2, 2021 at 4:00 p.m. to 5:00 p.m. CAMTC's CEO, Ahmos Netanel, was asked to be on this call to answer questions as a subject matter expert.

You don't have to live or work in Los Angeles County in order to join this call.

BRIEFING INVITATION



313 North Figueroa Street, Room 806 • Los Angeles, CA 90012 • (213) 240-8144 • media@ph.lacounty.gov
PublicHealth.LACounty.gov • [Facebook.com/LAPublicHealth](https://www.facebook.com/LAPublicHealth) • [Twitter.com/LAPublicHealth](https://twitter.com/LAPublicHealth)

INVITE ONLY

Coronavirus Update: Telebriefing for Personal Care Services Public Health Officials Provide Update on Novel Coronavirus (COVID-19)

On June 15th, L.A. County will align its guidance with the states reopening guidance that ease many capacity limits and distancing requirements. Nearly all sectors and businesses will be able to return to usual operations with some limited exceptions. People who are fully vaccinated will no longer need to wear masks in most situations. The County will also follow the State on lifting current travel restrictions on June 15 to align with CDC travel recommendations as well as adopt the CDC's masking guidelines. Public Health will conduct a telebriefing to update you on the latest COVID-19 response and discuss the sector-specific plans for reopening on June 15; we will also answer your questions and listen to your feedback.

WHEN: Wednesday, June 2, 2021
Time: 4:00 – 5:00 p.m. (PDT)

WHERE: Telephone Call-in: 877-336-4440
Access Code: 437906

*Participants are strongly urged to **call in 15 minutes prior** to the start time of the call to check in. Participants will need to provide their name and organization. Call starts promptly.*

WHO: Muntu Davis, MD, MPH, Health Officer
Los Angeles County Department of Public Health

Dawn Terashita, MD, MPH, Associate Director
Acute Communicable Disease Control Program

Brenda Lopez, REHS, Associate Director
Environmental Health

Kristy Underwood, Executive Officer - California State Board of Barbering and Cosmetology

Ahmos Netanel, Chief Executive Officer - California Massage Therapy Council LA County

CONTACT: Department of Public Health | (213) 240-8144 | media@ph.lacounty.gov
Los Angeles County Department of Public Health works to protect health, prevent disease,
and promote health and well-being.

04/05/2021 **LA Coronavirus Update Telebriefing: Wednesday, April 7, 2021, 3:00 - 4:00 pm**

CAMTC COVID-19 Bulletin #60

Dear CAMTC Certificate Holders,

The Los Angeles County Department of Public Health is having a telebriefing for Personal Care Services this Wednesday, April 7, 2021 at 3:00 p.m. to 4:00 p.m. CAMTC's CEO, Ahmos Netanel, was asked to be on this call to answer questions as a subject matter expert.

You don't have to live or work in Los Angeles County in order to join this call.

BRIEFING INVITATION



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PublicHealth.LACounty.gov • [Facebook.com/LAPublicHealth](https://www.facebook.com/LAPublicHealth) • [Twitter.com/LAPublicHealth](https://twitter.com/LAPublicHealth)

INVITE ONLY

Coronavirus Update: Telebriefing for Personal Care Services Public Health Officials Provide Update on Novel Coronavirus (COVID-19)

The Los Angeles County Health Officer Order was updated today to reflect newly permitted activities allowed in the Orange Tier, beginning April 5 at 12:01 a.m. As the County begins reopening business sectors, lessening restrictions, and as more and more children return to in-person learning, it is critical that businesses follow Health Officer Order directives and infection protocols to protect workers and customers and minimize COVID-19 spread as much as possible. The County's recovery and the safety of workers and customers depend on businesses fully implementing infection control and physical distancing requirements. Public Health will conduct a telebriefing to update you on the latest COVID-19 response, go through the updated Health Officer Order, and answer your questions and listen to your feedback.

WHEN: Wednesday, April 7, 2021
Time: 3:00 – 4:00 p.m. (PDT)

WHERE: Telephone Call-in: 844-291-6362
Access Code: 8118066

*Participants are strongly urged to **call in 15 minutes prior** to the start time of the call to check in. Participants will need to provide their name and organization. Call starts promptly.*

WHO: Jeffrey Gunzenhauser, MD, MPH, Chief Medical Officer
Los Angeles County Department of Public Health

Brenda Lopez, REHS, Associate Director
Environmental Health

Kristy Underwood, Executive Officer - California State Board of Barbering and Cosmetology

Ahmos Netanel, Chief Executive Officer - California Massage Therapy Council

CONTACT: LA County Department of Public Health | (213) 240-8144 | media@ph.lacounty.gov

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*Los Angeles County Department of Public Health works to protect health,
prevent disease, and promote health and well-being.*

03/08/2021 LA County Invite — Coronavirus Update Telebriefing This Week

CAMTC COVID-19 Bulletin #59

Dear CAMTC Certificate Holders,

The Los Angeles County Department of Public Health is having a telebriefing for Personal Care Services this Friday, March 12, 2021 at 3:00 p.m. to 4:00 p.m. CAMTC's CEO, Ahmos Netanel, was asked to be on this call to answer questions as a subject matter expert.

You don't have to live or work in Los Angeles County in order to join this call.

BRIEFING INVITATION



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INVITE ONLY

Coronavirus Update:

Telebriefing for Personal Care Services and Retail Centers Public Health Officials Provide Update on Novel Coronavirus (COVID-19)

Los Angeles County continues making progress in reducing the average number of new COVID cases and hospitalizations. Last week, the 7-day average of cases decreased 13 percent from the previous week. If the County continues this downward trend, it is very possible that it will reach the threshold of the Red Tier in the State's Blueprint for a Safer Economy plan sometime this week. Once this happens, the County will need to stay in that tier for two consecutive weeks to be eligible for any reopenings allowed in this tier. Public Health will conduct a telebriefing to update you on the latest COVID-19 response, go through any updates of the Health Officer Order, and answer your questions and listen to your feedback.

WHEN: Friday, March 12, 2021
Time: 3:00 – 4:00 p.m. (PST)

WHERE: Telephone Call-in: 844-721-7237
Access Code: 5454378

*Participants are strongly urged to **call in 15 minutes prior** to the start time of the call to check in. Participants will need to provide their name and organization. Call starts promptly.*

WHO: Jeffrey Gunzenhauser, MD, MPH, Chief Medical Officer
Los Angeles County Department of Public Health

Brenda Lopez, REHS, Associate Director
Environmental Health

Kristy Underwood, Executive Officer - California State Board of Barbering and Cosmetology

Ahmos Netanel, Chief Executive Officer - California Massage Therapy Council

CONTACT: LA County Department of Public Health | (213) 240-8144 | media@ph.lacounty.gov

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*Los Angeles County Department of Public Health works to protect health,
prevent disease, and promote health and well-being.*

02/11/2021 Practical guidance for accessing the vaccine

CAMTC COVID-19 Bulletin #58

Dear CAMTC Certificate Holders,

Below please find some general practical advice about how to access the COVID-19 vaccine in your county:

- Go to EITHER your healthcare provider's website OR your county's website and follow their instructions for accessing the vaccine.
- When they ask about eligibility for the vaccine, certify that you are a health care worker. (Massage Therapy is considered to be a "specialty clinic" under Phase 1a, tier 3. February 4, 2021, guidelines from CDPH state the following regarding eligibility in Phase 1a: "Occupation: Persons at risk of direct patient exposure in settings included in the Health Care and Public Health Sector from the CA Essential Workforce list." <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/VaccineAllocationGuidelines.aspx>)
- Just in case, you may want to print and bring a copy of the following documents to your vaccine appointment:
 - CAMTC's February 9, 2021, email announcement about vaccine eligibility (it can also be found on CAMTC's website at [CAMTC.org](https://www.camtc.org));
 - CAMTC's February 10, 2021, bulletin which includes a copy of the email from CDPH stating your eligibility for vaccination in Phase 1a, tier 3. (It can also be found on CAMTC's website: [CAMTC.org](https://www.camtc.org)).
- You should also bring your CAMTC ID Card.

Take Care and Stay Healthy!!

Team CAMTC

02/10/2021 Copy of Communication from CDPH About Vaccine Eligibility

CAMTC COVID-19 Bulletin #57

Dear CAMTC Certificate Holders,

As a matter of public interest, CAMTC is sharing a copy of an inquiry sent to Dr. Tomas Aragon, Director of the California Department of Public Health (CDPH), and CDPH's response from Amy Yan, the CDPH Vaccine Eligibility Coordinator. Here is the link to that email exchange:

<https://www.camtc.org/media/1998/covid-vaccine-eligibility-question-and-response.pdf>

In the response, Ms. Yan stated the following:

"Massage Therapists are considered Alternative Medical Practitioners. They may receive their vaccine under Phase 1a, tier 3."

We hope you find this document helpful.

Take Care and Stay Healthy!!

Team CAMTC

02/09/2021 CDPH Decrees CAMTC Certificate Holders Eligible for Vaccination

CAMTC COVID-19 Bulletin #56

Dear CAMTC Certificate Holders,

In a written confirmation received from the California Department of Public Health (CDPH) the State of California stated the following:

“Massage Therapists are considered Alternative Medical Practitioners. They may receive their vaccine under Phase 1a, tier 3.”

Please note that the counties continue to be in charge of local vaccine distribution. Due to vaccine availability, each county may be in a different phase of vaccination, though it appears that most counties are currently vaccinating for all tiers in Phase 1a. Please go to your county’s website (county links can be found on each county’s page on CAMTC’s County Massage Reopening Map: <https://www.camtc.org/county-massage-reopening-map/>) to see the status of vaccination in your county.

You may use your CAMTC picture ID card for identification purposes. If you have any questions, please contact the CDPH by going here: https://www.cdph.ca.gov/Pages/contact_us.aspx

Take Care and Stay Healthy!!

Team CAMTC

02/08/2021 LA County Invite — Another Telebriefing This Week

CAMTC COVID-19 Bulletin #55

Dear CAMTC Certificate Holders,

The Los Angeles County Department of Public Health is having a telebriefing for Personal Care Services this Thursday, February 11, 2021 at 3:00 p.m. to 4:00 p.m. CAMTC’s CEO, Ahmos Netanel, was asked to be on this call to answer questions as a subject matter expert.

You don’t have to live or work in Los Angeles County in order to join this call.

BRIEFING INVITATION



313 North Figueroa Street, Room 806 • Los Angeles, CA 90012 • (213) 240-8144 • media@ph.lacounty.gov
PublicHealth.LACounty.gov • [Facebook.com/LAPublicHealth](https://www.facebook.com/LAPublicHealth) • [Twitter.com/LAPublicHealth](https://twitter.com/LAPublicHealth)

INVITE ONLY

Coronavirus Update: Telebriefing for Personal Care Services **Public Health Officials Provide Update on Novel Coronavirus (COVID-19)**

Los Angeles County, along with the majority of the State, is in the most restrictive purple tier in the State's Blueprint for a Safer Economy color-coded tier system. We continue to make progress in reducing the average number of daily new cases of COVID-19 here in LA County, though our daily numbers are still very high. The seven-day average number of daily cases peaked on January 8th with more than 15,000 cases and has now dropped by 77% to less than 5,000 a day. While this is tremendous progress, the County's cases are still too high, and the risk of virus transmission remains significant until we can get more people vaccinated. Public Health will conduct a telebriefing to update you on the latest COVID-19 response, discuss the State's recovery road map and updated Tier Framework and answer your questions and listen to your feedback.

WHEN: Thursday, February 11, 2021
Time: 3:00 – 4:00 p.m. (PST)

WHERE: Telephone Call-in: 844-291-5490
Access Code: 7902189

*Participants are strongly urged to **call in 15 minutes prior** to the start time of the call to check in. Participants will need to provide their name and organization. Call starts promptly.*

WHO: Jeffrey Gunzenhauser, MD, MPH, Chief Medical Officer
Los Angeles County Department of Public Health

Scott Abbott, REHS, MPA, Branch Director, District Surveillance and Enforcement
Environmental Health

Kristy Underwood, Executive Officer - California State Board of Barbering and Cosmetology

Ahmos Netanel, Chief Executive Officer - California Massage Therapy Council

CONTACT: LA County Department of Public Health | (213) 240-8144 | media@ph.lacounty.gov

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*Los Angeles County Department of Public Health works to protect health,
prevent disease, and promote health and well-being.*

02/01/2021 LA County Invite — Telebriefing This Week

CAMTC COVID-19 Bulletin #54

Dear CAMTC Certificate Holders,

The Los Angeles County Department of Public Health is having a telebriefing for Personal Care Services this Wednesday, February 3, 2021 at 3:00 p.m. to 4:00 p.m. CAMTC's CEO, Ahmos Netanel, was asked to be on this call to answer questions as a subject matter expert.

You don't have to live or work in Los Angeles County in order to join this call.

BRIEFING INVITATION



313 North Figueroa Street, Room 806 • Los Angeles, CA 90012 • (213) 240-8144 • media@ph.lacounty.gov
PublicHealth.LACounty.gov • Facebook.com/LAPublicHealth • Twitter.com/LAPublicHealth

INVITE ONLY

Coronavirus Update: Telebriefing for Personal Care Services Public Health Officials Provide Update on Novel Coronavirus (COVID-19)

Last week, the State lifted the Regional Stay Home Order and moved all counties back into the Blueprint for a Safer Economy color-coded tiers. Los Angeles County, along with the majority of the State, is in the most restrictive purple tier. A new Health Officer Order was issued on January 29th for L.A. County, A Blueprint for a Safer Economy – Tier 1 Surge Response. The County also continues its vaccination efforts; vaccinations are currently available by appointment for those in phase 1A, which is front-line health care workers, and county residents aged 65 years and older. Public Health will conduct a telebriefing to update you on the latest COVID-19 response, go through the new Health Officer Order, and answer your questions and listen to your feedback.

WHEN: Wednesday, February 3, 2021
Time: 3:00 – 4:00 p.m. (PST)

WHERE: Telephone Call-in: 844-291-5490
Access Code: 3628109

Participants are strongly urged to call in 15 minutes prior to the start time of the call to check in. Participants will need to provide their name and organization. Call starts promptly.

WHO: Jeffrey Gunzenhauser, MD, MPH, Chief Medical Officer
Los Angeles County Department of Public Health

Brenda Lopez, REHS, Associate Director
Environmental Health

Kristy Underwood, Executive Officer - California State Board of Barbering and Cosmetology

Ahmos Netanel, Chief Executive Officer - California Massage Therapy Council

CONTACT: LA County Department of Public Health | (213) 240-8144 | media@ph.lacounty.gov

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*Los Angeles County Department of Public Health works to protect health,
prevent disease, and promote health and well-being.*

01/25/2021 **Lifting of Regional Stay at Home Order**

CAMTC COVID-19 Bulletin #53

Dear CAMTC Certificate Holders,

The Governor has announced that as of today, January 25, 2021, the Regional Stay at Home Order has been lifted for all regions of the State. This means that massage may now be performed as personal care service indoors, with modifications, in all counties in the State, unless the county specifically prohibits it. Therefore, please check with your local county to see what is currently allowed.

CAMTC is closely monitoring the situation and our interactive County Massage Reopening Map will be regularly updated as we get more information from each county. Please check here <https://www.camtc.org/county-massage-reopening-map/> for those updates.

Take Care and Stay Healthy!

Team CAMTC

01/23/2021 **COVID Vaccination — CAMTC Certificate Holders**

CAMTC COVID-19 Bulletin #52

Dear CAMTC Certificate Holder:

Just to give you a quick heads-up...

We have recently received inquiries from Certificate Holders about whether or not they are classified as healthcare providers and are therefore eligible for COVID-19 vaccinations in Phase 1A. Please know that CAMTC's executive management has already proactively reached out to the Governor and State and County public health officials and have been engaging in diligent communications on this issue.

It is our position that by including the Massage Therapy Act in the Business and Professions Code Division 2 - Healing Arts, along with Physicians, Nurses, Chiropractors, and Respiratory Therapists, that the California Legislature clearly regards CAMTC's Certificate Holders as healthcare providers. Therefore, we are advocating to include CAMTC Certificate Holders in Phase 1A for COVID-19 vaccinations.

As CAMTC's executive management has been engaged in intensive constructive discussions with public health officials, we are learning, as you may have already heard, that the State is considering shifting to a priority system primarily based on age. The objective of such a move is to expedite and simplify the vaccine rollout which could provide access for residents 65 and older, but reduce access for some younger essential workers.

Protecting the health and wellbeing of the public and our Certificate Holders is CAMTC's highest priority. We will keep you informed as CAMTC receives information on this subject.

Take care and stay healthy,

Team CAMTC

01/14/2021 Vaccination & Lifting of Regional Stay at Home Order

CAMTC COVID-19 Bulletin #51

Dear CAMTC Certificate Holders,

We have 2 quick updates for you:

#1 — The availability and implementation of COVID-19 vaccinations varies widely from county to county. Therefore please contact your county health department for this information.

#2 — The State lifted the Regional Stay at Home Order for the Sacramento Region on January 12, 2021, and the affected counties quickly did the same. Massage is therefore now allowed to occur indoors, with modifications, in the following counties:

- Alpine
- Amador
- Butte
- Colusa
- El Dorado
- Nevada
- Placer
- Plumas
- Sacramento
- Sierra
- Sutter
- Yolo
- Yuba

Please visit CAMTC's Interactive County Massage Reopening Map <https://www.camtc.org/county-massage-reopening-map/> for the most up to date information

Take Care and Stay Healthy!

Team CAMTC

12/17/2020 Regional Order for Bay Area

CAMTC COVID-19 Bulletin #50

Dear CAMTC Certificate Holders,

The State's Regional Stay at Home Order is going into effect on Thursday, December 17, 2020, at 11:59 pm, for counties in the Bay Area. The Order will remain in place for a minimum of 3 weeks.

According to the California Department of Public Health (CDPH), Essential Services Inquiries, "Medical Massage is massage that is done based on a referral from a doctor or chiropractor. Medical Massage can be done indoors as it is considered essential as healthcare and therefore not under personal services. There is no requirement that it be in a medical office, only that it be done based on a referral from a doctor or chiropractor." Therefore, according to the CDPH, massage may still be provided, indoors with modifications, in the Regions subject to the Regional Stay at Home Order, if it is provided based on a referral from a physician or chiropractor, and the county/city allows it. As the counties have the right to impose stricter requirements than the State, please check with your local county for their requirements.

Please note that the California Department of Public Health is the party that has defined "medical massage," not CAMTC. If you need further clarification of this definition, please contact: EssentialServicesInquiries@cdph.ca.gov

While many Bay Area Counties have already voluntarily complied with the terms of the Regional Stay at Home Order, as of the date and time noted above it will now apply to all counties in the Bay Area. The following are the Bay Area counties: Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

Take Care and Stay Healthy!

Team CAMTC

12/17/2020 Correction to Virtual Briefing: LA County officials deliver COVID-19 updates - Thursday, December 17, 6:00 -7:30 PM

CAMTC COVID-19 Bulletin #49

Dear CAMTC Certificate Holders,

We have just received the correction as per below:

Dear Community and Industry Sector Partners,

Please see corrected attached (Version 2) flyers on our upcoming Virtual

Vaccine Townhall on Thursday, December 17, 6:00 -7:30 PM.

The correct social handle is @LAPUBLICHEALTH

Viewers can also submit questions ahead of time
to: <https://tinyurl.com/askcovidtownhall>

Real-time interpretation will be provided in Spanish, Korean, and Chinese.
Please call numbers below to access:

Spanish: (888) 664-1453

Chinese: (888) 664-1459

Korean: (888) 664-1454

Thank you and we hope you can join us!



COVID-19 VACCINE VIRTUAL TOWN HALL

SAVE THE DATE!

THURSDAY, DECEMBER 17, 2020

6:00PM - 7:30PM

GET THE LATEST UPDATES ON THE COVID-19 VACCINE!



MODERATOR

**DEBORAH
PROTHROW-
STITH, M.D.**

DEAN, COLLEGE OF
MEDICINE CHARLES R.
DREW UNIVERSITY



DR. MUNTU DAVIS
LOS ANGELES COUNTY
HEALTH OFFICER



DR. PAUL SIMON
CHIEF SCIENCE OFFICER
LOS ANGELES COUNTY
DEPARTMENT OF
PUBLIC HEALTH



DR. SEIRA KURIAN
DIRECTOR,
DIVISION OF MEDICAL AFFAIRS
LOS ANGELES COUNTY
DEPARTMENT OF
PUBLIC HEALTH

WATCH ON:    YouTube

@LAPUBLICHEALTH

ASK A QUESTION:

TINYURL.COM/ASKCOVIDTOWNHALL

WWW.PUBLICHEALTH.LACOUNTY.GOV



COUNTY OF LOS ANGELES
Public Health

LLAME GRATIS AL SERVICIO EN ESPAÑOL: (888) 664-1453

REUNIÓN VIRTUAL ACERCA DE LA VACUNA DEL COVID-19

¡RESERVE ESTA FECHA!

EL JUEVES, 17 DE DICIEMBRE, 2020

6:00 PM - 7:30 PM

¡OBTenga LA INFORMACIÓN MÁS RECIENTE
SOBRE LA VACUNA DEL COVID-19!



MODERADORA

**DRA. DEBORAH
PROTROW-
STITH, M.D.**

DECANA DE LA
UNIVERSIDAD DE
MEDICINA CHARLES R.
DREW UNIVERSITY



DR. MUNTU DAVIS
OFICIAL DE SALUD DEL
CONDADO DE LOS ÁNGELES



DR. PAUL SIMON
DIRECTOR CIENTÍFICO
OFICIAL DEL
DEPARTAMENTO DE
SALUD PÚBLICA DEL
CONDADO DE
LOS ÁNGELES



DRA. SEIRA KURIAN
DIRECTORA DE
DIVISIÓN DE ASUNTOS MÉDICOS
DEPARTAMENTO DE
SALUD PÚBLICA DEL
CONDADO DE LOS ÁNGELES

SÍGANOS POR    **YouTube**
@LAPUBLICHEALTH

PARA PREGUNTAS:
TINYURL.COM/ASKCOVIDTOWNHALL

WWW.PUBLICHEALTH.LACOUNTY.GOV



CONDADO DE LOS ÁNGELES
Salud Pública

12/16/2020 Virtual Briefing: LA County officials deliver COVID-19 updates - Thursday, December 17, 6:00 -7:30 PM

CAMTC COVID-19 Bulletin #48

Dear CAMTC Certificate Holders:

Here is some information we just received that you may find useful.

Take Care and Stay Healthy!

Team CAMTC

Dear Community and Industry Sector Partners,

Please see attached flyers on an upcoming Virtual Vaccine Townhall on Thursday, December 17, 6:00 -7:30 PM.

Viewers can also submit questions ahead of time to: <https://tinyurl.com/askcovidtownhall>

https://docs.google.com/forms/d/e/1FAIpQLSfucmnbtYdZ9Kg6V_ZsEORr_TkCrxBv1fsJqZ_HfJAGMwhUQ/viewform

Real-time interpretation will be provided in Spanish, Korean, and Chinese. Please call numbers below to access:

Spanish: (888) 664-1453

Chinese: (888) 664-1459

Korean: (888) 664-1454

We hope you can join us!



COVID-19 VACCINE VIRTUAL TOWN HALL

SAVE THE DATE!

THURSDAY, DECEMBER 17, 2020

6:00PM - 7:30PM

GET THE LATEST UPDATES ON THE COVID-19 VACCINE!



MODERATOR

**DEBORAH
PROTHROW-
STITH, M.D.**

DEAN, COLLEGE OF
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WATCH ON:    **YouTube**

@LACOUNTYPUBLICHEALTH

ASK A QUESTION:

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**COUNTY OF LOS ANGELES
Public Health**

LLAME GRATIS AL SERVICIO EN ESPAÑOL: (888) 664-1453

REUNIÓN VIRTUAL ACERCA DE LA VACUNA DEL COVID-19

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¡OBTenga LA INFORMACIÓN MÁS RECIENTE
SOBRE LA VACUNA DEL COVID-19!



MODERADORA

**DRA. DEBORAH
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UNIVERSIDAD DE
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DEPARTAMENTO DE
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LOS ÁNGELES



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MÉDICOS

SÍGANOS POR    **YouTube**
@LACOUNTYPUBLICHEALTH

PARA PREGUNTAS:
TINYURL.COM/ASKCOVIDTOWNHALL

WWW.PUBLICHEALTH.LACOUNTY.GOV



CONDADO DE LOS ÁNGELES
Salud Pública

12/06/2020 **Regional Order for Sacramento**

CAMTC COVID-19 Bulletin #47

Dear CAMTC Certificate Holder:

The State's Regional Stay at Home Order went into effect on Thursday, December 10, 2020, at 11:59 pm, for counties in the Greater Sacramento Area. The Order will remain in place for a minimum of 3 weeks.

According to the California Department of Public Health (CDPH), Essential Services Inquiries, "Medical Massage is massage that is done based on a referral from a doctor or chiropractor. Medical Massage can be done indoors as it is considered essential as healthcare and therefore not under personal services. There is no requirement that it be in a medical office only that it be done based on a referral from a doctor or chiropractor." Therefore, according to the CDPH, massage may still be provided, indoors with modifications, in the Regions subject to the Regional Stay at Home Order, if it is provided based on a referral from a physician or chiropractor, and the county/city allows it. As the counties have the right to impose stricter requirements than the State, please check with your local county for their requirements.

Please note that the California Department of Public Health is the party that has defined "medical massage," not CAMTC. If you need further clarification of this definition, please contact: EssentialServicesInquiries@cdph.ca.gov

The Regional Stay at Home Order now applies to the following additional counties:

- Alpine
- Amador
- Butte
- Colusa
- El Dorado
- Nevada
- Placer
- Plumas
- Sacramento
- Sierra
- Sutter
- Yolo
- Yuba

Please visit CAMTC's Interactive County Massage Reopening Map <https://www.camtc.org/county-massage-reopening-map/> for the most up to date information.

Take Care and Stay Healthy!
Team CAMTC

12/06/2020 **Regional Stay at Home Order**

CAMTC COVID-19 Bulletin #46

Dear CAMTC Certificate Holder:

The State's new Regional Stay at Home Order goes into effect on Sunday, December 6, 2020, at 11:59 pm for counties in the San Joaquin Valley and Southern California Regions. These regions have reached less than 15% ICU availability, therefore personal care services, such as massage in non-healthcare settings, will be required to shut down.

Please note that according to the California Department of Public Health (CDPH), Essential Services Inquiries, "Medical Massage is massage that is done based on a referral from a doctor or chiropractor. Medical Massage can be done indoors as it is considered essential as healthcare and therefore not under personal services. There is no requirement that it be in a medical office, only that it be done based on a referral from a doctor or chiropractor." Therefore, according to the CDPH, massage may still be provided, indoors with modifications, in the Regions subject to the Regional Stay at Home Order, if it is provided based on a referral from a physician or chiropractor, and the county/city allows it. As the counties have the right to impose stricter requirements than the State, please check with your local county for their requirements.

The Regional Stay at Home Order applies to the following counties (San Joaquin Valley and Southern California Regions):

- Calaveras
- Fresno
- Kern
- Kings
- Madera
- Mariposa
- Merced
- San Benito
- San Joaquin
- Stanislaus
- Tulare
- Tuolumne
- Imperial
- Inyo
- Los Angeles
- Mono
- Orange
- Riverside
- San Bernardino
- San Diego
- San Luis Obispo

- Santa Barbara
- Ventura

Additionally, the following counties have instituted their own local orders which require personal care services, such as massage in non-healthcare settings, to close in the next few days:

- Alameda
- Contra Costa
- Marin
- San Francisco
- Santa Clara

Please visit CAMTC's Interactive County Massage Reopening Map <https://www.camtc.org/county-massage-reopening-map/> for the most up to date information.

Take Care and Stay Healthy!

Team CAMTC

Strategic priorities – 2020

When the Board adopted its 2020 strategic priorities in 2019, no one could anticipate the COVID-19 pandemic of 2020. Like everyone else, CAMTC had to pivot and focus its resources on responding to this unprecedented global emergency.

1. Sunset Review – The Sunset review was postponed to 2021, as previously has been reported.

2. Human Trafficking – In spite of the pandemic, CAMTC continued to prioritize protecting the public by working with anti-human trafficking organizations to address sex and labor trafficking in massage businesses. For more details, see Beverly May's report.

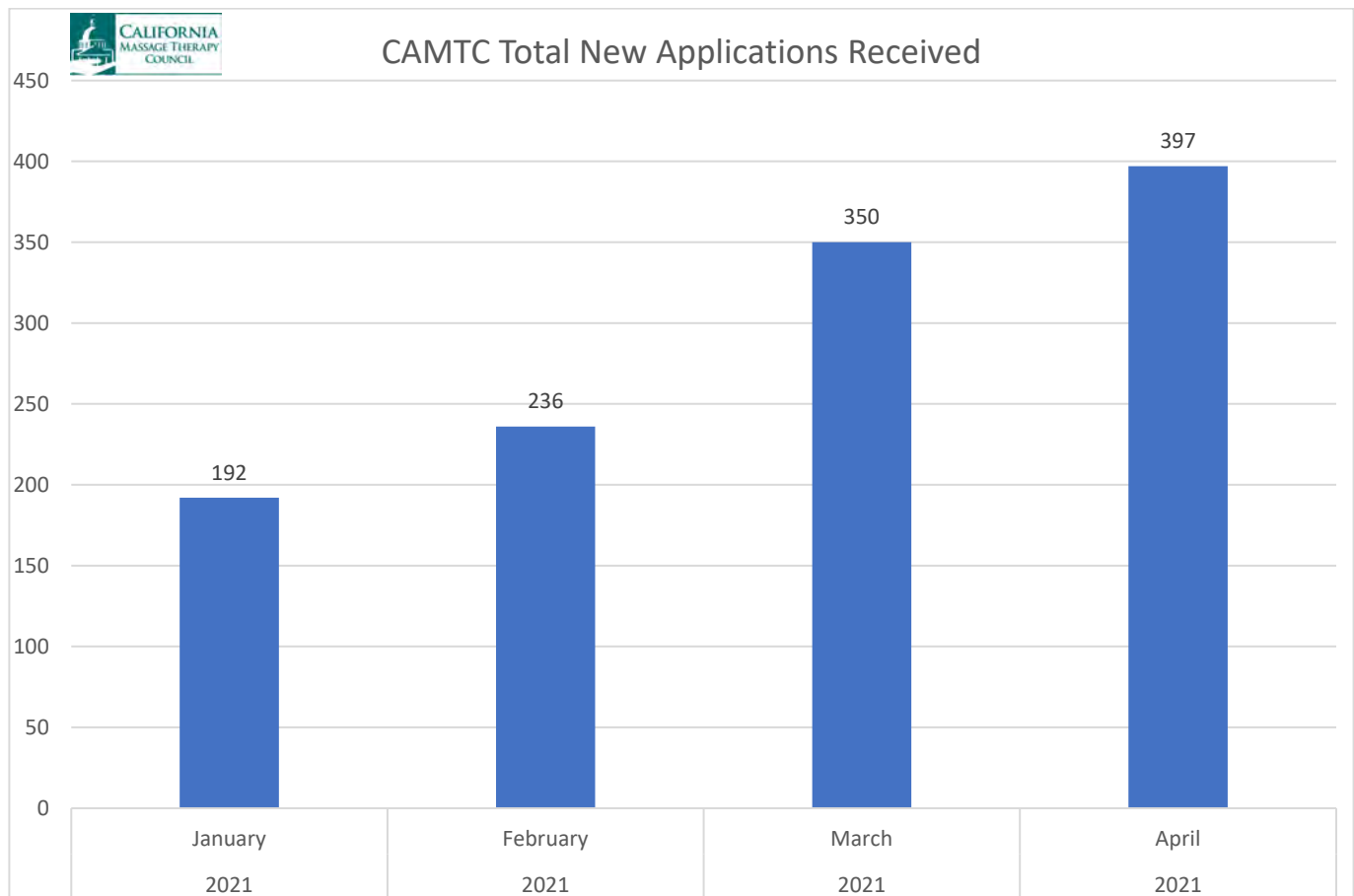
3. Local Government – As previously reported we placed our plan to contact all cities and counties to offer assistance to update their ordinances to reflect current state law. Our plan to write to all city and county managers will be deployed after June 15, 2021.

Operations

In spite of the challenging past 12 months, CAMTC has maintained a stable number of approximately 50,000 active certificate holders.

As of April 30, 2021, the median number of calendar days for processing new applications with no background or educational issues was 14 (41 days for new applications with background or educational issues).

Below is a chart of the total number of new applications received during the first four months in 2021.



The average rate of recertification from May 2020 through April 2021 has been 82%.

CAMTC Performance Measures – Starting on the next page are CAMTC's Disciplinary Performance Metrics for the last four quarters.

PERFORMANCE METRICS – 2nd, 3rd, 4th Quarters 2020, 1st Quarter 2021

PM1 – VOLUME

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

SECOND QUARTER 2020: 38 complaints received on average per month.

THIRD QUARTER 2020: 30 complaints received on average per month.

FOURTH QUARTER 2020: 30 complaints received on average per month.

FIRST QUARTER 2021: 34 complaints received on average per month.

PM1.1 – VOLUME – CERTIFICATE HOLDERS

TOTAL NUMBER OF COMPLAINTS RECEIVED AGAINST CERTIFICATE HOLDERS

SECOND QUARTER 2020: 12 complaints against certificate holders received on average per month.

THIRD QUARTER 2020: 9 complaints against certificate holders received on average per month.

FOURTH QUARTER 2020: 14 complaints against certificate holders received on average per month.

FIRST QUARTER 2021: 16 complaints against certificate holders received on average per month.

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

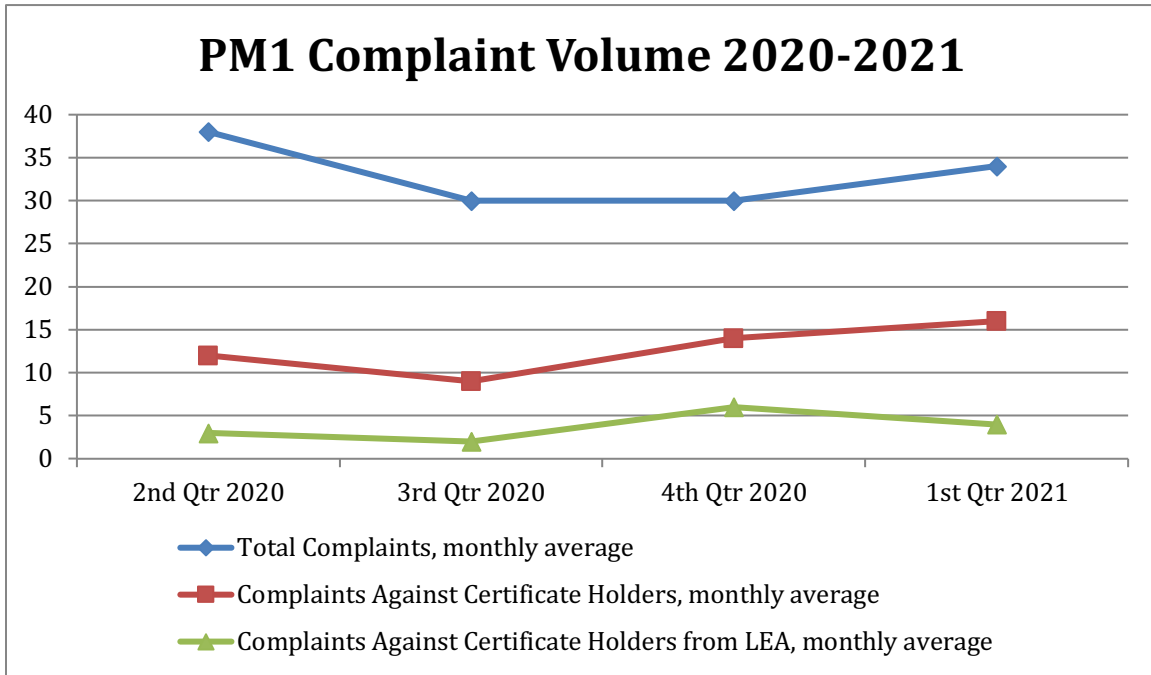
Total number of complaints received against certificate holders from law enforcement agencies or government agencies with the responsibility to regulate massage. Does not include complaints against those who are not certified.

SECOND QUARTER 2020: 3 complaints from LEA received against certificate holders on average per month.

THIRD QUARTER 2020: 2 complaints from LEA received against certificate holders on average per month.

FOURTH QUARTER 2020: 6 complaints from LEA received against certificate holders on average per month.

FIRST QUARTER 2021: 4 complaints from LEA received against certificate holders on average per month.



PM2 – INTAKE – ALL COMPLAINTS

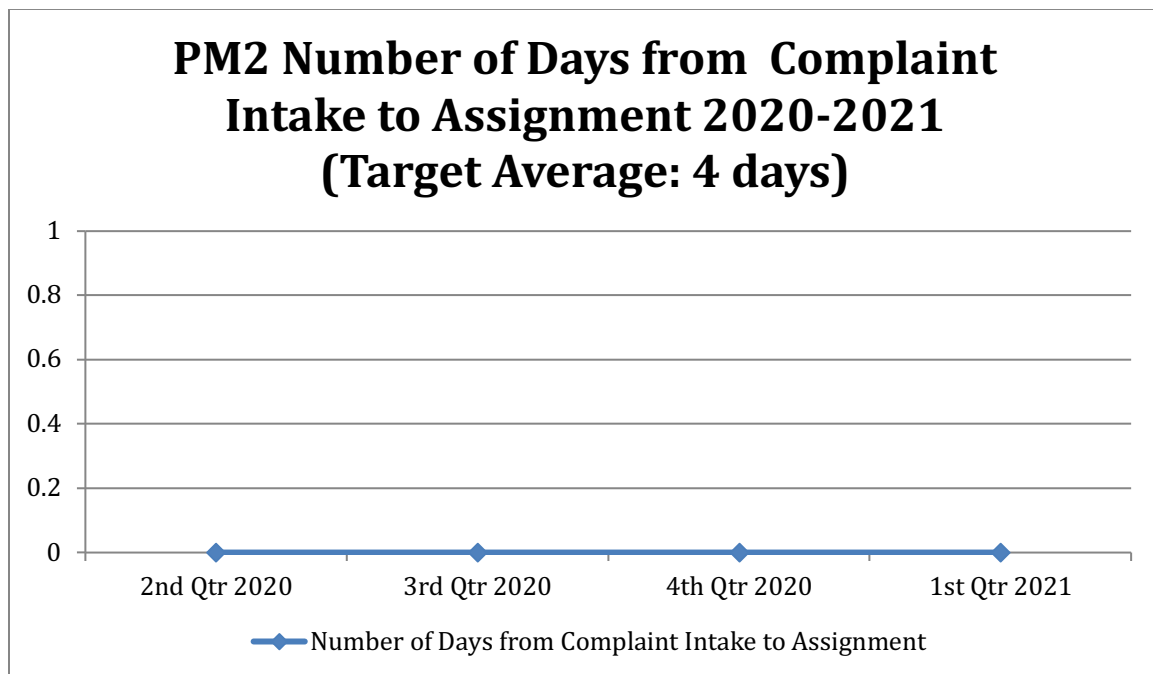
Number of days from when a complaint is received to when it is sent to an investigator. All complaints received are immediately forwarded to an investigator.

SECOND QUARTER 2020: 0 days to assignment.

THIRD QUARTER 2020: 0 days to assignment.

FOURTH QUARTER 2020: 0 days to assignment.

FIRST QUARTER 2021: 0 days to assignment.



PM3 – INTAKE AND INVESTIGATION

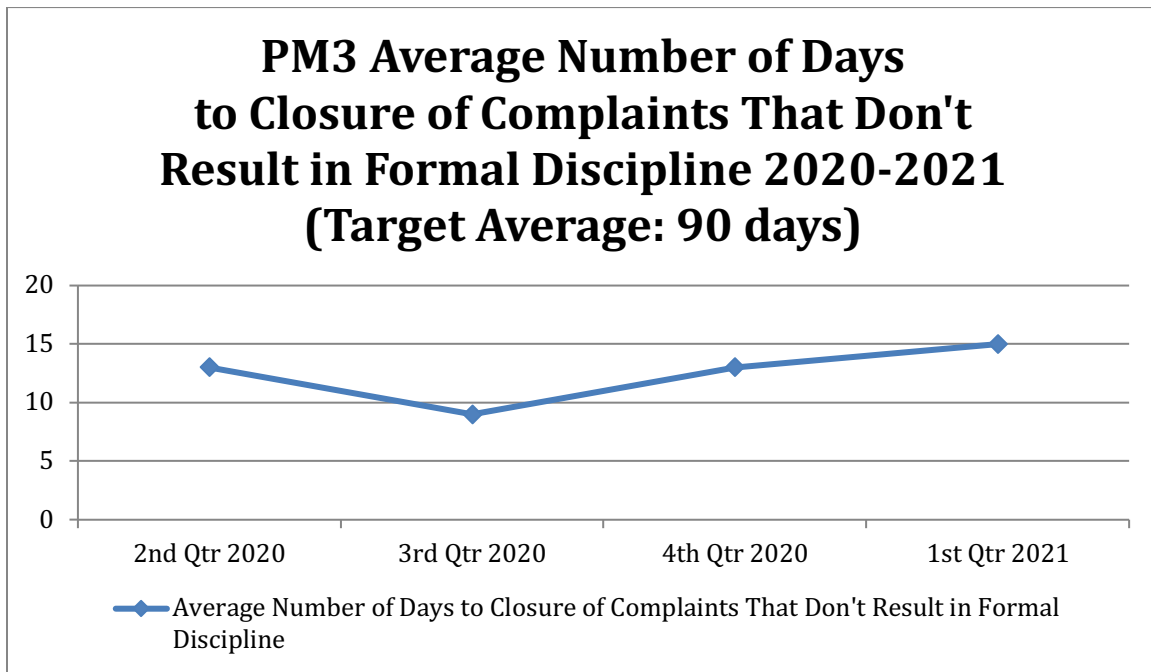
Average time in days from date complaint was received to date complaint was resolved/closure of the investigation process. This number includes ALL complaints, not just those against Certificate Holders, which are resolved prior to being referred to Legal for formal discipline. It does NOT include cases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

SECOND QUARTER 2020 (84 complaints resolved): 13 days is the average number of days to closure.

THIRD QUARTER 2020 (90 complaints resolved): 9 days is the average number of days to closure.

FOURTH QUARTER 2020 (34 complaints resolved): 13 days is the average number of days to closure.

FIRST QUARTER 2021 (54 complaints resolved): 15 days is the average number of days to closure.



PM4 – FORMAL DISCIPLINE AGAINST CERTIFICATE HOLDERS

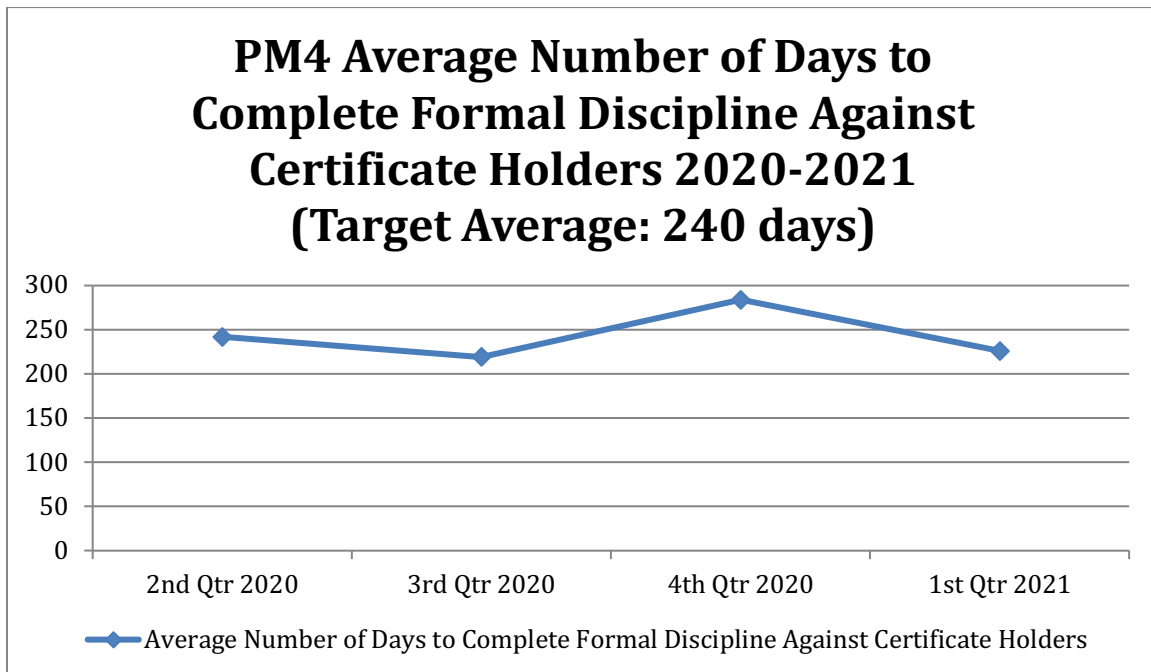
Average number of days to complete the entire disciplinary process against certificate holders for cases resulting in formal discipline by CAMTC. Formal discipline includes permanent revocation, revocation, suspension, and imposition of probationary conditions. Average number of days is calculated from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

SECOND QUARTER 2020 (92 actions): 242 days is the average number of days from intake to final date of formal discipline.

THIRD QUARTER 2020 (103 actions): 219 days is the average number of days from intake to final date of formal discipline.

FOURTH QUARTER 2020 (67 actions): 284 days is the average number of days from intake to final date of formal discipline.

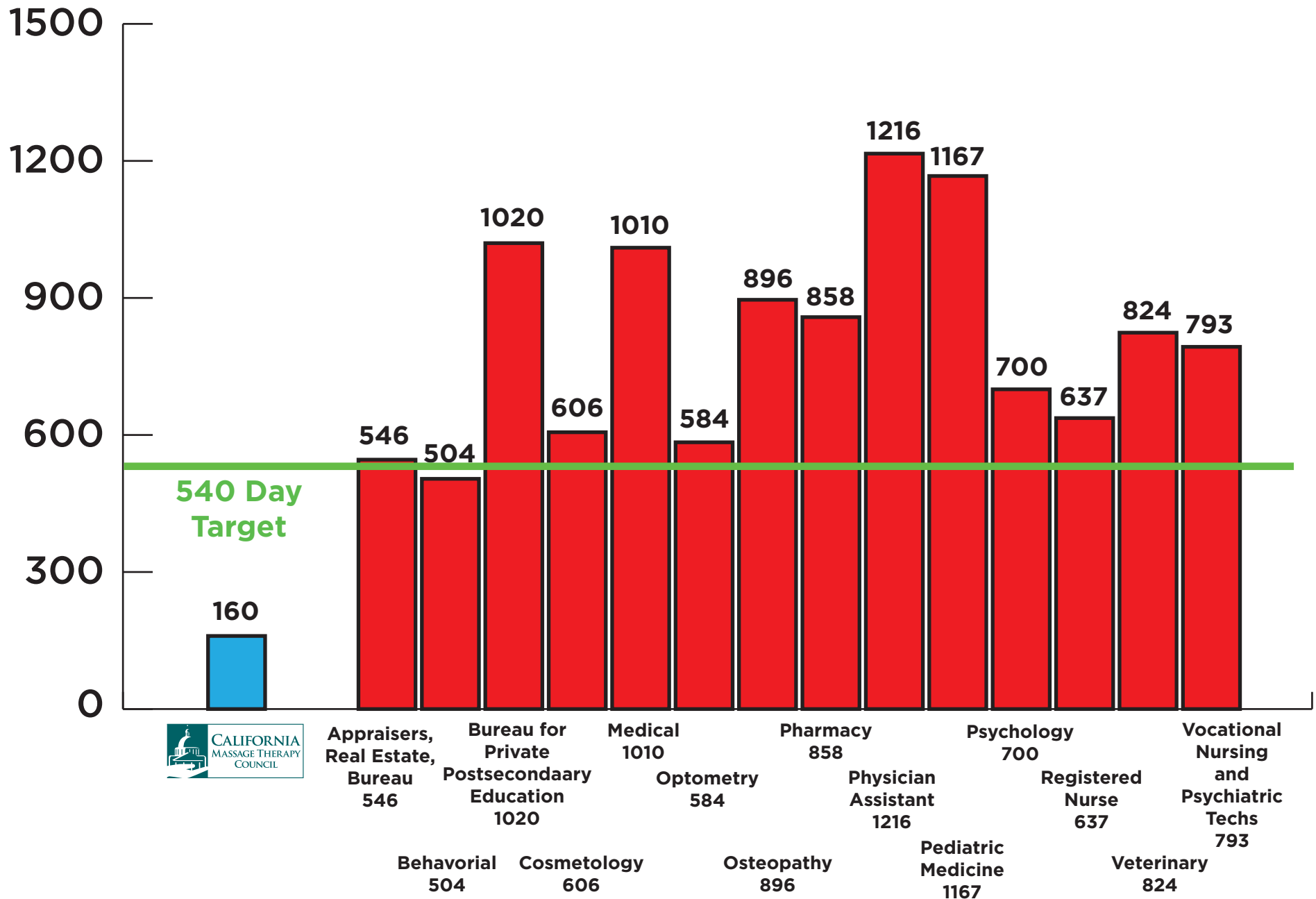
FIRST QUARTER 2021 (70 actions): 226 days is the average number of days from intake to final date of formal discipline.



A comparison of the average number of days to complete formal discipline of CAMTC and DCA's boards and bureaus that are going through Sunset review in 2021 is on the following page.

Average Number of Days to Complete Formal Discipline

PM4 Actual Reported 7/1/2019 - 6/30/2020



Cybersecurity - On February 22, 2021, CAMTC became aware of a potential cybersecurity incident. On February 26, 2021, CAMTC engaged a prominent cybersecurity firm to conduct an investigation into CAMTC's environment. CAMTC also temporarily shut down its website and network as a precautionary measure. CAMTC also engaged the law firm Lewis Brisbois to provide advice and guidance to CAMTC on legal and regulatory requirements related to data and cybersecurity. While the migration to an even more secure platform is complete, CAMTC's investigation into the potential cybersecurity incident is ongoing. At the present time, our retained cybersecurity experts have not discovered any evidence to substantiate access to or extraction of sensitive or protected information in the CAMTC system belonging to applicants and certificate holders. The legal analysis of any reporting requirements will be assessed upon completion of the investigation.

Team CAMTC - Throughout 2020 and to the present time, CAMTC staff have exceeded my expectations. They have demonstrated the highest level of professionalism and dedication no matter how many challenges they were asked to undertake. The email from one of CAMTC's paralegals is an example of similar emails we received from other team members:

"Good Morning Ahmos: I just realized that I hadn't responded to your message. Thank you for these encouraging words in a time when it's important to receive them. I feel incredibly lucky and grateful to be a part of this team and to get to do work that I thoroughly enjoy. Knowing that our work plays a huge part in protecting the public and keeping them safe is all just icing on the cake. We have such a great team and I know that what we do is important. I hope you and your family have are able to have a joyous holiday season, even amidst this pandemic."

It is not unusual for us to receive unsolicited communications from massage professionals expressing their appreciation to the level of care our team members demonstrate. The email below is just one example:

From: [REDACTED]
Sent: Monday, May 10, 2021, 6:53 PM
To: Beverly May
Subject: Re: Simi Valley

Dear Beverly, thank you for your amazing customer service. I was only expecting a "yes the city is compliant ", or "no they are not, and thanks for bringing it to our attention. "But you went way beyond that and kept asking me questions and sending me code, until my question was fully answered and then some.

You are truly an asset for us. Thank you.

Sincerely, [REDACTED]

In addition to their commitment to excellent service, it is always heartwarming to witness the true comradery our team often displays. As an example, in 2020 four team members donated 255 of their sick hours to two fellow employees who were in need for additional sick time.

Finance

As of April 30, 2021 year-to-date net income was \$278,654.
(Budgeted year-to-date income was a deficit of \$40,120).

Cash on hand was \$3,362,903, which is equal to more than 7 months of current level of operating expenses.

CAMTC's Bank Account Summary is attached on the next page.

CAMTC Bank Account Summary
As of 4/30/2021

	Bank	Type	Term	Maturity Date	Rate	Value	% of Portfolio	Valuation Date
1	Umpqua Bank	Checking	NA	NA	0.000%	793,239.50	23.6%	4/30/2021
2	Synchrony	CD	12 Mos	11/10/2021	1.487%	275,265.65	8.2%	4/30/2021
3	State Farm Bank	CD	36 Mos	11/26/2023	1.440%	272,335.00	8.1%	10/9/2020
4	Centennial Bank/Giant Bank	CD	36 Mos	11/26/2023	1.550%	250,000.00	7.4%	4/30/2021
5	EH National Bank	CD	24 Mos	12/5/2022	1.120%	267,348.24	7.9%	12/31/2020
6	First Internet Bank of Indiana	CD	24 Mos	12/7/2022	1.900%	250,143.84	7.4%	4/30/2021
7	Golden State Bank	MM	NA	NA	1.500%	3,153.45	0.1%	4/30/2021
8	Bank of America - CDARS 01-032620	CDARS	1 mo	5/20/2021	0.010%	248,500.00	7.4%	4/22/2021
9	Liberty Savings - CDARS 01-032620	CDARS	1 mo	5/20/2021	0.010%	4,553.90	0.1%	4/22/2021
10	TIB The Independent Bankers Bank - CDARS 01-032620	CDARS	1 mo	5/20/2021	0.010%	248,500.00	7.4%	4/22/2021
11	Dime Bank - CDARS 02-061120	CDARS	1 mo	5/13/2021	0.010%	248,500.00	7.4%	4/15/2021
12	Northfield Bank - CDARS 02-061120	CDARS	1 mo	5/13/2021	0.010%	4,563.34	0.1%	4/15/2021
13	Pinnacle Bank- CDARS 02-061120	CDARS	1 mo	5/13/2021	0.010%	248,500.00	7.4%	4/15/2021
14	United Community Bank - CDARS 02-061120	CDARS	1 mo	5/13/2021	0.010%	248,500.00	7.4%	4/15/2021
						<u>3,363,102.92</u>		



CALIFORNIA MASSAGE THERAPY COUNCIL

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

To: CAMTC Board of Directors
From: Joe Bob Smith, Director, Educational Standards Division
For: Board Meeting – June 16, 2021

School Statuses Update

With the State “re-opening” and allowing in-person classes to resume, CAMTC Approved Schools have been gearing up for a return to “normal.” Despite the craziness of it all, one previously provisionally approved school has managed to resume normal operations enough to become a CAMTC Approved School. Unfortunately, a handful of schools have indicated they may not continue their massage programs for new students beyond the pandemic.

With the State lifting most restrictions affecting vocational schools like massage on June 15th, CAMTC’s Temporary Policy to Accept Interactive Distance Learning Hours (“Temporary IDL Policy”) will expire 90 days later on September 13, 2021. Multiple CAMTC Approved Schools have expressed that they would like to see CAMTC continue accepting interactive distance learning on a permanent basis. I have addressed this issue in a separate report on Interactive Distance Learning submitted to the Board.

School Outreach

Monthly Schools Conference Calls: A useful communication tool before the pandemic, these monthly Schools Conference Calls have been indispensable the past year. Each monthly call averages 50-70 participants with most CAMTC Approved Schools represented. Through these calls, CAMTC has been able to communicate about changing circumstances and receive timely feedback from schools themselves. With pandemic-related updates coming to an end, May’s call broke with tradition and allowed a representative from the Alliance for Massage Therapy Education (“AFMTE”) to speak about the AFMTE’s Educator Certification program and upcoming Virtual Educational Congress (at which I’ll be presenting – see below). While not affiliated with CAMTC, AFMTE is the only national organization focused solely on massage education, a helpful resource for some of our schools.

AFMTE Educational Congress: As referenced above, the Alliance for Massage Therapy Education regularly hosts an Educational Congress specific to massage therapy education. The 2021 Educational Congress is virtual and will be held July 16-17. I am proud to be presenting a breakout session entitled “How Schools Can Help Stop Sex and Labor Trafficking” at 6:30 PM on July 17th (see attached). This is an important but unsavory topic that many massage organizations avoid. Since schools play a foundational role in all things massage, I’m pleased that AFMTE has acknowledged this critical topic and honored that they have invited me to speak about it.

IDL Clarification: On February 23, 2021, CAMTC sent a Clarification of the Temporary Policy to Accept Interactive Distance Learning Hours for Hands-On Practice (attached) to all CAMTC Approved Schools. This clarification allows for the additional acceptance of certain hands-on IDL hours that meet particular criteria not specifically stated in the Temporary IDL Policy.

Schools Newsletter: On December 29, 2020, CAMTC published School Newsletter Vol. 4, Issue 3 (attached). These regular newsletters are published and emailed a few weeks after each board meeting to all CAMTC Approved Schools. Along with the Monthly Schools Calls, these newsletters are an important communication tool for CAMTC Approved Schools. They are archived on the CAMTC website for convenient reference.

Looking Forward

One aspect of sunset review that CAMTC Approved Schools are watching closely is the exam requirement. Current law requires passage of a CAMTC-approved exam for CAMTC Certification. However, the Legislature has suspended that exam requirement for several years now until January 1, 2022. Proposed language further extends the exam requirement suspension until January 1, 2023. Of course, CAMTC, along with schools, will have to wait for the Legislature's final language and outcome of the bill to know if and when passage of a CAMTC-approved exam may once again be required for certification.

In 2022, almost 75% of CAMTC Approved Schools have their approvals expiring. The vast majority of these were the initial schools approved for 2 years back in 2016 and re-approved for an additional 4 years in 2018. Once all of the applications for re-approval have been received, CAMTC will have a clearer picture of the toll that the pandemic has taken on the number of approved schools.

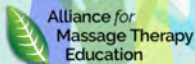
ESD has been anticipating and is prepared for this deluge of re-approval applications. Considering most of these schools have been approved for six years and are well-known to staff, most of the re-approval applications should require a normal workload. However, should the Board extend or permanently adopt the acceptance of interactive distance learning, ESD may require an additional staff member to review new curriculum and processes that each school would need to submit.

2021
EDUCATIONAL CONGRESS
JULY 16 & 17, 2021
VIRTUAL CONFERENCE

EVENT THEME:
*promoting ideas
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in the evolving world of
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2021
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Breakout Session

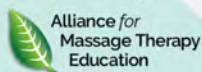
**JOE BOB
SMITH**

PRESENTING:

How Schools Can
**Help Stop Sex &
Labor Trafficking**



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JULY 16 & 17, 2021
VIRTUAL CONFERENCE



Clarification of Temporary Policy to Accept Interactive Distance Learning Hours For Hands-on Practice

CAMTC's Temporary Policy to Accept Interactive Distance Learning Hours For Hands-on Practice, ("Temporary IDL Policy"), was approved on 7/27/2020 and amended on 12/10/2020. Since the adoption of this policy, several schools and students have expressed confusion as to whether or not CAMTC now accepts hands-on interactive distance learning ("IDL") hours completed between 3/12/2020, (the date CAMTC first accepted lecture IDL hours with restrictions), and 7/27/2020, (the date of the Temporary IDL Policy in which CAMTC began accepting hands-on IDL hours with restrictions).

CAMTC is sensitive to the fact that many students and schools were confused by the implementation date for this new policy and believed it retroactively applied to hands-on IDL hours completed between 3/12/20 and 7/27/20 due to the fact that the 7/27/20 policy stated that it "superseded" the previous policy. Therefore, in order to provide better clarification of this policy in a manner that is generous to students and schools operating in the midst of a global pandemic, CAMTC shall accept hands-on IDL hours completed on or after 3/12/2020, but before 7/27/2020, so long as the hands-on IDL hours meet ALL of the following conditions:

1. The school and massage program must have been approved by CAMTC at the time the hands-on IDL hours were completed.
2. The school and massage program in which the hands-on IDL hours were completed must be accredited by an agency recognized by the United States Department of Education, and the accrediting agency must have approved the massage program to offer hands-on IDL hours during the time in which the hours were completed.
3. The total number of hours of the approved massage program in which the hands-on IDL hours were completed must exceed 500 hours.
4. The total number of hands-on IDL hours completed on or after 3/12/2020, but before 7/27/2020, shall not exceed 75 hours.
5. The following requirements of the Temporary IDL Policy must be met including, but not limited to:

- a. Applicants must still successfully complete a minimum of 75 hands-on hours in-person under the active and direct supervision of a qualified instructor as part of the 500 hours required for certification.
 - b. Hands-on IDL hours must have been synchronous (real time) sharing of hands-on practice using video conferencing.
 - c. Each student's identity must have been verified and tracked with complete and accurate attendance records.
 - d. Each student's skills must have been appropriately assessed.
 - e. Each student must have been equipped with the proper tools to effectively demonstrate practical applications.
 - f. Student-teacher ratios for hands-on IDL must not have exceeded a maximum of 18 practicing students to one instructor.
 - g. Transcripts or transcript addenda including any IDL hours must identify how many hours of each course were completed in-person or through IDL. Additionally, reported hands-on IDL hours completed on or after 3/12/2020 but before 7/27/2020 must indicate whether hands-on IDL hours were completed on or after 3/12/2020 but before 7/27/2020 or on or after 7/27/2020.
6. Due to the retroactive nature of this clarification, the following requirements of the Temporary IDL Policy do not have to be met for hands-on IDL hours completed on or after 3/12/2020 but before 7/27/2020. However, these requirements must still be met for hands-on IDL hours completed on or after 7/27/2020:
 - a. Notification and written acknowledgement for IDL students.
 - b. Monthly IDL Reports prior to August 2020.
7. CAMTC approved schools shall meet all minimum standards for training and curriculum, as well as all requirements stated in the Policies and Procedures for Approval of Schools and the Temporary IDL Policy unless specifically addressed by this clarification.
8. Schools submitting hands-on IDL hours completed on or after 3/12/2020 but before 7/27/2020 must sign a declaration under penalty of perjury stating that those hands-on IDL hours meet all requirements of this clarification. Only one declaration per school is required, and can be returned electronically in PDF format to: jbsmith@camtc.org This declaration must be received before CAMTC can accept hands-on IDL hours completed on or after 3/12/20 and before 7/27/20.



BOARD MEETING UPDATES

The CAMTC Board held a virtual Board Meeting on December 10, 2020. Among the items addressed, the Board took action on two school-related issues.

Temporary Policy to Accept Interactive Distance Learning (IDL) Hours

The Board amended the Temporary Policy to Accept Interactive Distance Learning (IDL) Hours. These amendments have two primary effects:

• Expiration of Temporary Policy

The Board recognizes that schools must plan many months out and need time to transition from IDL back to in-person classes. Therefore, the newly adopted language states that this temporary policy will expire 90 days (instead of the previous 30 days) after the date that BOTH the State and the health department for the county in which the school is located allows in-person classes to resume, or July 1, 2021, whichever date comes later.

• Students Affected by this Temporary Policy

Understanding that it can be difficult for both students and schools to change instructional delivery and schedules for students once they have started classes, the Board made an allowance for students who are in the process of completing their classes when this policy expires:

“For students who enroll and begin classes prior to the expiration of this temporary policy, CAMTC will continue to accept distance learning hours successfully completed during the twelve months after this temporary policy expires, so long as the requirements of this temporary policy are met. CAMTC will not accept distance learning hours for students who enroll or start classes after this temporary policy expires.”

You can view both of these documents on the CAMTC website for exact language:

<https://www.camtc.org/schools/school-owners-administrators/>

Education from Closed Schools

The Board amended the Policies and Procedures for Approval of Schools to remove section 3.A.a.(4), which was slated to go into effect on January 1, 2021 and would have added additional requirements for the acceptance of education from schools that closed prior to July 1, 2016. Due to the removal of that section, Applicants with education from these schools, will continue to have their education reviewed on a case-by-case basis in keeping with the current process.

Board Officers

The Board re-elected its current officers to serve for the upcoming year. These include the two Board Members representing schools.

Chair – Jeff Forman, Ph.D., appointed by the Chancellor’s Office for the California Community College system. Dr. Forman recently retired as a full time Professor and Director of the Massage Therapy program at DeAnza College in Cupertino, where he developed the first Community College Massage Therapy degree and certificate programs in the State.

Secretary – Allison Budlong, appointed by the California Association of Private Postsecondary Schools (CAPPS). Ms. Budlong is the past Director of Education Programs and Compliance at the National Holistic Institute (NHI) “A College of Massage Therapy” — supporting student and alumni services and school compliance.

Re-elected was **Ron Bates, Ph.D.**, as **Vice-Chair**, appointed to the Board by the League of California Cities, and is a Council Member in Los Alamitos. Also re-elected was **Michael Marylander**, as **Treasurer**, also appointed by the Board, and he owns a chain of massage therapy clinics.



MESSAGE REOPENING



Keep up-to-date with the reopening of massage establishments around California using our interactive map at:

www.camtc.org/county-massage-reopening-map/

and also COVID-19 Updates on our homepage.

Note that the reopening of massage establishments does not necessarily include massage schools.

To see if your school can operate and with what modifications, consult your local county health department.

!!! IMPORTANT REMINDER !!!

Due to the COVID-19 health crisis and in compliance with health experts and authorities, CAMTC is conducting modified operations and is not currently sending or receiving physical mail or packages. Please do not send mail to CAMTC – it will not be processed timely. If you have mailed any documents to CAMTC, we recommend that you resubmit those documents by email. Until further notice, any documents that you would like CAMTC to receive and

review must be submitted electronically. Please submit them by email to info@camtc.org.

However school transcripts should continue to be emailed to transcripts@camtc.org and make school payments per the instructions for schools. All payments must be made by credit or debit card – we will not be accepting checks, cashier's checks or money orders until further notice.

SUNSET REVIEW

Previously scheduled for this year, the Sunset Review will occur during 2021. This is a time that the Legislature reviews the current Massage Therapy Act and makes changes. These changes may be minor or substantial.

CAMTC will keep you apprised throughout 2021 with these newsletters and our monthly school calls of potential changes to the law that may affect massage therapists and schools.



QUESTION OF THE MONTH

Our school has some students for which English is a second language. Can I assist them with their Application for CAMTC Certification?



Yes. A representative can help an individual fill out an Application for CAMTC Certification. However, the applicant is responsible for making sure all of the information on the application is truthful, correct, and accurate and must sign their own application attesting to this.

The Monthly Schools Call

occurs the 1st Wednesday of every month at 2:00pm.

The next call is January 6th, 2020.

Calls are open to the public, but participation is prioritized for school owners and administrators. Please email your school-related questions in advance to jbsmith@camtc.org.

To participate in the upcoming conference call, simply call the phone number shown and, when prompted, enter the passcode shown followed by the # sign: **Phone number: 877-366-0711** **Passcode: 82373574 #**



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?

Digital versions of all previous CAMTC School Newsletters can always be found at:
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



Interactive Distance Learning Report

June 16, 2021

Prepared by:
Joe Bob Smith, Director
Educational Standards Division

Summary

With the State allowing vocational schools to resume in-person classes as of June 15, 2021, and all counties we are aware of following suit, CAMTC's current temporary distance learning policy will expire for all CAMTC Approved Schools 90 days later on September 13, 2021. This means that classes for students starting after this date must be entirely in-person, as they were prior to March 2020. Students who begin distance learning classes on or before this date, will have up to one year to continue and complete the program with distance learning. Multiple CAMTC Approved Schools have expressed that they would like to see CAMTC continue accepting interactive distance learning on a permanent basis. Staff supports this notion and has submitted a recommendation below.

School Concerns

A significant number of CAMTC Approved Schools have expressed that they would like to see CAMTC continue to accept distance learning hours beyond the current temporary policy. Schools scrambled to convert much of their instructional delivery to distance learning when the State and local counties banned in-person classes last year. Schools invested a lot of money, resources, and time into distance learning education. Now, they would like to see a return on their investment. Additionally, they report high student satisfaction and success.

Existing Policy

CAMTC's Policies and Procedures for Approval of Schools ("Procedures") section 1.B. states: "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."

On March 12, 2020, in response to the escalating COVID-19 crisis, CAMTC staff issued an emergency "Coronavirus (COVID-19) Contingency Plan for Schools" which allowed certain temporary measures, including, but not limited to, accepting interactive distance learning ("IDL") for lecture-based subject matter for a set period of time. CAMTC subsequently issued two updates extending these measures for additional periods of time.

On July 27, 2020, the Board ratified this contingency plan and adopted the Temporary Policy to Accept Interactive Distance Learning Hours ("Temporary IDL Policy"), with minor amendments on December 10, 2020. Staff subsequently issued a further clarification of this policy on February 23, 2021.

Generally, this Temporary IDL Policy allows for CAMTC's acceptance of all lecture and hands-on curriculum successfully completed through distance learning, except for 75 hands-on hours which must be successfully completed in person. Certain restrictions and requirements apply.

This Temporary IDL Policy expires 90 days after the date that the State and the health department for the county in which the school is located allows in-person classes to resume, but not before July 1, 2021. For students who enroll and begin classes prior to the expiration of this temporary policy, CAMTC will continue to accept distance learning hours successfully completed during the twelve months after this temporary policy expires, so long as the requirements of this temporary policy are met.

With the State allowing vocational schools to resume in-person classes with minimal, if any, restrictions on June 15, 2021, and all known counties following suit, this Temporary IDL Policy will expire on September 13, 2021, for all CAMTC Approved Schools. While students who start classes on or before this date may continue their education under the requirements of the Temporary IDL Policy for up to one year, students who start classes after this date must complete their education entirely in-person in accordance with the Procedures. After September 13, 2022, all massage education completed at CAMTC Approved Schools must be entirely in-person.

Analysis

Distance learning is not new. In fact, it has existed for decades in a variety of formats. However, it is only in the last few years that modern technology has brought distance learning into the mainstream with major colleges and universities heavily utilizing it. Done well, many deem it as good as, and sometimes superior to, traditional in-person classes. As a result, an online education at a major university likely costs the same tuition as an in-person education.

Massage and Distance Learning

In massage education, distance learning has been primarily reserved for continuing education classes as most states have not previously accepted distance learning for entry-level massage therapists. That all changed in 2020 during the pandemic when distance learning became the rule rather than the exception.

Out-of-State Education

Now many states are moving to accept at least some distance learning hours permanently. A few examples:

NEVADA (550 Total) – Allows 205 hours of distance learning as follows:

- 288 hours – must be in-person:
 - o 220 – Hands-on instruction in assessment, theory, and application (including at least 80 hour of clinic instruction)

- o 125 – Hands-on instruction in other courses of massage therapy
- 205 – may be distance learning:
 - o 125 – Anatomy, Physiology and Kinesiology
 - o 40 – Pathology
 - o 40 – Business and ethics

FLORIDA (500 Total) – Allows 212 hours of distance learning as follows:

- 288 hours – must be in-person:
 - o 75 – Basic massage theory and history
 - o 125 – Clinical practicum
 - o 76 – Allied modalities
 - o Theory and practice of hydrotherapy
- 212 – may be distance learning:
 - o 150 – Anatomy and Physiology
 - o Basic massage theory and history
 - o 15 – Business
 - o 3 – Theory and practice of hydrotherapy
 - o 10 – Florida laws and rules
 - o 4 – Professional ethics
 - o 3 – HIV/AIDS education
 - o 2 – Medical errors

TEXAS (500 Total) – Allows 250 hours of distance learning as follows:

- 250 hours – must be in person:
 - o 200 – taught by a licensed massage therapy instructor and dedicated to the study of massage therapy techniques and theory and the practice of manipulation of soft tissue, with at least 125 hours dedicated to the study of Swedish massage therapy techniques
 - o 50 – internship program
- 250 – may be distance learning:
 - o 50 – anatomy
 - o 25 – physiology
 - o 50 – kinesiology
 - o 40 – pathology
 - o 20 – hydrotherapy
 - o 45 – law, rules, business practices, ethics
 - o 20 – health, hygiene, first aid, universal precautions, and CPR

In addition to establishing precedent, with other states permanently accepting distance learning, this impacts how CAMTC accepts out-of-state education and creates potential barriers to certification for applicants with out-of-state education. Even now, some states meet or exceed CAMTC certification

requirements and some states do not. This means that some out-of-state applicants have to complete additional education from a CAMTC Approved School to meet CAMTC requirements. Generally, these additional hours, if any, number far less than 100. However, in the examples above, someone moving to California from one of these states may have to complete over 200 hours of additional education from a CAMTC Approved School.

California Board of Barbering and Cosmetology

Within California, distance learning is becoming more prevalent. The California Board of Barbering and Cosmetology (“BBC”) defers to the Bureau for Private Postsecondary Education (“BPPE”) to approve barbering and cosmetology programs. Like CAMTC, last year BPPE allowed its BBC programs to complete most of the education through distance learning. Coming out of the pandemic, BPPE reports that it expects theory hours completed through distance learning to continue to be accepted while practical hours will likely be required to be in-person, though a final determination has not been made.

State Colleges and Universities

Several CAMTC Approved Schools are community colleges, and CAMTC accepts up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a state college or university. In recent years, on a few occasions, CAMTC has had to deny education that applicants completed as distance learning even though it was at a state college or university. Usually, these were the anatomy and physiology classes that the school had moved online.

Last year California colleges and universities went almost completely virtual. It is anticipated that many of these classes will stay, at least in part, as distance learning. If this is the case, it may negatively impact community colleges with CAMTC-approved programs, as well as applicants with education from state colleges and universities, whose distance learning education CAMTC will not accept.

CAMTC Approved Schools

In its virtual site visits to CAMTC Approved Schools, inspectors have observed a broad spectrum of quality in the delivery of distance learning. At the high end, instructors use split screens, slides, videos, animations, multiple camera angles, and engage regularly with students. At the bottom end, instructors struggle with the technology; students disappear for long stretches; massage “clients” include pillows, stuffed animals, or nothing at all; and there is little engagement between students and instructor. This broad range of outcomes is due to several factors:

- o The relatively broad emergency distance learning policy that CAMTC implemented last year,
- o Inconsistent distance learning knowledge and training for schools and instructors, and
- o Rushed implementation.

Recommendations

After consulting with the Chair, CEO, and other stakeholders, staff recommends that the Board consider adopting a policy to permanently accept some distance learning hours with conditions:

- Limiting the distance learning hours to certain subjects and requiring that other subjects and all hands-on hours be in person will help mitigate many of the problems CAMTC inspectors witnessed in their virtual site visits.
- Requiring that all distance learning hours are synchronous will ensure that students actually complete the number of hours required for certification; receive similar, interactive instruction; and allow CAMTC to make unscheduled site visits.
- As has been the case, any program offering distance learning will have to continue to be approved to do so by its approval or accrediting agency prior to being approved for distance learning by CAMTC.

Following these precepts and taking into account current curriculum requirements, staff recommends:

310 Hours shall be in-person and must include:

- **250 Hours** minimum:
 - Hands-on instruction in client assessment & interview, client draping, massage application, and planning and administering an individualized therapeutic massage
 - 250 hours may include a maximum 75 hours of Student Clinic
- **20 Hours** – Anatomy & Physiology Lab (Core hours)
- **10 Hours** – Ethics, California Laws and Rules, Informed Consent, Confidentiality (Core hours)
- Remaining **30 Hours** may include a combination of:
 - Kinesiology Lab, Palpation, Range of Motion and End Feel
 - Additional Modalities
 - ALL Assessments - Physical and Cognitive

190 Hours may be in-person or synchronous distance learning and shall include:

- **60 Hours** – Anatomy & Physiology Theory (Core hours)
- **35 Hours** – Contraindications, Pathology, Skin Disorders (Core hours)
- **20 Hours** – Health & Hygiene, Universal Precautions, Blood and Airborne Pathogens (Core hours)
- **15 Hours** – Business, Professional Development (Core hours)
- Remaining **60 Hours** may include a combination of:
 - Massage Theory
 - Massage History
 - Medical Terminology
 - Kinesiology Theory
 - SOAP Notes, Charting
 - Additional Core Hours

Next Steps

Should the Board move forward with such a proposal, staff will revise the Policies and Procedures for Approval of Schools for the Board's review and consideration at a future meeting. An additional staff member would likely be needed, at least temporarily, to help implement this new policy as it would coincide with the re-approval of 40-50 schools in 2022.



CALIFORNIA MASSAGE THERAPY COUNCIL

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

June 16, 2021

TO: BOARD OF DIRECTORS, CALIFORNIA MASSAGE THERAPY COUNCIL

FROM: JOE BOB SMITH, DIRECTOR, EDUCATIONAL STANDARDS DIVISION

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

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

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

See attached: Policies and Procedures for Approval of Schools approved on December 10, 2020, sections:

- a. 1.B.
- b. 2.E.a.(2)
- c. 3.A.a.(3)
- d. 5.C.a.(3)

A short description of why the policy should be changed.

1.B. Clarifying language. While apprenticeships are typically a form of externship, listing them separately avoids any confusion.

2.E.a.(2) Some schools avoid being denied by never completing their application or responding in full to a corrective action letter. This helps close that loophole and provides a consequence for doing so.

3.A.a.(3) Lowering the threshold for what qualifies as proof of education from long-closed schools will give staff more discretion to accept such education.

5.C.a.(3) Corrects an oversight that would allow a student's address to be left off a transcript.

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

Not applicable.

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

None of these changes should have a significant fiscal impact.

Potential pros and cons if the new policy is adopted:

Pros – Clarifying and correcting language, closing a loophole, and allowing more discretion for education from closed schools will create operational efficiencies.

Cons – None.

The impact on current certificate holders and applicants.

Should help certain applicants from closed schools achieve certification.

A suggested date for the change to be implemented.

Effective immediately.



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, apprenticeships, 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 must receive an application for re-approval at least six months prior to the school's approval expiration date as stated in the letter of approval. While CAMTC may send a complimentary reminder, it is the school's responsibility to submit the application for re-approval on time.

2. Approval and Re-Approval Process.

- A. Complete either the application for school approval or application for school re-approval packet entirely and submit all requested documents.
- B. Pay the initial application fee of \$3,000 and any required background check fees. All fees are non-refundable. If approved, the initial application fee provides for 2 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. A school that has been continuously approved for the full 2-year initial approval period, with no disciplinary action taken

against it by CAMTC and no break in the approval period, may apply for re-approval. The re-approval fee shall be \$3,000 for schools whose approval expires on or before December 31, 2019, and \$6,000 for schools whose approval expires on or after January 1, 2020, and provides for 4 full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of these Procedures. Schools with a break in the approval period, or who have had disciplinary action taken against them by CAMTC, must apply and meet the requirements of a new applicant, including paying the initial application fee, which shall provide for 2 full years of CAMTC approval if approval is obtained.

- C. A school offering a professional massage therapy program that has not been approved by CAMTC, before enrolling a student in the school, shall notify the student in writing and obtain a signed confirmation from the student that the student has received written notification of the following:

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

- D. Schools applying for initial approval shall host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein. Schools applying for re-approval may also be required to host a scheduled site visit from a CAMTC representative(s) who will verify information submitted in the application packet and compliance with requirements for approval set forth herein, at CAMTC's discretion. Unscheduled site visits may also occur at any time for both approved schools and applicants for approval or re-approval.

E. Approval Process

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

1) Within 180 days from the date an application is deemed complete by CAMTC, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, propose to otherwise act against the school in accordance with these Procedures, or notify the school that corrective action is needed in accordance with the procedures set forth herein.

2) If a school does not complete its portion of the application for school approval, including, but not limited to, all supporting documentation and background checks within one year of the date that CAMTC received the application or if a school fails to respond completely, accurately, and truthfully to a corrective action letter by the deadline stated in the letter, the application may be purged. Once two years have passed from the effective date of purging, an application is purged, the school will need to start the entire application process over, including paying the application fee and

meeting all of the requirements for program approval that exist at the time, and applying as a new applicant for school approval.

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

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

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

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

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

c. Provisional School Approval. For new schools or new massage programs, massage programs that have been on hiatus, or massage schools or programs for which students are not currently enrolled or have not completed enough of the program for CAMTC to adequately determine if the minimum requirements for training and curriculum have been met, CAMTC will follow the same application review process set forth in these procedures, except for those procedures applicable to the site visit and the timelines set forth above. For schools seeking CAMTC provisional school approval, a minimum of two site visits will occur. The initial site visit will follow the guidelines of a regular site visit except for those items which cannot be completed due to the school having no students or only having students for a short period of time. These items may include, but are not limited to, class observations, student interviews, and student file review. A follow-up site visit will be performed once students have started and completed enough of the program for CAMTC to adequately assess the remaining items. If granted, CAMTC provisional school approval is valid for only 180 days, unless otherwise extended by CAMTC in its sole discretion.

d. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is

needed, it will send a letter to the school notifying it of the specific corrective action requested and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Once CAMTC has reviewed submitted proof that the school has taken the specific corrective action requested pursuant to this section and made a determination as to whether the action taken satisfies the request for corrective action, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, provisionally approve the school, propose to deny the school, or propose to otherwise act against the school in accordance with these Procedures or notify the school that additional corrective action is needed, notwithstanding the limitations of section 2.E.b.2. above. CAMTC shall note on its internet website the date that a letter requesting corrective action has been sent to the school and the final outcome and date of that proposed action.

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

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

3. Important Dates.

- A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours completed from CAMTC approved programs offered at CAMTC approved schools unless otherwise allowed pursuant to these procedures. The 500 hours required for CAMTC Certification may be completed at more than one approved school and/or more than one approved massage program. Students do not have to register for or complete an entire CAMTC approved program for CAMTC to consider the education sufficient to meet the requirements in the Massage Therapy Act; CAMTC will consider hours from a partially completed program for certification so long as those hours are part of a CAMTC approved massage program.
 - a. CAMTC will accept education for CAMTC certification purposes from schools or programs closed on or before June 30, 2016, with either no lawful custodian of records or a lawful custodian of records that is not a CAMTC approved school as long as all of the following conditions are met:

- 1) The education occurred at a time when the closed school or program was approved or accredited by at least one of the organizations listed in California Business and Professions Code section 4601;
 - 2) The closed school or program is or was not subject to any disciplinary actions or pending investigations by any approval or accrediting agencies, Law Enforcement Agencies (LEA), government agencies, CAMTC or other massage or school related entities; and
 - 3) The applicant for CAMTC certification provides ~~verifiable~~ sufficient 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.
- 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, whichever is later, will be provided for acceptance of individual certification applications. During this 90-day grace period, the school's students who apply for certification, and all of those whose applications were previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students whose applications are received after the 90-day grace period has expired will be notified that, unless they have also supplied evidence of completion of required hours of massage education from one or more CAMTC approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged.
- B. May 1, 2015. To ensure a site visit and the possibility of approval by July 1, 2016, a school shall apply by this date. Schools may apply for approval while working to fulfill all of the requirements set forth herein, but may not receive approval until all requirements are met. Schools applying after this date or schools sent a letter requesting corrective action, proposed for denial, or proposed to be otherwise acted against may not be approved by July 1, 2016.
- C. All schools sent an official letter from CAMTC on or before July 1, 2016, notifying them that the school has been approved, will have an effective approval date starting on July 1, 2016. Approval shall be for a two year time period, unless the school is otherwise acted against in accordance with these Procedures. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.
- D. Schools approved or provisionally approved after July 1, 2016, will have an effective date of approval starting on the date of approval or provisional approval. For purposes of individual CAMTC Certification, if CAMTC ultimately approves a school whose application for school approval is or was received on or after July 1, 2016, CAMTC may consider education completed at the school on or after the date CAMTC initially received the school's application for school approval as education completed at a CAMTC approved school.

- E. 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, address, and date of birth.
 - (4) Name of CAMTC approved program(s) attended by student.

- (5) Date student started CAMTC approved program(s) and date student completed CAMTC approved program(s) or hours, for programs longer than 500 hours, completed CAMTC requirements, if applicable.
 - (6) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses shall match those listed in the provided syllabi and program hour requirement worksheet(s) (included with application).
 - (7) Total number of supervised clock hours completed for CAMTC approved program(s).
 - (8) At least one authorized, personally handwritten signature in ink with printed name, title, and date.
 - (9) Official school seal affixed, embossed, or otherwise attached to transcript.
 - (10) Sufficient security measures that uniquely identify the school's transcripts.
- b. Transcripts from public colleges or universities of the California state higher education system, as defined in Section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education shall meet or exceed standards as determined by governing laws and regulations.
 - c. Only sealed transcripts sent directly from the school or an authorized transcript provider in an envelope matching the sample submitted to CAMTC will be considered for certification purposes.
 - d. CAMTC staff shall clearly be able to discern whether a student has completed the required hours without having to interpret any information.
 - e. Clearly identify or DO NOT include unsupervised clock hours.
 - f. Clearly identify or DO NOT include courses or hours considered incomplete by the school.
 - g. Pursuant to Business and Professions Code section 4604, CAMTC can only consider transfer hours from CAMTC approved schools. Transcripts shall clearly identify transfer hours, including but not limited to name, CAMTC School Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours may not make up more than 50% of the 500 hours required for certification.
- (1) CAMTC will consider up to 125 hours of equivalent anatomy and physiology, health and hygiene, and/or business completed at a college or university of the state higher education system, as defined in Section 100850 of the Education Code, as meeting the definition of a CAMTC approved school.

- (2) CAMTC reserves the right, in its sole discretion, to not accept any or all transfer hours.
- h. Schools shall take necessary precautions to avoid the creation and/or reproduction of fraudulent transcripts. Fraudulent transcripts, whether from within or without the school, may lead to suspension or revocation of school approval, among other consequences.
 - i. Any changes in transcript format, authorized signers, and/or security features may only occur after the corresponding application for change has been submitted to and approved by CAMTC.
 - j. The school shall have clearly defined written policies that it follows for accurately and securely keeping and maintaining student files and transcript information, including but not limited to enrollment agreements, payment ledgers, attendance rosters, coursework, and grades.
 - k. Transcript information shall be securely kept permanently. If a school closes, it shall designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

C. Enrollment Agreement

- a. Enrollment agreements and massage program addendums, if any, from private post-secondary schools shall, at minimum, contain the following information:
 - (1) School name, address, additional addresses where classes will be held, telephone number, and website.
 - (2) Student's full legal name, date of birth, address, email, telephone number, and signature.
 - (3) Copy of a current valid government issued photographic identification.
 - (4) Title of massage program and total scheduled number of supervised hours received upon completion.
 - (5) Program schedule with start date and scheduled completion date.
 - (6) All scheduled charges and fees including, as applicable: tuition, registration fee, equipment, lab supplies, textbooks, educational materials, uniforms, charges paid to an entity other than the school as required by the program, and any other charge or fee.
 - (7) Scheduled payment terms.

- (8) Clearly visible disclosure statement: "Attendance and/or graduation from a California Massage Therapy Council approved school does not guarantee certification by CAMTC. Applicants for certification shall meet all requirements as listed in California Business and Professions Code sections 4600 et. seq."
- (9) Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at: One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."
- b. Enrollment agreements from public colleges or universities of the California state higher education system, as defined in section 100850 of the Education Code, and public schools accredited by an agency recognized by the United States Department of Education shall meet or exceed standards as determined by governing laws and regulations.

D. Course Catalog

Course Catalogs and massage program addendums, if any, shall, at minimum, contain the following information:

- a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).
- b. Date printed/revised.
- c. Title of massage program(s) and total number of scheduled supervised hours received upon completion.
- d. Program prerequisites, including but not limited to admission requirements, previous training, and language comprehension skills.
- e. Completion and graduation requirements, including but not limited to clock hours to attend, assignments to complete, and assessments to pass.
- f. Transfer credit policy.
- g. Attendance and leave of absence policies, including but not limited to:
 - (1) Notice that applicants for CAMTC certification shall have attended 500 supervised hours total with 100 of those hours satisfying CAMTC specified subjects.
 - (2) For 500-hour programs, how students make up missed hours and, for programs longer than 500 hours, percentage of hours students can be absent and how they make up any additional hours.

(3) Length, terms, and allowances for leaves of absence.

- h. Hygiene, dress code, and draping policies.
- i. If the school admits foreign or ESL students, the catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency that will be accepted; and whether English language services are provided and, if so, the nature of the service and its cost. The catalog shall also identify whether any instruction will occur in a language other than English and, if so, identify the other language(s) instruction will be provided in, the level of English proficiency required, and the kind of documentation of proficiency that will be accepted.
- j. Publication of CAMTC's Law related to unfair business practices as related to massage:
 - (1) Pursuant to California Business and Professions Code section 4611, It is an unfair business practice for a person to do any of the following:
 - (a) To hold himself or herself out or to use the title of "certified massage therapist" or "certified massage practitioner," or any other term, such as "licensed," "certified," "CMT," or "CMP," in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid certificate issued by the California Massage Therapy Council.
 - (b) To falsely state or advertise or put out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.
- k. Clearly visible disclosure statement: "Attendance and/or graduation from a California Massage Therapy Council approved school does not guarantee certification by CAMTC. Applicants for certification shall meet all requirements as listed in California Business and Professions Code section 4600 et. seq."
- l. Statement directing students to CAMTC for unanswered questions and for filing a complaint: "A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 800, Sacramento, CA 95814, www.camtc.org, phone (916) 669-5336, or fax (916) 669-5337."

E. Curriculum

All 500 hours of education must be provided under active and direct supervision of qualified instructors.

- a. Provide a minimum of at least 100 supervised clock hours (or credit unit equivalent) addressing the following subjects:
 - (1) A minimum of 64 hours of Anatomy & Physiology, including but not limited to orientation to the human body; integumentary, skeletal, fascial, muscular, nervous, cardiovascular, and other body systems; and kinesiology.
 - (2) A minimum of 13 hours of Contraindications, including but not limited to endangerment areas, contraindications, and medications and massage.
 - (3) A minimum of 5 hours of Health & Hygiene, including but not limited to understanding disease, therapist hygiene, infection control, and standard precautions.
 - (4) A minimum of 18 hours of Business & Ethics, including but not limited to obtaining and maintaining credentials, adhering to laws and regulations, ethical principles, standards of ethical practice, and compliance with the Law applicable to CAMTC certified massage professionals.
- b. Provide a minimum of 400 additional and appropriately weighted supervised clock hours in subjects substantially related to the massage profession, including but not limited to additional hours for topics required above, massage theory and principles, professional practices, therapeutic relationship, assessment and documentation, massage and bodywork application, palpation and movement, and career development. A minimum of 250 hours shall be in the supervised instruction of hands-on massage; California Business and Professions Code section 4601(e) defines massage as “the scientific manipulation of the soft tissues.” CAMTC reserves the right, in its sole discretion, to determine whether curriculum is substantially related to massage or not.
- c. Student clinic hours may count for no more than 75 of the required 500 supervised clock hours and shall demonstrate educational purpose by meeting the following conditions:
 - (1) Operate at all times under active and direct supervision of qualified instructors and on school premises.
 - (2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.
 - (3) Include a client intake form for every client that, among other things, informs client that the practitioner is a student.
 - (4) Include SOAP notes, or equivalent, completed by the student practitioner for every client.
 - (5) Provide for written client feedback.

- (6) Maintain clinic attendance for each student detailing massages and other duties performed during clinic hours.
 - (7) Offer alternate, faculty-supervised learning experiences to students participating in clinic but who do not have a clinic client or specific clinic duties. Under no circumstances shall students receive credit for idle, non-educational, or unsupervised activity.
 - (8) Student clinic hours may include, but are not limited to, hands-on treatments of paying and non-paying public clients or other students; setting up, tearing down, and cleaning massage area; reviewing intake forms, interviewing clients, providing and receiving client feedback, and recording SOAP notes, or equivalent; greeting customers at reception, handling payments, answering and returning calls for appointments, interacting with appointment systems, placing confirmation calls, and managing client files; other duties reasonably befitting a professional massage therapist; and instruction related to these items. Students may not be required to clean school premises or work beyond normal procedures inclusive to treatment areas and immediate office space used during clinical sessions.
 - (9) Schools should carefully weigh and be prepared to support the purpose, duration, and effectiveness of student clinic hours in terms of educational value to the student. CAMTC reserves the right, in its sole discretion, to not accept clinic hours.
- d. Students may not be credited more than 40 hours of total education in any 7-day period, with no more than 10 hours in any one day.
 - e. Maintain current syllabi, including but not limited to the following information for each course and/or subject:
 - (1) Name of course or subject.
 - (2) Detailed description.
 - (3) Learning objectives.
 - (4) Prerequisites.
 - (5) Total number of hours.
 - (6) Instructional material(s) to be used.
 - (7) Required assessments and assignments for successful completion.
 - f. Maintain current daily lesson plans for each course that support syllabi. Daily lesson plans should include, at minimum: educational objectives; instructor resources; required or suggested readings; required or suggested assignments; and assessments with assessment criteria, if any, for each class.

- g. Maintain policies for creating, reviewing, and updating curriculum.

F. Faculty

- a. Qualified instructors are responsible for the delivery of all 500 supervised clock hours (or credit unit equivalent). CAMTC reserves the right in its sole discretion to determine whether an instructor is qualified or not. Requirements for qualified instructors include but are not limited to:
 - (1) Complete and submit the instructor qualification form, including supporting documents.
 - (2) Hold a current CAMTC certification, other allied health license with advanced training in soft tissue modalities, or possess documented higher education applicable to the specific subject(s) taught.
 - (3) Have at least 2 years of documented professional experience applicable to the specific subject(s) taught.
 - (4) Instruct only in those subjects in which qualified through documented education, certification, and professional experience, and not instruct techniques or procedures that require specialized training, licensure, or experience for which they are not qualified.
 - (5) Behave within principles of acceptable, ethical, and professional behavior, including but not limited to:
 - (a) Truthfully and completely administer, record, and represent duties, including but not limited to attendance records, curriculum delivery, and student assessments.
 - (b) Refrain from soliciting, encouraging, or consummating romantic, sexual, or otherwise inappropriate relationships with current students on or off school premises by written, electronic, verbal, or physical means.
 - (c) Refrain from possessing, consuming, furnishing, allowing, or working under the influence of alcohol or illegal or unauthorized drugs during professional activities, including but not limited to being on school premises or at school-sponsored events involving students.
 - (d) Refrain from financial transactions with students, including but not limited to payments, loans, advances, donations, contributions, deposits, or monetary gifts, except for lawful collection and transfer of funds as required by regular school business.
 - (e) Refrain from violating federal, state, and local laws and/or CAMTC rules and regulations, including but not limited to the reasons for denial or discipline/revocation as stated in CAMTC's Procedures for Denial of

Certification or Discipline/Revocation.

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

G. Facility

- a. Appropriate in size and design for the number of students.
- b. Sufficient reference materials and other resources to support educational objectives.
- c. Instructional aids and equipment consistent with the educational content, format, and teaching methodology of each course.

H. Student/Graduate Passage Rates on CAMTC Approved Exams

Beginning with graduate passage rates on CAMTC approved exams for calendar year 2021, an approved school's graduate passage rates on CAMTC approved exams shall equal or exceed the required passage rates for the previous calendar year or CAMTC may place the program on probationary status and/or may require the school to appear before CAMTC to present a plan for remediation.

- a. An approved program shall achieve a graduate passage rate on CAMTC approved exams that is not lower than 10 percentage points less than the national average passage rate for graduates of comparable degree programs who are first-time test takers on the CAMTC approved exams during a calendar year.
- b. If the program does not achieve the required passage rate for 2 consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

I. Site Visits

- a. CAMTC reserves the right to visit any approved school or school applying for approval during stated business hours with or without notice at any time whatsoever and for any reason.

6. Reasons for Imposing Discipline, Denying, or Revoking Approval.

Schools may be denied approval or may have their school approval revoked, suspended, or otherwise acted against, including the imposition of probationary conditions, for any of the following reasons:

- a. Failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools, which includes but is not limited to the following:
 - (1) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school;
 - (2) Failure to require students to attend all of the classes listed on the transcript;
 - (3) Failure to require students to attend all of the hours listed on the transcript;
 - (4) Engaging in fraudulent practices, including but not limited to, the creation of false documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices;
 - (5) Denial, suspension, revocation, or otherwise being acted against by the National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code;
 - (6) Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts;
 - (7) Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts;
 - (8) A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in this section 6;
 - (9) Failure to meet the requirements for an approved school as defined in Business and Professions Code section 4601(a).
- b. Engaging in or has engaged in unprofessional business practices or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting

instructor, independent contractor, administrative staff, or volunteer) has engaged in or is engaging in unprofessional business practices;

- c. Procuring or attempting to procure school approval by fraud, misrepresentation, or mistake or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has procured or attempted to procure school approval by fraud, misrepresentation, or mistake;
- d. Violating or attempting to violate or has violated, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, or has assisted in or abetted the violation of, or conspired to violate, any provision of the Massage Therapy Act or any rule, regulation, policy, or procedure adopted by CAMTC by the actions of the school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer);
- e. Conviction of an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability;
- f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school or an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a CAMTC certificate holder or CAMTC approved school;
- g. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) commits or has committed any act punishable as a sexually related crime or is or has been required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is or has been required to register as a sex offender in another state, or commits or has committed an act that is a violation of human trafficking laws or a violation of the education code or a violation of the Bureau of Private Postsecondary Education's rules, regulations, policies, or procedures;
- h. Failure to fully disclose all information requested on the application or provide information upon request to an individual working on behalf of CAMTC;
- i. Denial of licensure, permit or certificate, or revocation, suspension, restriction, citation, or any other disciplinary action against the school, an owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) by CAMTC, by a state or

territory of the United States, by a government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

- j. An owner, faculty member, or other member of the school's staff (including but not limited to a visiting instructor, independent contractor, administrative staff, or volunteer) has owned, worked at, or been associated with a school that has been un-approved by CAMTC.
- k. Failure to update CAMTC and notify of any changes that might affect a school's eligibility for approval or result in disciplinary action against the school.

7. Procedures for Imposing Discipline, Suspending, Denying, or Revoking CAMTC School Approval.

Any decision to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be decided upon and imposed in accordance with the procedures set forth herein. Denial, revocation, and disciplinary decisions against a school applying for CAMTC school approval or against a CAMTC approved school shall be based on a preponderance of the evidence. In determining the basis for action against a school applying for CAMTC school approval or a CAMTC approved school, the Council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.

a. Actions Against Applicants for CAMTC School Approval and CAMTC Approved Schools.

1. All decisions to impose discipline, deny approval, revoke approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school shall be carried out by an employee of the Council known as the Division Director of the Educational Standards Division (hereinafter the "Division Director") or his/her designee and at least one other employee of CAMTC. The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director (or his/her designee(s)), along with any staff/employees under his/her supervision, shall be collectively known as the Educational Standards Division (the "ESD").
2. If Council staff determines that grounds appear to exist to impose discipline, deny approval, revoke approval, suspend approval, or otherwise act against a school that has applied for CAMTC approval or is a CAMTC approved school, staff shall:
 - i) hold all complete application packets from students who have submitted transcripts from the school if the school has applied for CAMTC school approval;
 - ii) if the school is a CAMTC approved school, the school shall be placed under investigation and the Procedures identified in section 7.c.2. of this document shall be followed;
 - iii) in all cases Council staff shall forward the matter to the Division Director, or an ESD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed:

- (a) The ESD shall be responsible for reviewing and making proposed determinations regarding denials, suspensions, revocations, and other discipline against a school that has applied for CAMTC approval or is a CAMTC approved school. All proposed decisions shall be made by a minimum of two employees of the ESD. The ESD shall ensure that the ESD employees making proposed denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school.
- (b) If after reviewing the matter, the ESD determines that proposed action should be taken, the school shall be provided at least 15 days prior notice of the proposed action and the reasons therefore. Notice shall be given to the school by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class mail or mail with delivery confirmation sent to the last known address of the school shown in CAMTC's records.
- (c) Schools shall be given an opportunity to be heard, either orally by telephonic conference or in writing, at least five (5) days before the effective date of the proposed action against the school. Schools must request an oral telephonic conference or consideration of a written statement in writing (email is sufficient), and pay the appropriate hearing fee, a minimum of 21 days before the date scheduled for their matter to be considered in order for their request to be timely. Failure to request an oral hearing or consideration of a written statement and pay the required hearing fee in a timely manner shall result in the proposed action against the school becoming final and effective on the date noted in the letter, unless appealed as provided herein. Any documentary evidence to be considered by the Hearing Officers must be received by CAMTC a minimum of 21 days before the hearing/consideration date in order for it to be considered. The telephonic hearing shall be held, or the written statement considered, by a minimum of two Hearing Officers, who shall be employees of CAMTC, who together are authorized to determine whether the proposed action against the school should occur. The ESD shall ensure that the Hearing Officers making final denial, revocation, suspension, and disciplinary decisions do not have a conflict of interest relative to the affected school. The decision of the Hearing Officers shall be final as of the date noted in the Final Decision Letter, unless appealed as provided herein. The fee for an oral telephone conference shall be \$1,800.00 and the fee for consideration of a written statement shall be \$1,400.00.
- (d) For Applications for School Approval received on or after January 1, 2020, within one year from the date that CAMTC notifies a school of its proposed decision to deny approval of an initial application for school approval, CAMTC shall notify the school of its final decision pursuant to any oral telephonic hearing or consideration of a written statement provided in opposition to the proposed decision to deny approval of the initial application for school approval.

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

Appeals

- (1) Requests to appeal a denial or disciplinary decision must be: made in writing (email is sufficient) by sending the request to the address or email address noted in the proposed denial or disciplinary letter; made within 30 days of the effective date of the denial or imposition of discipline; must identify in writing the basis for the appeal; must specify whether an oral presentation before the Board (not to exceed 20 minutes) is requested or whether written consideration of a written statement is requested; and must include all documents to be considered.
 - (2) An appeal of CAMTC's final decision to deny approval of a school shall be heard at the next board of directors meeting with a date, as posted on CAMTC's internet website, that is at least 120 days from the last date for the school to timely request an appeal, unless a timely request for a continuance of the hearing date is granted. CAMTC may, in its discretion, for good cause, continue the date an appeal may be heard, in which case the appeal shall be heard at a later board of directors meeting.
 - (3) Appeals shall be considered by the CAMTC Board. Oral presentations before the Board may not exceed 20 minutes. No new factual evidence may be submitted during an appeal. During an appeal the Board is limited to reviewing the existing evidentiary record upon which the decision to deny or impose discipline was previously made and to determining whether the decision was reasonable (in that it was not arbitrary or capricious) and supported by the evidence in the record.
 - (4) 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.

Treasurer's Report, March 31, 2021

Board Meeting: June 16, 2021

Applications Received and Re-Certifications Billed

Data on therapist certifications through March 31, 2021 show modest declines from recent pre Covid-19 periods.

The Number of Certificate Holders

The number of Active Certificate Holders is a meaningful measure of CAMTC's current functioning and the ability of the industry to hold practitioners during an atypical recent period. Prior to the COVID-19 shutdown, one might have expected a reduction in the number of Certificate Holders because the tight job market offered alternate opportunities. During the virus shutdown and gradual re-opening, there may have been concern about drops in the numbers of Certificate Holders because, again, these people may have sought other occupations or left the category to take advantage of generous unemployment benefits.

These issues appear to have had only a moderate impact on the number of Active Certificate Holders as of March 31, 2021. At 49,978, the number is down somewhat from 51,427 at the end of March, 2020 and 51,323 at the same time in 2018, but not dissimilar from 49,435 in 2019. While there has been year-to-year variation over time, the number of Certificate Holders has not decreased substantially.

Although the number of Certificate Holders has not changed a great deal, many massage business owners have been unable to obtain sufficient numbers of therapists to meet the demand. Among the possible explanations for this shortage of working therapists are concerns about health issues, school closures, and Covid unemployment benefits that are at record highs. These may serve as disincentives for some therapists to return to work. To the extent that this might be the case, it is noteworthy that most have retained their certification. This suggests that they plan to return to work when the environment normalizes.

The following table shows the number of Certificate Holders on March 31 for the last four years:

March 31	NUMBER OF CERTIFICATE HOLDERS
2021	49,978
2020	51,427
2019	49,435
2018	51,323

New Applications and Re-Certifications

New Applications, as will be seen, account for a fairly small share of Certificate Holders. Nevertheless, they are an important segment of the therapist base since they are needed replace those therapists who leave the category.

Just 778 New Applications were received through March of 2021, down substantially from the number in 2020 and only about one-third the pre-pandemic level during the comparable period in 2019. Although this low lever is of concern, it is difficult to determine the extent to which it is Covid-related since there have been such low levels of New Applications in the past. One encouraging aspect is that the number of new applications by month trended upward in the first three months of 2021, a pattern not seen recently.

NEW APPLICATIONS RECEIVED THROUGH MARCH 31

	2021	2020	2019	2018
January	192	437	974	205
February	236	349	609	249
March	350	361	662	233
Total	778	1147	2245	687

Recertifications Billed, at 6,082 was down from both 2020 and 2018. (The low level in 2019 probably reflects a low level of New Applications in 2017.)

Recertifications accounted for 89% of the total activity.

Through March 31	New Applications Received	Re- Certifications Billed	Total	Re- Certifications as a % of Total
2021	778	6082	6860	89%
2020	1,147	7,487	8634	87%
2019	2,245	4882	6964	69%
2018	687	7,619	8306	92%

Through March, 2021, 96% of the Recertifications Billed were paid; the highest level to date. This suggest a strong commitment by therapists to remain in the category even though they may not be working at present.

Through March 31	Recertifications Billed	Recertifications Paid	% Billed That Are Paid
2021	6082	5,817	96%
2020	7,487	6,472	86%
2019	4882	4,192	86%
2018	7,619	6,428	84%

Processing Time

The average number of days required to process and approve documents (assuming no background or education issues) was 13 days in 2021, above the 8 days required last year, but still a much shorter period than in previous years. The disruptions in usual office procedures because of Covid probably explains the increased length of time compared to 2020.

What It All Might Mean

The number of Active Certificate Holders has declined, but only moderately from pre-pandemic levels.

The primary reason for the reported difficulty many business owners have had in hiring sufficient numbers of therapists appears to be that many therapists have not yet decided to return to work rather than that they have left the industry.

Financial Statements

Statement of Functional Activities (Income Statement)

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

Revenue was down 7% from the comparable year-ago period while Expenses fell even more, 12%. The net effect was an increase of 31% in Net Income from a year-ago.

Relative to Budget, actual revenue was 9% higher while actual expenses were 10% lower. The net effect is that Net Income, at \$235,360, was substantially above the budgeted loss of \$18,996 through March of 2021.

A change in the manner in which Revenue is recognized was made in 2017 which make direct comparisons for years 2018 and earlier less meaningful. However, revenue comparisons with 2019 and 2020 are comparable.

The table below shows Revenue, Expenses, and Net Income through March 31 for 2021 and the previous two years. Both Revenue and Expense are lower than the previous year for both 2021 and 2020. However, Expenses fell faster than Revenue, so Net Income increased.

The numbers offer both pessimistic and optimistic interpretations. On the one hand, the decline in Revenue is some cause for concern and is consistent with the moderate drop in Certified therapists; on the other, CAMTC has been able to control Expenses so that Net Income is up. Given that the periods in 2021 and 2020 took place during the pandemic, the reduced revenues may not be unexpected and, therefore, do not appear to provide a reason for major concern. However, future data will be closely monitored.

SUMMARY OF FUNCTIONAL ACTIVITIES

January 1 Through March 31

	2021		2020		2019		Change in Actual 2021 from 2020
	Actual	Budget	Actual	Budget	Actual	Budget	
Total Revenue	\$1,465,451	\$1,346,102	\$1,579,258	\$1,806,317	\$1,628,480	\$1,512,711	-7%
Total Expenses	\$1,230,091	\$1,365,098	\$1,399,988	\$1,448,271	\$1,508,352	\$1,503,645	-12%
Net Income	\$235,360	(\$18,996)	\$179,270	\$358,046	\$120,128	\$9,066	31%

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

Revenue Detail

Total Revenue was, as noted, was 9% above Budget. Virtually all of the increase was from Current Year Re-Certifications. As noted previously, that Recertifications exceeded expectations is an encouraging sign since it suggests that not as large a number of therapists as anticipated have permanently left the category because of the pandemic.

Re-Certifications – CY (Current Year) accounts for 78% of Total Revenue year-to-date, with *New Certification Fees* – CY adding an additional 10%. These two sources, together, comprise 88% of Revenue

Past Year Re-Certification Fees, accounts for an additional 6%.

REVENUE THROUGH MARCH 31, 2021

	Actual	% of Total	Actual as a % of Budget
CERTIFICATION FEES			
New Certification Fees - CY	\$143,808	10%	75%
New Certification Fees - PY	\$17,115	1%	100%
Re-Certifications - CY	\$1,147,425	78%	124%
Re-Certifications - PY	\$83,507	6%	100%
Recertification Late Fees	\$2,970	**	27%
Limited Recertification Fees	\$1,600	**	*
Limited Recert Late Fees	\$360	**	*
TOTAL CERTIFICATION FEES - INDIVIDUAL	\$1,396,785	95%	114%
Hearing Fees - Individuals	\$7,250	**	74%
School Application Fees -	\$3,465	**	7%
School Background Check Fees	\$492	**	99%
School Hearing Fees	\$0	**	0%
Interest and Other Income	\$644	**	10%
Reprint/State Verification/Name Change	\$56,815	4%	125%
TOTAL REVENUE	\$1,465,451	100%	109%

* No budgeted amount

**Less than 0.5%

Expense Detail

Expenses were 10% below Budget.

CAMTC categorizes expenses into 37 accounts. Fifteen (15) of those 37 make up 94% of both actual and budgeted expenses through March 31. These fifteen accounts are shown in the table below in the order they are listed in CAMTC's financial statements. Most of these major expenses are below or just a few points over the budgeted amounts; only Payroll Taxes substantially exceeds Budget.

Application Processing, accounting for 27% of the total, is clearly the major expense category, followed by Senior Management, 11% and Outside Legal, at 10%, then by Paralegals, 8%, and Legal in House, 6%. Legal-related activity accounts for 24% of all expenses.

EXPENSES THROUGH MARCH 31, 2021

Account	Amount	% of Total	Actual as a % of Budget
Senior Management	\$135,620	11%	101%
Management	\$34,115	3%	71%
Outreach Director	\$21,278	2%	103%
Field Investigators	\$48,724	4%	78%
School Inspectors	\$30,583	2%	88%
Legal In-house	\$73,980	6%	101%
Paralegals	\$96,242	8%	80%
Payroll Taxes	\$42,672	3%	165%
Benefits	\$60,757	5%	107%
Communications & Outreach	\$40,131	3%	86%
Banking/credit Card Fees	\$33,034	3%	119%

Certification/Mats/Print/Mail	\$24,239	2%	170%
Database Development	\$26,819	2%	124%
Legal	\$126,891	10%	92%
Application Processing	\$332,814	27%	89%
Total of Above Expenses	\$1,127,899	92%	94%
TOTAL EXPENSES	\$1,230,091	100%	90%

Statement of Financial Position (Balance Sheet)

Overview

CAMTC continues to be in a solid financial position despite the pandemic. The organization benefited from the receipt of PPP funds in both 2021 and 2020 on top of its certification revenues.

- Assets are composed primarily of cash or cash equivalents. At \$3,290,813, on March 31, 2021, assets are down 3% from the comparable period in 2020, and up 35% from 2019. Cash on hand, \$3,290,813 provides a strong reserve for any unanticipated changes in the market; it is equal to approximately seven months of budgeted expenses.
- Liabilities are \$1,716,309, up 3% from 2020 and over double 2019. However, these figures, on their face, tell a far-from-complete story. Most of the Liabilities are deferred income and will be reflected in revenue over time:
 - 80% of the Current Liabilities are deferred income from therapists and schools.
 - 87% of the Long Term Liabilities consists of PPP funds. These do not need to be reimbursed, so will soon be treated as income.
 - In total, 84% of Total Liabilities will, in the coming months, become revenue.

- Equity, at \$1,655,853, is down 13% from the same period in 2020 and 10% from 2019. However, the large amount of deferred revenue offsets any concerns about the equity position.

BALANCE SHEET, March 31					
	2021		2020		2019
Assets					
Checking/Savings	\$3,290,813		\$3,395,393		\$2,445,046
Fixed	\$37,655		\$80,188		\$150,558
Other Assets	\$43,992		\$70,965		\$58,749
Total Assets	\$3,372,460		\$3,546,546		\$2,654,353
Liabilities					
Current	\$776,942		\$1,066,733		\$727,472
Long term	\$939,667		\$585,227		\$93,317
Total Liabilities	\$1,716,609		\$1,651,960		\$820,790
Equity	\$1,655,851		\$1,894,586		\$1,833,563
Total Liabilities and Equity	\$3,372,460		\$3,546,546		\$2,654,353

Conclusions

- There has been a moderate decline in the number of Active Certificate Holders, indicating that despite the restrictions on massage activities during the pandemic, most therapists have not completely left the industry.
- However, there are reports by many consumers that it is difficult to obtain appointments at massage facilities because of the lack of available therapists. This suggests that many certified therapists have not yet returned to work, possibly because of the generous unemployment benefits currently available or health related concerns.
- Although the total number of Active Certificate Holders has not declined a great deal, Certificate Holders are composed primarily of Recertifications. So far this year, the number of New Applicants is low. It is important that

new people be motivated to enter this category to, at the least, maintain therapist levels loss to attrition.

- Consistent with the lower number of Active Therapists, Revenue has declined. However, CAMTC has reduced expenses so that Net Income has increased.
- CAMTC continues in a strong financial position. PPP funds, which have not, as yet, been recognized as revenue, provides an additional financial cushion.

Respectfully submitted by
Michael Marylander,
Treasurer
June 11, 2021

CAMTC
SBA Loan Summary

Count	Date	Loan Type	Amount	24 week Coverage Period	Forgiveness (Y/N)	Forgiveness Application or Payment Due	Forgiveness Filing or Loan Terms	SBA Determination for Forgiveness
1	4/23/2020	SBA PPP Loan Draw #1	\$ 469,200.00	4/23/20-10/8/20	Y	8/8/2021	8 months	3 months
2	3/22/2021	SBA PPP Loan Draw #2	\$ 348,756.00	3/22/21-9/6/21	Y	5/6/2022	8 months	3 months
3	4/8/2021	SBA EIDL Loan	\$ 150,000.00	n/a	N	1/25/2022	30 years	n/a
			<u>\$ 967,956.00</u>					

CA Massage Therapy Council
Proposed Revised 2021 Budget
6/16/2021

	Approved 2021 Budget	2020 Actual	Proposed Revised 2021 Budget	% of Approved Budget
4000 · REVENUE				
4100 · Certification Fees - Individual				
4110 · New Certification Fees - CY	762,300	649,652	762,300	117%
4115 · New Certification Fees - PY	90,750	93,805	90,750	97%
4120 · Recertification Fees - CY	3,712,536	3,732,726	3,805,349	102%
4125 · Recertification Fees - PY	372,221	349,282	372,221	107%
4130 · Recertification Late Fees	44,000	35,930	96,000	267%
4135 · Limited Recertification Fees	0	48,000	0	0%
4140 · Limited Recert Late Fees	0	5,940	0	0%
Total 4100 · Certification Fees - Individual	4,981,807	4,915,335	5,126,620	104%
4200 · Hearing Fees - Individuals	77,000	37,090	35,000	94%
4300 · APPLICATION FEES - SCHOOLS				
4310 · New Application Fees - CY	13,725	13,815	13,725	99%
4315 · New Application Fees - PY	1,688	1,200	1,688	141%
4320 · Reapplication Fees - CY	16,110	10,740	16,110	150%
4325 · Reapplication Fees - PY	6,080	6,300	6,080	97%
Total 4300 · APPLICATION FEES - SCHOOLS	37,603	32,055	37,603	117%
4400 · Background Check Fees - School	6,560	5,084	6,560	129%
4500 · Hearing Fees - Schools	7,470	0	7,470	100%
4800 · Interest & Other Income	30,000	22,177	38,000	171%
4900 · Reprints/State Verification/Other Fees	247,000	180,100	247,000	137%
Total 4000 · REVENUE	5,387,440	5,191,841	5,498,253	106%
Expense				
5000 · Salaries				
5010 · Sr. Management	517,255	529,984	558,420	105%
5020 · Management	224,758	183,885	213,815	116%
5030 · Outreach Director	82,849	85,216	89,641	105%
5040 · Field Investigations	251,956	223,777	269,481	120%
5050 · School Inspectors	139,547	140,366	148,762	106%
5060 · Hearing Officers	13,723	17,164	14,991	87%
5070 · Legal In-House	293,681	308,725	314,891	102%
5080 · Paralegals	484,112	431,952	516,122	119%
Total 5000 · Salaries	2,007,881	1,921,069	2,126,121	111%
5100 · Payroll Taxes	77,439	64,975	77,439	119%
5200 · Benefits	226,932	193,964	275,045	142%
5300 · Workers' Compensation Insurance	18,100	15,490	18,660	120%
5400 · Payroll Services	12,400	9,567	14,500	152%
6110 · Travel	33,000	28,974	27,000	93%
6120 · Meetings	24,000	19,756	20,000	101%
6140 · Cell Phones/Land Lines/Fax	29,000	36,560	38,000	104%

CA Massage Therapy Council
Proposed Revised 2021 Budget
6/16/2021

	Approved 2021 Budget	2020 Actual	Proposed Revised 2021 Budget	% of Approved Budget
6160 · Communications & Outreach	186,000	219,455	200,000	91%
6170 · Office Supplies	4,000	4,419	5,000	113%
6180 · Office Furniture/Equipment	500	0	500	100%
6190 · Rent	28,000	27,883	30,000	108%
6200 · Printing/Copying	46,000	45,333	44,000	97%
6230 · Postage/Mailing	8,000	7,994	8,000	100%
6240 · Dues/Subscriptions/Licenses	37,000	40,516	42,000	104%
6250 · Insurance-D&O/E&O/GL	52,000	43,243	52,000	120%
6260 · Banking/Credit Card Fees	111,000	115,527	133,000	115%
6270 · On/Off-Site Storage	4,600	4,627	4,600	99%
6290 · Certification/Mat's/Print/Mail	57,000	57,528	77,000	134%
6300 · Database Development	215,000	91,800	105,000	114%
6310 · Database Maintenance	86,500	91,170	103,000	113%
6320 · Conference Calls	8,500	8,192	8,500	104%
6340 · Legal	551,000	572,023	534,000	93%
6350 · Court Record Fees	200	144	200	139%
6370 · Staff Training	2,000	1,860	2,000	108%
6410 · School Background Checks	1,988	3,775	1,988	53%
6430 · Application Processing	1,500,000	1,752,024	1,600,000	91%
6450 · Accounting/Tax/Audit	20,000	25,400	20,000	79%
7900 · Depreciation Expense	11,895	42,532	0	0%
8999 · Miscellaneous Contingencies	347,892	149,135	398,000	267%
Total Expense	5,707,827	5,594,935	5,965,553	107%
	-320,387	-403,094	-467,300	116%
Starting Cash, 5/1/2021				3,362,903
Cash Received				5,491,650
Cash Expended				5,567,553
Ending Cash, 12/31/2021				3,287,000



Employee Handbook

Approved September 12, 2019

Proposed amendments 6/16/21

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INTRODUCTION

This Employee Handbook is intended to help you get acquainted with the California Massage Therapy Council ("CAMTC").

This handbook describes in general terms some of our employment guidelines. This handbook is not intended to be a contract (express or implied). This handbook supersedes and replaces any and all prior handbooks or policy manuals that may have previously been in effect. CAMTC reserves full discretion to add to, modify, or delete provisions of this handbook, or the policies and procedures on which they may be based, at any time, with or without advance notice. This handbook applies to all CAMTC employees, whether the employee works at a CAMTC-maintained office or from a home office.

This handbook is the property of CAMTC, and it is intended for your personal use and reference as an employee of CAMTC. Circulation of this handbook outside of CAMTC requires the prior approval of CAMTC's Chairperson.

After reviewing the handbook, please sign the acknowledgment forms at the back of the handbook, tear them out, and mail them to CAMTC's General Counsel. This will provide CAMTC a record that you received the handbook and are aware of its policies.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is CAMTC's policy to provide equal employment opportunity for all job applicants and employees. CAMTC does not unlawfully discriminate on the basis of race, color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, transgender status, sex stereotype, national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws, ordinances, or regulations. CAMTC also makes reasonable accommodations for disabled employees. CAMTC prohibits the harassment of any individual on any of the bases listed above. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and disciplinary action. It is the responsibility of every supervisor and employee to conscientiously follow this policy.

EMPLOYMENT AT WILL

During the course of your employment, you are free to quit CAMTC at any time for any reason or no reason, and CAMTC reserves a similar right. Thus, both you and CAMTC will have the right to terminate your employment at any time, with or without advance notice, and with or without cause. Employees also may be re-assigned, demoted or disciplined,

and the terms of their employment may be altered at any time, with or without advance notice and with or without cause, at the discretion of CAMTC. This is called "employment at-will" and no one other than the CAMTC Board of Directors has the authority to alter this arrangement, or to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy.

POLICY AGAINST HARASSMENT

CAMTC maintains a strict policy prohibiting sexual harassment or any harassment because of factors such as race, color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, transgender status, sex stereotype, national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws, ordinances, or regulations. CAMTC strongly disapproves of and will not tolerate harassment of employees by managers, directors, officers, supervisors, coworkers or any person involved in CAMTC operations. CAMTC will also attempt to protect employees from harassment by non-employees in the workplace.

Prohibited harassment in any form will not be tolerated, including verbal, physical, and visual conduct, threats, demands, retaliation, or any other protected basis including, but is not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitation, or comments.
2. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures.
3. Physical conduct such as assault (unwanted touching), blocking normal movement, or interfering with work directed at you because of your sex, or any other protected basis.
4. Threats and demands to submit to sexual requests to keep your job or avoid another loss, and offers of job benefits in return for sexual favors.
5. Retaliation for having reported or threatened to report harassment.

You should report any incident of harassment promptly to the Chairperson of CAMTC who is responsible for consulting with legal counsel and investigating the matter.

Supervisors who receive complaints or who observe harassing conduct should inform the Chairperson immediately. CAMTC emphasizes that you are not required to complain first to the Chairperson if the Chairperson is the person who is harassing you. In that case, employees may report the harassment to any board member or the CEO.

Beginning January 1, 2019, mandatory sexual harassment training will be provided to employees as required by California law.

Every complaint of harassment that is reported to a supervisor or to the Chairperson will be investigated thoroughly, promptly, and in a confidential manner (circumstances permitting). In addition, CAMTC will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint to the appropriate authority.

In the case of CAMTC employees, if harassment is established, CAMTC will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including termination, depending upon the circumstances. With regard to acts of harassment by non-employees, corrective action will be taken after consultation with the appropriate management personnel and legal counsel.

In addition to notifying CAMTC about harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing ("DFEH"), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may file a lawsuit in court. The courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees can contact the nearest DFEH office at the locations listed on the DFEH website [at dfeh.ca.gov](https://dfeh.ca.gov).

WHISTLEBLOWER POLICY

A whistleblower is an employee who reports an activity that he/she believes to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measure; the Chairperson/Board of Directors and/or the CEO are charged with these responsibilities.

If an employee has knowledge of or a concern of illegal, dishonest or fraudulent activity, the employee is to contact the Chairperson, unless the Chairperson is the target of the complaint, in which case the employee may contact the CEO or another member of the Board of Directors. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. CAMTC will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action (including but not limited to termination or compensation decreases), or threats of physical harm. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. Employees with any questions regarding this policy should contact the CEO.

EMPLOYMENT APPLICATIONS

CAMTC relies upon the accuracy of information provided in the employment application, as well as the accuracy of other data presented by the employee throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions may result in CAMTC's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

PROOF OF RIGHT TO WORK

Under federal law, all new hires must produce original documentation establishing their identity and right to work in the United States, and complete the required federal forms, swearing that they have a right to work in the United States. Documentation must be produced within three business days of hire, or on the first day of any employment that is less than three business days. If you have questions about the type of documentation necessary to establish your identity or right to work, please ask your supervisor.

EMPLOYEE CLASSIFICATIONS

Throughout this handbook, employees are classified in various ways, as set forth below.

I. By Number of Hours Worked

A. Full-Time Employees

Full-time employees are all those having a regular work schedule of 35 or more hours per week. Full-time employees are eligible for all benefits.

B. Part-Time Employees

Part-time employees are all those having a regular work schedule of less than 35 hours per week. Part-time employees are not eligible for CAMTC-sponsored benefits.

II. By Length of Employment

A. Temporary Employees

Temporary employees are those employees hired to work for CAMTC on special assignment with the specific understanding that such work will be completed within a short period of time. Temporary employees may be part-time or full-time. Individuals hired as temporary employees do not become regular employees after any particular period of time, but remain temporary employees unless and until notified in writing of a change of status. Temporary employees are not eligible for CAMTC-sponsored benefits.

III. By Method of Payment

A. Salaried Employees

Salaried employees are all those who are paid a fixed salary and not by the hour. Method of payment does not determine eligibility for overtime pay.

B. Hourly Employees

Hourly employees are all those whose wages are paid by the hour. Method of payment does not determine eligibility for overtime pay.

IV. By Eligibility for Overtime Pay

A. Non-exempt Employees

Non-exempt employees are all those who are entitled to overtime pay under state and/or federal law.

B. Exempt Employees

Exempt employees are all those who are not entitled to overtime pay under state and/or federal law.

HOURS OF WORK, OVERTIME, AND PAY DAY

I. Hours of Work

CAMTC work hours vary depending on the nature of your job. Your supervisor will inform you of your expected work hours and break times.

II. Meal and Rest Periods

A. Rest Periods

CAMTC authorizes and permits non-exempt employees working at least three and one-half hours in a day to take a ten-minute, off-duty paid rest period for each four hours worked or major fraction thereof. Non-exempt employees who work more than six hours in a day may take a second rest period. Non-exempt employees who work more than 10 hours in a day may take a third rest period. Non-exempt employees should take their rest periods in the middle of each work period to the extent it is practicable to do so, and not combine them with meal periods or skip them to leave work early. No supervisor or manager may impede or discourage non-exempt employees from taking rest periods provided under this policy.

B. Meal Periods

CAMTC provides non-exempt employees who work more than five hours in a day with an unpaid 30-minute, uninterrupted meal period starting no later than the end of the fifth hour of work. CAMTC provides non-exempt employees who work more than 10 hours in a day with a second unpaid 30-minute, uninterrupted meal period starting no later than the end of the 10th hour of work. Non-exempt employees who work no more than six hours in a day may waive the first meal period. Non-exempt employees who work no more than 12 hours in a

day may waive the second meal period if they took their first meal periods. Non-exempt employees are entitled, encouraged, and expected to take all meal periods provided under this policy and not waived. During meal periods, CAMTC will relieve non-exempt employees of all duty and will not exercise control over non-exempt employees' activities. Non-exempt employees are free to spend their meal period time as they choose and are free to leave their worksite. No supervisor or manager may impede or discourage non-exempt employees from taking meal periods provided under this policy.

III. Overtime

Overtime may not be worked without express authorization from your supervisor. All non-exempt employees who work more than eight (8) hours in one workday or more than forty (40) hours in one workweek will receive overtime pay computed as follows:

- (1) Overtime at the rate of 1-1/2 times the employee's regular rate of pay for all hours worked in excess of forty (40) in any one workweek.
- (2) Overtime at the rate of 1-1/2 times the employee's regular rate of pay for the hours worked in excess of eight (8) hours in any one workday up to twelve (12) hours, and for the first eight (8) hours worked on the seventh day of work in any one workweek.
- (3) Overtime at the rate of double the employee's regular rate of pay for all hours worked in excess of twelve (12) in one workday, and for all hours worked in excess of eight (8) on the seventh day of work in one workweek.

Overtime will be computed on actual minutes worked, adjusted to the nearest 15-minute increment. Only those hours that are actually worked are counted to determine an employee's overtime pay. Compensated holidays, for example, are not hours worked and therefore are not counted in making overtime calculations.

Non-exempt employees must obtain prior authorization from their supervisor before working any overtime. **Working unauthorized overtime may result in discipline or termination of employment.**

IV. Workweek and Workday

Unless otherwise provided:

1. The workweek on which overtime calculations will be based begins each Monday at 12:00 a.m. and ends Sunday at 11:59 p.m.; and
2. Each workday on which daily overtime calculations will be based begins at 12:00 a.m.

Only actual hours worked count toward computing daily and weekly overtime.

V. Pay Days and Payroll Deductions

Pay days are the 5th and 20th day of each month. If a payday falls on a weekend day, employees will be paid on the Friday preceding the payday. If a payday falls on a holiday, employees will be paid on the preceding workday.

CAMTC will deduct required state and federal withholdings from your pay, as well as any court-ordered garnishments or attachments. Any errors in your paycheck should be immediately brought to the attention of your supervisor.

VI. Timekeeping

All non-exempt full-time and part-time employees must record their time worked on a timesheet form acceptable to CAMTC.

Time records should be prepared daily, for each pay period, and must be signed and turned in to the appropriate office staff no later than two days before each payday. It is important for you to keep accurate time records and to turn in timesheets when they are due.

Accuracy in timekeeping is essential. Falsification of any information on time records is a serious offense that will result in disciplinary action, up to and including immediate termination.

VII. Expense reimbursements/Travel and Other Expenses

Reasonable authorized expenses incurred at CAMTC's specific request will be reimbursed by CAMTC. Examples of such expenses are: meals, lodging, and transportation costs associated with business trips undertaken at our request; automobile expenses undertaken at our specific request; and incidental purchases of supplies, tools, and equipment undertaken at CAMTC's request. Only reasonable, previously authorized expenses will be reimbursed. Employees using personal automobiles for travel will be reimbursed at the current IRS approved rate. All requests for travel reimbursement will be documented on the approved mileage/travel reimbursement form and in accordance with any then-adopted CAMTC policy regarding such reimbursements. Original receipts will be required for most travel-related expenses, excluding meals and incidentals which are on a per diem basis. If you have any questions about what expenses are authorized and what expenses will be reimbursed, please direct them to your supervisor before you incur the expense.

VIII. Pay for Mandatory Meetings for Non-Exempt Staff

The organization will pay you for your attendance at meetings, lectures and training programs if attendance is required by your supervisor.

If you meet the above conditions you will be compensated at your regular rate of pay. You will not receive compensation time spent in voluntary attendance in courses that are conducted outside of normal business hours and/or that are not directly related to your current job.

IX. Advances

CAMTC does not permit advances against paychecks or against un-accrued paid vacation or paid sick leave.

VACATION POLICY

CAMTC has established a vacation plan to provide eligible employees with time away from the workplace without loss of pay or benefits.

A. Eligibility and Accrual

All non-temporary full-time employees are eligible to accrue vacation benefits based on their continuous length of service. Vacation accrues for non-temporary full-time employees according to the following schedule:

Years of Continuous Service	Vacation Accrual
First day of employment through end of second year of employment	6.67 hours per month up to a maximum of 80 hours per year (10 days per year).
Beginning of third year through end of ninth year of employment	10 hours per month up to a maximum of 120 hours per year (15 days per year).
Beginning of tenth year and thereafter	13.33 hours per month up to a maximum of 160 hours per year (20 days per year)

B. Part-time and temporary employees

Part-time and temporary employees do not accrue vacation benefits.

C. Maximum Accrual

Eligible employees may carry over accrued but unused vacation from one year to the next. However, vacation accruals may not exceed 160 hours (20 days). If an employee's accrued but unused vacation hours reach 160 hours, all further accruals will cease. Vacation accruals will recommence after the employee has taken vacation and his or her accrued vacation hours have dropped below the maximum.

D. Vacation Accrual During Periods of Leaves of Absence

Unless required by law, no vacation accrues during an unpaid leave of absence. Vacation accruals recommence when the employee returns to work.

E. Vacation Pay on Termination

On resignation from or termination of employment, the employee is paid all accrued but unused vacation at the employee's base rate of pay at the time of his or her resignation or termination.

F. Vacation Approval

All vacations must be approved in advance by your supervisor.

G. Vacation Scheduling

Scheduling of vacations is to be done in a manner consistent with CAMTC's operational requirements. If practical, vacation requests should be submitted by employees to their supervisor for approval at least two weeks prior to the commencement of a vacation period. Vacation requests must be submitted in writing on an approved form. In the event that two or more employees have requested vacations covering the same period and may not be absent simultaneously, supervisors will make every effort to approve requests in a fair manner, including alternating approval of vacation requests between such employees. However, seniority will be considered in such cases.

H. Vacation Advances

An employee may not borrow or take vacation time before an employee accrues the vacation.

I. Holidays Occurring During Vacation

If an observed holiday (see guideline entitled "Holidays") occurs during an employee's vacation and the employee is eligible for holiday pay, no deduction from accrued vacation will be made for the holiday period.

J. "Working" While on Vacation

There is no general expectation that employees are to work or "check in" while away from work on vacation. Days away from work will not be considered "time worked" just because you voluntarily check your email or voicemail or perform work that was not requested by your supervisor. Time away from work that would normally be deducted from your accrued vacation (or deducted from your pay if no accrued PTO leave is available) will only be considered "time worked" if the activity performed during your vacation period was specifically and expressly requested by your supervisor.

K. Donating Vacation to Another CAMTC Employee

A CAMTC employee may donate/transfer accrued hours of vacation to another CAMTC employee by notifying the CEO in writing (email acceptable) of the specifics of the donation, including but not necessarily limited to the receiving employee's name and the exact number of hours the donating employee wishes to donate. Donations of vacation are not reversible once written notice is given to the CEO.

SICK LEAVE

In order to help prevent loss of earnings that may be caused by accident or illness, CAMTC has established paid sick leave for eligible employees.

A. Eligibility and Accrual

All non-temporary full-time employees are eligible to accrue sick leave benefits beginning on their date of hire. Eligible full-time employees accrue 12 days paid sick leave per year (8 hours of sick leave accrued per month).

Eligible full-time employees may carry over accrued but unused sick leave from one year to the next. However, sick leave may only be accumulated up to a total of 24 days (192 hours). Once this maximum is reached, all further accruals will cease until some sick leave has been used and the total drops below the 24 day/192 hour maximum.

Part-time and temporary employees will accrue 3 days (24 hours) of paid sick leave on their 31st day of employment and each year thereafter on the anniversary of their date of hire. Unused sick leave accrued by part-time and temporary employees may be carried over from year to year, but the total maximum accrual cannot exceed 6 days (48 hours). If the 6 day/48 hour maximum is reached, all further sick leave accruals will cease until some sick leave has been taken and the total drops below the 6 day/48 hour maximum.

B. Use

1. Sick leave may be taken for the employee's personal illness or disability, or for an illness or disability in the employee's immediate family. "Immediate family" is defined as the employee's spouse (including a domestic partner), children, parents, grandparents, brothers, sisters, and parents of the employee's spouse. If practical, sick leave requests should be submitted by employees to their supervisor for approval in advance of the absence. For purposes of this policy, a "child/children" means a biological or adopted child, a foster child, a step-child, a legal ward, or a child to whom the employee stands *in loco parentis*. Similarly, a "parent" under this policy means a biological or adoptive parent, a foster parent, a step-parent, an employee's legal guardian, a legal guardian of an employee's spouse or domestic partner, or a person who stood *in loco parentis* when the employee was a minor child.

Employees who are victims of domestic violence, sexual assault, or stalking also may use paid sick leave for treatment, assistance, and other purposes authorized by law.

2. Medical and dental appointments will be treated as sick leave and deducted from your accrued sick leave hours.

3. CAMTC retains the right to request verification from a licensed medical practitioner for any absence due to illness or disability. Sick pay may be withheld if a satisfactory verification is not received.

4. Sick leave may be used in increments of one hour or more.

C. Pay in Lieu of Sick Leave

No employee will receive pay in lieu of sick leave under any circumstances, and employees will not receive pay for unused sick leave upon resignation from or termination of employment.

D. Sick Leave Accrual During Periods of Leaves of Absence

Unless required by law, no sick leave accrues during an unpaid leave of absence. Sick leave accruals recommence when the employee returns to work.

E. “Working” While on Sick Leave

There is no general expectation that employees are to work or “check in” while on sick leave. Hours or days away from work for illness or injury will not be considered “time worked” just because you voluntarily check your email or voicemail or perform work that was not requested by your supervisor. Time away from work for illness or injury that would normally be deducted from your accrued sick leave (or deducted from your pay if no accrued sick leave is available) will only be considered “time worked” if the activity performed during your sick leave was specifically and expressly requested by your supervisor.

F. Donating Sick Leave to Another CAMTC Employee

A CAMTC employee may donate/transfer accrued hours of sick leave to another CAMTC employee by notifying the CEO in writing (email acceptable) of the specifics of the donation, including but not necessarily limited to the receiving employee’s name and the exact number of hours the donating employee wishes to donate. Donations of sick leave are not reversible once written notice is given to the CEO.

HOLIDAYS

A. Recognized Holidays

CAMTC provides non-temporary full-time employees the following paid holidays each year:

1. New Year’s Day
2. Martin Luther King Jr. Day
3. President’s Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran’s Day
8. Thanksgiving Day
9. Day after Thanksgiving Day
10. December 24, 25, and 26

In addition to the holidays listed above, non-temporary full-time employees shall be entitled to take two additional paid days off of their choice as floating holidays (subject to his/her supervisor’s approval regarding scheduling). The two floating holidays (16 hours of paid time off) will be accrued initially on March 9, 2017 for those employed as of that date, and for those employed after that date, on their date of hire. Thereafter, employees will receive the two floating holidays (16 hours of paid time off) each January 1. Floating holiday time is treated like vacation hours for purposes of payment upon resignation or termination.

Employees may only accrue a maximum of two floating holidays. Thus, on January 1 of each year, an employee with zero floating holidays will accrue two floating holidays, an employee with one accrued but unused floating holiday will accrue one additional floating holiday, and an employee with two accrued but unused floating holidays will not accrue any additional floating holidays until the next January 1, and then only if one or both floating holidays have been used.

Paid time off for holidays is not counted as hours worked for the purpose of calculating overtime compensation.

B. Part-Time and Temporary Employees

Part-time and temporary employees are not entitled to paid holidays.

C. Weekends and Vacations

When a scheduled holiday falls on Sunday, it will be observed on the following Monday. When a scheduled holiday falls on a Saturday, it will be observed on the preceding Friday. Holidays that occur during your vacation will not be counted as vacation days.

D. Holidays Occurring During Periods of Leaves of Absence

Unless required by law, no holiday pay is provided during an unpaid leave of absence. Paid holidays recommence when the employee returns to work.

LEAVES OF ABSENCE

~~I. Introduction~~

~~CAMTC provides pregnancy disability leave, leave as required to accommodate a workplace injury, and leave for other legally required absences as set forth below. Employees having any questions regarding this policy should contact their supervisor.~~

~~II. Pregnancy-Related Disability Leave or Transfer~~

~~A. Eligibility and Duration~~

~~1. Leave of Absence for Pregnancy~~

~~Any employee who is disabled on account of pregnancy, childbirth, or related conditions may take an unpaid pregnancy-related disability leave for the period of actual disability, up to four months. Pregnancy-related disability leaves may be taken intermittently, or on a reduced hours schedule, as medically necessary.~~

~~2. Temporary Transfer Before Childbirth~~

~~Any employee affected by pregnancy is entitled to transfer temporarily to a less~~

~~strenuous or hazardous position or to less strenuous or hazardous duties if the transfer is medically necessary and the transfer can be reasonably accommodated.~~

~~B. Substitution of Paid Leave for Pregnancy-Related Disability Leave~~

~~Pregnancy disability leaves are unpaid except as follows. An employee taking pregnancy-related disability leave must substitute any available paid sick leave for her leave and may, at her option, substitute any accrued vacation time for her leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled. Employees on pregnancy-related disability may also be entitled to apply for short-term state disability benefits.~~

~~III. Workplace Injury Leaves~~

~~In addition to pregnancy-related disability leaves, employees may take a temporary disability leave of absence if necessary to reasonably accommodate a workplace injury. Please report any workplace injury to your supervisor immediately (within no more than 24 hours after the injury). Workplace injury leaves are governed by special laws and regulations. Disability leaves under this section will be governed by those laws and will be unpaid, except as covered by workers' compensation insurance.~~

~~IV. Military Spouse Leave~~

~~Qualified California employees will be given up to 10 days leave during that time in which the employee's spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.~~

~~Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.~~

~~Qualifying employees who wish to request this leave must provide CAMTC with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to CAMTC certifying that the military member will be on military leave from deployment.~~

~~V. Other Leaves of Absence~~

~~Occasionally, for medical, personal, or other reasons, you may need to be temporarily released from the duties of your job with CAMTC. It is the policy of CAMTC to allow its eligible employees to apply for and be considered for certain specific unpaid leaves of absence. If the leave is necessary for a qualified disability under the ADA or the FEHA, the duration of the leave shall be consistent with applicable law, but in no event shall the leave extend past the date on which the employee becomes capable of performing the essential~~

~~functions of his or her position, with or without reasonable accommodation.~~

~~Other than ADA/FEHA qualified leaves, all unpaid leaves under this section are granted in the sole discretion of CAMTC and are considered in light of operational needs, and shall not exceed three (3) months unless required by law.~~

~~Failure to return to work as scheduled from an approved unpaid leave of absence will be considered a voluntary resignation of employment.~~

~~All requests for unpaid leaves of absence under this section shall be submitted in writing to the CEO. Each request shall provide sufficient detail such as the reason for the leave and the expected duration of the leave. Requests should be provided at least 30 days in advance when at all possible, but leaves on shorter notice will be considered depending on the circumstances.~~

~~Health insurance premiums paid by CAMTC, if any, must be paid by the employee during a leave of absence unless payment by CAMTC is required by law.~~

~~You will not accrue vacation, sick time, or holiday pay during any unpaid leave of absence unless required by law.~~

~~VI. — Jury Duty, Appearance as a Witness, Military Duty, Appearance at Child's School, Duty as a Volunteer Firefighter, Leave for Crime Victims, Time Off to Vote~~

~~Employees will be granted a leave of absence as required by law for the purpose of fulfilling any required legal or military obligation (e.g., jury duty, appearance as a witness in a legal proceeding, military reserve duty, appearance at school by a parent when requested pursuant to the Education Code, leave for victims of crimes, including domestic violence, sexual assault, or stalking, or performance of emergency duty by a volunteer firefighter).~~

~~Employees are required to provide reasonable advance notice of any need for such leave and are expected to return to work each day or portion of the day that they are not legally obligated to be away. For non-exempt employees, these types of leave will be unpaid unless the employee chooses to utilize accrued vacation time. For exempt employees, salary during these leaves will be paid if the employee works any portion of a workweek (no salary will be paid for workweeks in which no work is performed).~~

~~Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow more free time for voting and the least time off work.~~

~~VII. — Bereavement Leave~~

~~Non-temporary full time employees who experience a death in the immediate family will be given up to three paid days off.~~

~~"Immediate family" includes the employee's spouse, domestic partner, children, son-in-law or daughter-in-law, parents or parents-in-law, brothers or brothers-in-law, sisters or sisters-~~

~~in-law, or grandparents or grandchildren by blood, marriage or domestic partnership.~~

~~VIII. — Leave for Organ and Bone Marrow Donation~~

~~CAMTC will grant an employee the following paid leaves of absence for the purpose of organ or bone marrow donation:~~

- ~~1. — A leave of absence of up to five days in any one-year period for the purpose of donating the employee's bone marrow to another person.~~
- ~~2. — A leave of absence of up to 30 days in any one-year period for the purpose of the employee donating his or her organ to another person.~~

~~A leave of absence for the purpose of organ or bone marrow donation will be provided with pay, however, if an employee has earned and unused PTO available, the employee is required to first use up to five days of PTO for a bone marrow donation and up to 10 days of PTO for organ donation.~~

~~In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to the CEO that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.~~

~~Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, PTO accrual, or seniority. During any leave taken under this policy, CAMTC will maintain and pay for coverage under any group health plan (if any), for the full duration of this leave.~~

~~Leave provided under this policy may be taken in one or more periods.~~

~~Upon expiration of a leave of absence authorized by this policy, CAMTC will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. CAMTC may decline to restore an employee because of reasons unrelated to the exercise of rights under this policy by the employee.~~

~~IX. — Parental Leave Act~~

~~When required by law, CAMTC will provide employees with the required leave to bond with a newborn or with a child placed with the employee for adoption or foster care. Eligibility and additional details regarding this type of leave can be obtained from the CEO.~~

I. Introduction

CAMTC provides (1) family and medical leave and military exigency leave for up to 12 weeks per year, in accordance with the California Family Rights Act (CFRA) and applicable federal law; (2) pregnancy disability leave for up to four months in accordance with the California Fair Employment and Housing Act ("FEHA"); (3) disability leave as required to reasonably accommodate employees with a workplace injury or a qualified disability under the Americans with Disabilities Act ("ADA") or the FEHA; and (4) leave for other absences as set forth below.

Such leaves are generally unpaid unless required by law, though California's State Disability Insurance or Paid Family Leave may be utilized in some cases, and accrued sick and vacation time may be used in some cases as described below.

II. Family Care, Medical and Military Exigency Leave

A. Eligibility

To be eligible for family and medical leave and military exigency leave an employee must (1) have worked for CAMTC for at least twelve (12) months prior to the date on which the leave is to commence; and (2) have worked at least 1,250 hours in the twelve (12) months preceding the leave.

An employee returning from fulfilling his or her National Guard or Reserve military obligation will be credited with the hours of service that would have been performed but for the period of military service in determining the 1,250 hours of service.

B. Permissible Uses

"Family care and medical leave" may be requested for (1) time to bond with a child within one year following the birth or adoption of an employee's child; (2) time to bond with a child within one year following the placement of a foster child with the employee; (3) the serious health condition of an employee's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner as those terms are defined in the CFRA or other applicable law; or (4) an employee's own serious health condition.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either (1) the individual being admitted to a medical care facility with the expectation that the or she will remain at least overnight, or (2) continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

"Military exigency leave" may be taken when the leave is related to the "covered active duty or call to covered active duty" of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States. "Qualifying exigencies" generally include: short notice deployment; military events and related activities; childcare and school activity arrangements; financial and legal arrangements; counseling; to spend time with a covered military member on short-term leave for rest and recuperation; to attend post-deployment activities, and other activities upon which the employer and the employee can agree is an appropriate exigency. Questions regarding military exigency leave should be directed to your supervisor.

C. Substitution of Paid Leave

Employees are required to substitute accrued vacation time and other paid personal leave (except sick leave) for all family care, medical leaves, and military exigency leaves. Employees are required to substitute sick leave only for the employee's own medical leave. Employees may elect to substitute sick leave to attend to an illness of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner (as those terms are defined in the CFRA or other applicable law) for other types of family care leave.

D. Amount of Leave

1. Family Care, Medical, and Military Exigency Leave

Provided all the conditions of this policy and applicable law are met, an employee may take a maximum of 12 weeks of family care, medical, and military exigency leave when appropriate in a rolling 12-month period measured backwards from the date the employee's leave commences.

2. Intermittent Leave

Medical leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner (as those terms are defined in the CFRA or other applicable law) may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to disrupt unduly CAMTC' operations. Where the family care leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks duration on any two occasions. Exigency leave also may be taken intermittently or on a reduced schedule.

E. Leave's Effect on Pay

Except to the extent that other paid leave is substituted for family care, medical, and military exigency leave, such leave is unpaid. However, employees may be entitled to California State Disability Insurance (SDI) when leave is taken for their own serious health condition, including pregnancy.

Employees may also be entitled to Paid Family Leave (PFL) benefit payments for up to six (6) weeks in any twelve month period during leaves to care for qualifying family members. PFL provides a partial wage replacement for absences from work to care for a seriously ill or injured family member or for bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Employee contributions provide funding for this program. PFL is administered like SDI by the California Employment Development Department. To the extent possible, PFL benefits must run concurrently with family care leave and do not entitle an employee to take any additional time off. In addition, an employee must use up to two weeks of any accrued but unused vacation before the employee will be eligible to receive PFL.

F. Leave's Effect on Benefits

During an employee's family care, medical, and military exigency leave, CAMTC will continue to pay its portion, if any, for the employee's participation in CAMTC' group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

The employee must continue to pay his or her share of the health plan premiums during the leave unless that requirement is waived by state or federal law. If paid leave is substituted for the unpaid leave, premium payments will be deducted from the employee's pay through the regular payroll deductions. If the employee's leave is unpaid, the employee must make arrangements with CAMTC for the payment of such premiums.

If the employee fails to pay his or her share of the premiums during leave, or if the employee fails to return from the leave at the expiration of 12 weeks for a reason other than the recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstances beyond the employee's control, CAMTC can recover any health plan premiums paid by CAMTC on the employee's behalf during any periods of the leave.

Leave taken for family care or medical leave or military exigency leave will not be treated as a break in service and will not result in the loss of seniority--even if other paid or unpaid leaves count as a break in service or result in a loss of seniority, or for layoffs, recalls, promotions, job assignments, or seniority-related benefits. Nor will the use of family care, medical or military exigency leave result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

G. Procedure for Requesting Family Care, Medical and Military Exigency Leave

1. Notice Requirements

Employees must notify CAMTC of their request for family care, medical, or military exigency leave as soon as they are aware of the need for such leave. For foreseeable family care, medical, and military exigency leave, the employee must provide 30 calendar days' advance notice to CAMTC of the need for leave. For events that are unforeseeable 30 days in advance, the employee must notify CAMTC as soon as is practicable and generally must comply with CAMTC' normal call-in or notice procedures. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make an attempt to schedule such treatment so as to avoid unduly disrupting CAMTC operations, and may be requested to reschedule the treatment so as to minimize disruption of CAMTC' business.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, CAMTC reserves the right to delay the taking of the leave until at least 30 days after the date the employee provides notice of the need for family care or medical leave.

All requests for family care, medical, and military exigency leave should include enough information to make CAMTC aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave, if known. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to

perform activities of daily living, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for leave.

Any requests for extensions of leave under this policy must be received as soon as is practicable and must include the revised anticipated date(s) and duration of the leave. To the extent permitted by law, CAMTC reserves the right to deny requests for extensions or deny reinstatement to an employee who exceeds the leave amounts provided by this policy or fails to provide requested medical certification. In addition, if an employee has a disability, he or she may be eligible for leave under the Americans with Disabilities Act (ADA) or state law.

Once CAMTC is aware of the employee's need for leave, it will inform the employee whether he or she is eligible under the CFRA. If the employee is eligible, the notice will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, CAMTC will provide a reason for the ineligibility.

2. Certification

Any request for medical leave for an employee's own serious health condition, for family care leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner (as those terms are defined in the CFRA or other applicable law) with a serious health condition or for a serious injury, must be supported by medical certification from a health care provider. Employees generally must provide the required certification within 15 calendar days after CAMTC's request for certification. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after CAMTC's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts.

The medical certification for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner (as those terms are defined in the CFRA or other applicable law) with a serious health condition must include (a) the date on which the serious health condition or serious injury or illness commenced; (b) the probable duration of the condition or injury or illness; (c) the health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition or injury or illness warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

The medical certification for leave for the employee's own serious health condition must include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the essential functions of his or her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. In addition, the certification may, at the employee's option, identify the nature of the serious health condition involved.

Failure to timely provide the required certification may result in the denial of foreseeable leave until such certification is provided. In the case of unforeseeable leaves,

failure to timely provide the required certification may result in a denial of the employee's continued leave. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, CAMTC may require the employee to provide a new medical certification in each subsequent leave year. Any request for an extension of the leave also must be supported by an updated medical certification.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to CAMTC to support the employee's leave request.

Where permitted by law, if CAMTC has a good-faith, objective reason to doubt the validity of the medical certification provided by the employee, CAMTC may require the employee to obtain a second opinion from a doctor of CAMTC' choosing at CAMTC' expense. If the employee's health care provider providing the original certification and the doctor providing the second opinion do not agree, CAMTC may require a third opinion, also at CAMTC' expense, performed by a mutually agreeable doctor who will make a final determination. It is the employee's responsibility to furnish his or her health care provider with the necessary authorization for the disclosure of medical information to the doctor(s) who will provide the second and third opinions. If the employee fails to provide the necessary authorization, the request for leave may be denied, in accordance with applicable law.

H. Designation of Protected Leave

Once CAMTC has enough information to determine whether the leave is CFRA-qualifying, CAMTC will inform the employee if leave will be designated as CFRA-protected and, if known at that time, the amount of leave that will be counted against the employee's leave entitlement. If CAMTC determines that the leave is not protected, CAMTC will notify the employee.

I. Recertification

The employee taking leave because of his or her own serious medical condition or the serious medical condition of a family member may be required to provide CAMTC with recertification at appropriate intervals. For purposes of recertification, the employer may request the same information as allowed by law for the original certification. As part of that request, CAMTC may provide the health care provider with a record of the employee's absence pattern to confirm whether such a pattern is consistent with the need for leave. The employee must provide the requested recertification within 15 calendar days of such a request, unless it is not practicable to do so despite the employee's diligent, good faith efforts.

J. Return to Work Certification

Where the leave is for the employee's own serious health condition, CAMTC requires the employee to provide medical certification that he or she is released to return to work and

able to do so. CAMTC may delay restoring the employee to employment or terminate the employee without such certificate.

K. Leave's Effect on Reinstatement

Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or comparable position consistent with applicable law. CAMTC may deny reinstatement to employees whose reinstatement would cause substantial and grievous economic injury to CAMTC's operations. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. CAMTC will comply with all applicable laws pertaining to reinstatement of employees, including where required, the reasonable accommodation of employees who have been on an approved leave.

CAMTC complies with applicable family care, medical leave, and military exigency leave laws. Under the CFRA it is unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the CFRA; or discharge, discriminate, or retaliate against any person for opposing any practice made unlawful by the CFRA or for involvement in any proceeding under or relating to the CFRA. The CFRA does not affect any federal or state law prohibiting discrimination. Employees may file complaints of claimed violations of CFRA with the California Department of Fair Employment and Housing (DFEH), which is authorized to investigate such complaints. For more information, visit the DFEH's website at <http://www.dfeh.ca.gov>

III. Pregnancy-Related Disability Rights

A. Leaves of Absence, Accommodations, and Transfers

Any employee who is disabled by pregnancy, childbirth, or related conditions may take a Pregnancy-Related Disability leave for the period of actual disability of up to four (4) months, in addition to any family care or medical leave to which the employee may be entitled under law. Pregnancy-Related Disability Leaves may be taken intermittently, or on a reduced-hours schedule, as medically necessary.

Moreover, an employee is entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she so requests and provides CAMTC with medical certification from her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated.

B. Substitution of Paid Leave for Pregnancy-Related Disability Leave

An employee taking Pregnancy-Related Disability Leave must substitute any available sick pay for her leave and may, at her option, substitute any accrued vacation time for her leave. The substitution of paid leave for Pregnancy-Related Disability Leave does not extend the total duration of the leave to which an employee is entitled.

C. Leave's Effect on Benefits

During a Pregnancy-Related Disability Leave, CAMTC will continue to pay for the employee's participation in CAMTC's group health plans, to the same extent and under the same terms and conditions as would apply had the employee continued in employment continuously for the leave period.

Thus, the employee must continue to pay his or her share of the health plan premiums during the leave. If paid sick leave or vacation leave is substituted for any portion of the leave that is unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with CAMTC for the payment of such premiums.

CAMTC may recover from the employee the premiums that CAMTC paid to maintain coverage for the employee under the group health plan if the employee fails to return from leave after the period of leave has expired and the employee's failure to return is for a reason other than: (i) the employee is taking (i.e., has transitioned over to) leave under the California Family Rights Act, unless the employee chooses not to return after the CFRA leave, in which case CAMTC can recover such premiums; (ii) the continuation, recurrence, or onset of a health condition that entitles the employee to Pregnancy-Related Disability Leave, unless the employee chooses not to return after the Pregnancy-Related Disability Leave, in which case CAMTC can recover such premiums; (iii) non-pregnancy related medical conditions requiring further leave, unless the employee chooses not to return to work following the leave, in which case CAMTC can recover such premiums, or (iv) other circumstances beyond the employee's control.

It is CAMTC's policy that, similar to other unpaid leaves, during any unpaid portion of a Pregnancy-Disability Leave, employees will accrue employment benefits, such as sick leave, vacation leave, and seniority, only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Employee benefits may be continued during the unpaid portion of the Pregnancy-Disability Leave according to the provisions of CAMTC's various employee benefit plans.

D. Return to Work Certification

Consistent with CAMTC's practice for other employees returning from a disability leave for reasons other than pregnancy, CAMTC requires that an employee returning from Pregnancy-Related Disability Leave provide a release to return to work from her healthcare provider stating she is able to resume her original job or duties.

E. Leave's Effect on Reinstatement

Employees returning from Pregnancy-Related Disability Leave generally are entitled to be reinstated in the same or a comparable position, subject to certain conditions, and consistent with applicable law.

F. Other Terms and Conditions of Leave

The provisions of CAMTC's Family Care, Medical and Military Exigency Leave policy regarding the leave's effect on pay, notice requirements, and medical certification

requirements also apply to all Pregnancy-Related Disability Leaves, as well as requests for pregnancy-related reasonable accommodations and transfers. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

V. Other Disability Leaves

In addition to medical or pregnancy-related disability leaves described above, employees may take a temporary disability leave of absence if necessary to reasonably accommodate a workplace injury or a disability under the ADA or the FEHA. CAMTC will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation, and CAMTC may request that the employee provide documentation / information from a health care provider about applicable limitations on the employee's ability to work.

Disability leaves under this section will be unpaid except to the extent workers compensation insurance or state disability insurance applies or accrued paid leave is utilized.

Employees taking disability leave must comply with the Family Care, Medical and Military Exigency Leave provisions regarding substitution of paid leaves, notice, and medical certification. For the purpose of applying these provisions, a disability leave will be considered to be a medical leave.

Workplace injury leaves will be governed by California's workers compensation rules.

If a disability leave under this section extends beyond 12 weeks in a 12-month period, the employee will not be entitled to any continued employer contributions towards any employee benefit plan unless otherwise required by law, and in some cases may not be eligible for reinstatement. An employee, however, may elect to continue participating in benefit plans, at the employee's own expense, to the extent permitted by such plans.

The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation.

VI. Other Leaves Of Absence

CAMTC also grants eligible employees leaves of absence for military leave, jury or witness duty, certain court appearances, appearances at school or daycare activities, emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel, to vote in a statewide election, for bereavement leave, for leave related to domestic violence, crime victims leave, or leave for the donation of an organ or bone marrow. Unless otherwise required by law, employees will not be paid for such leaves of absence.

A. Military Leave Of Absence

CAMTC will grant employees a military leave of absence to the extent required by applicable state or federal law.

B. Jury and Witness Duty

CAMTC will provide employees time off to serve, as required by law, on a jury or grand jury if the employee provides reasonable advance notice. CAMTC will also provide employees with time off to appear in court or other judicial proceedings as a witness to comply with a valid subpoena or other court order. Leaves under this section will be unpaid. However, exempt employees who work any portion of a workweek in which they also serve on jury duty or appear as a witness will receive their full salary for that workweek. Employees may elect to substitute accrued vacation during any unpaid leave due to jury duty or a witness appearance.

Employees are required to provide reasonable advance notice of the need for jury/witness leave and may be required to provide proof of their jury duty or service as a witness. Employees also are expected to report to work each day or portion of a day they are not performing jury/witness duty.

C. Leave For Educational/Daycare Purposes

Employees will be granted time off without pay for up to 40 hours per calendar year, but no more than eight hours in any calendar month, to:

- participate in the activities of schools or licensed child daycare facilities attended by their children,
- find, enroll, or reenroll their children in a school or with a licensed child care provider, or
- address a child care provider or school emergency (i.e., the school or child care provider requested that the child be picked up, there is a behavioral or discipline problem with the child that needs to be addressed with the school or child-care provider, there is a closure or unexpected unavailability of the school or child-care provider, or that there is a natural disaster, such as an earthquake or fire, requiring that the child be kept home or picked up from the school or child-care provider).

Employees may substitute vacation pay for any unpaid portion of leave for education-related absences.

Employees eligible for such leave are parents, step-parents, foster parents, grandparents, guardians or persons who stand *in loco parentis* (in the place of a parent) to a child.

Employees wishing to take time off under this Section must provide their supervisors with reasonable notice of the planned absence. If both parents of a child are employed by CAMTC at the same worksite, the request for time off under this Section will be granted to the first parent to provide notice of the need for time off. The request from the second parent will be accommodated if possible.

CAMTC reserves the right to request that the employee furnish written verification from the school or daycare facility as proof that the employee participated in school or daycare activities on the specific date and at a particular time. Failure to provide written verification is grounds for disciplinary action.

CAMTC prohibits any discrimination or discharge due to an employee taking time off under this policy.

E. Volunteer Firefighter, Reserve Peace Officer, and Emergency Rescue Personnel

Employees will be granted time off without pay to perform emergency duties as a volunteer firefighter, reserve peace officer, or emergency rescue personnel (which includes an officer, employee, or member of a disaster medical response entity sponsored or requested by the State). Such employees also are entitled for leave of up to 14 days per calendar year to attend fire, law enforcement, or emergency rescue training. For non-exempt employees such leaves shall be unpaid. Exempt employees who work any portion of a workweek in which they also perform such emergency duties or training will receive their full salary for that workweek. Otherwise, exempt employees leave under this section will be unpaid.

Employees may substitute vacation pay for any unpaid portion of leave to perform such emergency duties or training.

CAMTC prohibits discrimination against an employee because he or she takes time off under this policy.

F. Voting Time Off

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and the least time off work.

G. Bereavement Leave

Non-temporary full time employees who experience a death in the immediate family will be given up to three paid days off.

"Immediate family" includes the employee's spouse, domestic partner, children, son-in-law or daughter-in-law, parents or parents-in-law, brothers or brothers-in-law, sisters or sisters-in-law, or grandparents or grandchildren by blood, marriage or domestic partnership.

H. Leave Related To Domestic Violence, Sexual Assault or Stalking

CAMTC will provide time off to an employee who has been the victim of domestic violence, sexual assault or stalking to seek any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center,

counseling, medical attention, and participation in safety planning programs. CAMTC requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide CAMTC with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

Also, CAMTC will provide a reasonable accommodation for an employee who is a victim of domestic violence, sexual assault, or stalking, and who has disclosed that status to CAMTC, if the employee requests an accommodation for his or her safety while at work.

CAMTC will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation, and CAMTC may request that the employee provide (i) a written statement, signed by the employee or someone acting on his or her behalf, certifying that the accommodation is for the purpose stated above, and (ii) a certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking. Every 6 months after the date of the previous certification, CAMTC may request recertification of such status. CAMTC will maintain certifications as confidential if it identifies the employee as a victim of domestic violence, sexual assault, or stalking, and will disclose such information only as required by law, or as necessary to protect the employee's workplace safety. CAMTC will notify the employee before such disclosure.

CAMTC prohibits discrimination, discharge, or retaliation against an employee for taking time off or requesting an accommodation under this policy, or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

I. Crime Victims' Leave

CAMTC will provide time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime or an immediate family of the employee is the victim of a crime. CAMTC requires that where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide CAMTC with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions, or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

J. Leave for Organ and Bone Marrow Donation

CAMTC will grant an employee the following paid leaves of absence for the purpose of organ or bone marrow donation:

1. A paid leave of absence of up to five days in any one-year period for the purpose of donating the employee's bone marrow to another person.
2. A paid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating his or her organ to another person.

A leave of absence for the purpose of organ or bone marrow donation will be provided with pay as provided above; however, if an employee has earned and unused sick or vacation time available, the employee is required, as part of the total paid time off, to first use up to five days of paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

After expiration of an employee's paid leave under this policy for organ donation, an employee who requires additional leave following the donation of an organ may be eligible for unpaid leave of up to 30 additional business days.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to the CEO that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, CAMTC will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods.

Leave taken under this policy will not run concurrently with any leave taken pursuant to the California Family Rights Act.

Upon expiration of a leave of absence authorized by this policy, CAMTC will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. CAMTC may decline to restore an employee because of reasons unrelated to the exercise of rights under this policy by the employee.

K. Personal Leaves

Occasionally, for personal or other reasons, you may need to be temporarily released from the duties of your job with CAMTC. It is the policy of CAMTC to allow its employees to apply for and be considered for certain specific unpaid leaves of absence, even if not required by law.

Unpaid leaves which are not required by law are granted in the sole discretion of CAMTC and are considered in light of operational needs. The length of leave granted will vary based on operational needs, in the CEO's discretion, but no leave under this section shall

exceed 12 weeks unless required by law.

All requests for unpaid personal leaves of absence under this section shall be submitted in writing to the CEO. Each request shall provide the reason for the leave and the expected duration of the leave. Requests should be provided at least 30 days in advance when at all possible, but leaves on shorter notice will be considered depending on the circumstances.

L. Failure to Timely Return from Leave of Absence

Unless previously agreed to by the CEO or where prohibited by law for specific instances, failure to return to work on the scheduled return date from an approved leave of absence will be considered a voluntary resignation of employment.

EMPLOYEE BENEFITS

I. Group Insurance Plans

CAMTC ~~does not provide any group insurance plans at this time~~ provides group health insurance for eligible employees wishing to participate. Details about eligibility and options can be obtained from your supervisor. CAMTC retains the right to modify or eliminate this benefit in its sole discretion upon reasonable notice to employees.

II. Workers' Compensation Insurance

CAMTC carries workers' compensation coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. The cost of this coverage is paid by CAMTC.

III. State Disability Insurance

The State of California provides disability insurance to California workers under certain circumstances. Generally speaking, state disability insurance is available for a non-work related accident or illness. It is available for some elective surgery and for pregnancy, childbirth and related medical expenses. Each year, in accordance with state law, a small percentage of your wages is deducted and paid to the state for this insurance.

IV. California Paid Family Leave

Paid Family Leave is a partial wage replacement insurance plan administered by the California Employment Development Department (EDD) for eligible workers who have absences longer than eight workdays related to care of a family member, or bonding with a new child. Benefits are paid directly by the EDD. Specific rules and regulations governing paid family leave are available from the EDD at www.edd.ca.gov/. Each year, in accordance with state law, a small percentage of your wages is deducted and paid to the state for this insurance.

V. Retirement Plan

CAMTC provides a 403(b) retirement plan for eligible employees wishing to participate. Information about eligibility and plan details can be obtained from your supervisor. CAMTC retains the right to modify or eliminate this benefit in its sole discretion upon reasonable notice to employees.

OPEN DOOR

The purpose of the Open Door policy is to implement CAMTC's philosophy that employees should be encouraged to raise their work-related concerns informally with their supervisor. CAMTC will attempt to keep all such expressions of concern, the investigation, and the terms of any resolution confidential. However, in the course of investigating the concerns, some dissemination of information to others may be appropriate and therefore CAMTC cannot promise complete confidentiality.

I. Procedure

Employees are encouraged to raise work-related problems with their supervisor promptly after the concern has arisen. However, if you believe that your supervisor is part of your concern and feel uncomfortable talking with him or her, you may contact the CEO to discuss your concern. If the CEO is the problem, you may contact the Chairperson of the Board to discuss your concern.

You are encouraged to pursue discussion of your work related concerns until the matter is fully resolved. It may not always be possible to achieve the result you want, but if not, CAMTC will attempt in each case to explain why. CAMTC believes that employee concerns are best addressed through informal and open communication. No employee will be disciplined or otherwise penalized for raising a good faith concern.

PERFORMANCE EVALUATIONS

CAMTC reserves the right to periodically review your performance and discuss the review with you in private. Performance evaluations may include factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluation is designed to help you become aware of the progress you are making and of the areas in which you need to improve. Generally, your review will be conducted by your immediate supervisor. The CEO's review will be conducted by CAMTC's Board of Directors.

Nothing in this section shall require that an employee's salary/wages be adjusted based upon his or her review. While salary/wage adjustments are in part determined by employee performance, CAMTC, in its full discretion, may award, or not award, salary/wage adjustments.

PERSONNEL RECORDS

It is important that CAMTC personnel files contain current information regarding each

employee. It is a condition of your employment that you inform your supervisor whenever there are changes in your personal data such as address, telephone number, marital status, number of dependents, and person(s) to notify in case of emergency.

You have the right to inspect your personnel file at reasonable times on reasonable notice. You may also obtain copies of any document in your personnel file that you have signed.

Personnel files are the property of CAMTC.

DRESS AND GROOMING STANDARDS

It is in CAMTC's best interests to present a professional image to its board members, constituents¹, government contacts, and to the public. Accordingly, while CAMTC has no formal dress code, it is expected that all employees will dress in a manner consistent with good hygiene, safety, and good taste when interacting with others on behalf of CAMTC.

CAMTC PROPERTY; CONFIDENTIAL INFORMATION

The security of employees, employee property, and CAMTC property is of vital importance to CAMTC. All employees share responsibility to ensure that proper security is maintained. Any breach of security should be reported promptly to your supervisor.

CAMTC property includes not only tangible property, like equipment, but also intangible property such as information. Of particular importance is confidential and proprietary information. Proprietary information includes all information obtained by CAMTC employees during the course of their work. This handbook, for example, contains proprietary information. Confidential information is any information of CAMTC that is not known generally to constituents or the public. Applicant/certificate holder information, personnel files, and financial data are examples of confidential information. Employees may not disclose or use proprietary or confidential information except as their jobs require. Anyone who violates this guideline will be subject to discipline up to and including termination, and possible legal recourse.

TECHNOLOGY USE AND PRIVACY

CAMTC provides various Technology Resources to authorized employees to assist them in performing their job duties for CAMTC. Each employee has a responsibility to use CAMTC's Technology Resources in a manner that increases productivity, enhances CAMTC's public image, and is respectful of other employees and constituents. Failure to follow CAMTC's policies regarding its Technology Resources may lead to disciplinary measures, up to and including termination of employment. Moreover, CAMTC reserves the right to advise appropriate legal authorities of any violation of law by an employee.

This guideline on Technology Use and Privacy applies to employees working exclusively

¹ For purposes of this Handbook, "constituents" means applicants for certification and school approval, approved schools, and certificate holders.

from a home office only to the extent applicable.

I. Technology Resources Definition

Technology Resources consist of all electronic devices, software, and means of electronic communication provided by CAMTC or purchased for employee's use as an employee of CAMTC including but not limited to the following: personal computers and workstations; lap-top computers; computer hardware; peripheral equipment such as printers, scanners, modems, fax machines, copiers, digital cameras, memory sticks, and hands-free devices; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; electronic mail; telephones; cell phones; smart phones; and voicemail systems.

II. Authorization

Access to CAMTC's Technology Resources is within the sole discretion of CAMTC. Generally, employees are given access to CAMTC's various technologies and systems based on their job functions.

III. Use

CAMTC's Technology Resources are to be used by employees primarily for the purpose of conducting CAMTC activities. Employees may, however, use CAMTC's Technology Resources for the following incidental personal uses so long as such use does not interfere with the employee's duties, is not done for pecuniary gain, does not conflict with CAMTC's activities, and does not violate any CAMTC policy:

1. To send and receive occasional personal communications; and
2. To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner.

CAMTC assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on CAMTC's Technology Resources. CAMTC accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any CAMTC property. As such, CAMTC discourages employees from storing any personal data on any of CAMTC's Technology Resources.

IV. Improper Use

A. Prohibition Against Harassing, Discriminatory and Defamatory Use

CAMTC is aware that employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. As set forth more fully in CAMTC's "Policy Against Harassment," CAMTC does not tolerate discrimination or harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, veteran status, marital status, sex, age, sexual orientation, gender identity expression, or any other basis protected by federal, state, or local law, ordinance, or

regulation. Under no circumstances may employees use CAMTC's Technology Resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually-explicit or racial messages, jokes, cartoons, etc.).

B. Prohibition Against Violating Copyright Laws

Employees must not use CAMTC's Technology Resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's personal use and reference.

C. Other Prohibited Uses

Employees may not use any of CAMTC's Technology Resources for any illegal purpose, in violation of any CAMTC policy, in a manner contrary to the best interests of CAMTC, in any way that discloses confidential or proprietary information of CAMTC or third parties, or for personal or pecuniary gain.

V. CAMTC Access to Technology Resources

All messages sent and received, including personal messages, and all data and information stored on CAMTC's electronic-mail system, voicemail system, or computer systems are CAMTC property regardless of the content. As such, CAMTC reserves the right to access all of its Technology Resources including its computers, voicemail, and electronic-mail systems, at any time, in its sole discretion.

A. Privacy

Although CAMTC does not wish to examine personal information of its employees, on occasion, CAMTC may need to access its Technology Resources including computer files, electronic-mail messages, and voicemail messages. Employees should understand, therefore, that they have **no right of privacy** with respect to any messages or information created or maintained on CAMTC's Technology Resources, including personal information or messages. CAMTC may, at its discretion, inspect all files or messages on its Technology Resources at any time for any reason. CAMTC may also monitor its Technology Resources at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other purpose.

B. Passwords

Certain of CAMTC's Technology Resources can be accessed only by entering a password. Passwords are intended to prevent unauthorized access to information. Passwords do not confer any right of privacy upon any employee of CAMTC. Thus, even though employees may maintain passwords for accessing Technology Resources, employees must not expect that any information maintained on Technology Resources, including electronic mail and voicemail messages, are private. Employees are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

C. Deleted Information

Deleting or erasing information, documents, or messages maintained on CAMTC's Technology Resources is, in most cases, ineffective. All employees should understand that any information kept on CAMTC's Technology Resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. Because CAMTC periodically backs-up file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

VI. The Internet and On-Line Services

CAMTC provides authorized employees access to on-line services such as the Internet. CAMTC expects that employees will use these services in a responsible way and for company-related purposes and incidental personal use only. Except as authorized by a supervisor, employees are not permitted to use CAMTC's Technology Resources to access, download, or contribute to the following:

1. gross, indecent, or sexually-oriented materials;
2. job-search sites;
3. gambling sites;
4. games, humor;
5. illegal drug-oriented sites;

Additionally, employees must not sign "guest books" at Web sites or post messages to internet news groups or discussion groups at Web sites. These actions will generate junk electronic mail and may expose CAMTC to liability or unwanted attention because of comments that employees may make. CAMTC strongly encourages employees who wish to access the Internet for non-work-related activities to obtain their own personal Internet access accounts.

Some of the information to which CAMTC has access is confidential. Employees should be very careful about sending confidential information over the Internet. Ask your supervisor if you are unsure whether information is considered confidential or if it should be sent via the Internet. Employees also should verify electronic mail addresses before transmitting any messages.

VII. Software Use

A. License Restrictions

All software in use on CAMTC's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is by any means of transmission, unless authorized in writing in advance by CAMTC. Authorization for loading software on the computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

VIII. Confidential Information

CAMTC is very sensitive to the issue of protecting the confidential and proprietary information of CAMTC, its constituents, and third parties ("Confidential Information"). Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting Confidential Information on CAMTC's Technology Resources.

Confidential Information should not be accessed through CAMTC's Technology Resources in the presence of unauthorized individuals. Similarly, Confidential Information should not be left visible or unattended.

IX. Security

CAMTC may install programs and devices to ensure the safety and security of CAMTC's Technology Resources. Any employee found tampering or disabling any of CAMTC's security devices will be subject to discipline up to and including termination.

X. Audits

CAMTC may perform auditing activity or monitoring to determine compliance with these policies. Audits of software and data stored on CAMTC's Technology Resources may be conducted without warning at any time.

SOCIAL MEDIA POLICY

A. Use

Social media are powerful communications tools that have a significant impact on organizational and professional reputations. Social media is a set of Internet tools that aid in the facilitation of interaction between people online. Examples include but are not limited to LinkedIn, Twitter, Facebook, YouTube, and MySpace. Both in professional and organization roles, employees need to follow the same behavioral standards online as they would in real life. The same laws, professional expectations, and guidelines for interacting with co-workers, constituents, vendors and the general public apply online as in the real world. Employees are liable for anything they post to social media sites. All CAMTC policies with respect to computers, electronic media, discrimination, harassment, confidentiality, conflict of interest and record retention apply to social media activity.

B. Prohibition Against Disclosing Proprietary and Confidential Information

CAMTC's policies regarding the nondisclosure of proprietary, confidential and personal information applies to online blogging or postings. As such, employees must not post information on a blog or website that in any way discloses confidential or proprietary information of CAMTC or any third party. The posting of copyrighted materials is also prohibited.

C. Other Prohibitions

Employees may not use CAMTC-sponsored social networking sites to promote or solicit participation in any activity that is unrelated to their work at CAMTC. Employees also may not use blogs or social media for any illegal purpose, violation of any CAMTC policy, in a manner contrary to the best interests of CAMTC, or for personal or pecuniary gain.

D. Non-CAMTC Blogs/Social Networking

Employees are free to create or participate in non-CAMTC blogs and other forms of online publishing and discussion/social networking, provided that such participation does not violate CAMTC policy, is not detrimental to CAMTC's best interests and does not interfere with an employee's regular work duties. Employees may not engage in personal blogging/social networking during work time. Employees are personally responsible for their postings and online comments. CAMTC does not assume any liability or risk for an employee's blogging or posting online.

When posting in a non-CAMTC blog or online forum, employees should not represent or suggest that their opinions or positions are endorsed by CAMTC or any of its managers or employees. CAMTC executives should exercise particular care when posting online to ensure their published personal thoughts are not misunderstood to be expressions of official CAMTC positions. Executives/managers should also assume their subordinates will read their postings, and fully understand that non-CAMTC blogs and websites are not appropriate forums for communicating CAMTC policy to CAMTC employees.

Even when posting on non-CAMTC blogs/social networking sites, employees must always be in compliance with CAMTC's policies regarding non-disclosure of proprietary, confidential and personal information. Accordingly, employees are prohibited from revealing any proprietary or confidential information. Employees also must respect copyright and fair use laws when posting and, as a best practice, always credit and/or link to someone else's work when quoting or relying upon it. Additionally, never identify a CAMTC constituent by name, and never discuss a constituent's confidential information online except through proper CAMTC Technology Resources.

Employees are prohibited from using CAMTC logos or trademarks without CAMTC's written permission. Employees likewise may not post any content that is harassing, discriminatory, defamatory, threatening, disparaging, libelous or otherwise illegal or injurious. .

Non-CAMTC blog/social media postings may generate media interest or coverage. If a member of the media contacts an employee about a CAMTC-related posting or online comment published by the employee, or requests CAMTC information of any kind, inform your supervisor immediately.

Failure to adhere to CAMTC policies regarding blogging and online postings will be considered grounds for discipline, up to and including termination.

Any inappropriate bloggings and/or postings that violate these guidelines should be reported to CAMTC management immediately.

CELLULAR PHONE POLICY

CAMTC prohibits the use of all hand-held cellular devices for work purposes while operating a motor vehicle or for personal purposes while operating a motor vehicle during work hours or on CAMTC business.

Employees may use hands-free cellular devices while driving when safe to do so. Special care should be taken in situations where there is heavy traffic, inclement weather or the employee is driving in an unfamiliar area. Employees must adhere to all federal, state, and local rules and regulations regarding the use of cellular phones while driving.

Under no circumstances are employees allowed to use text devices to type or review text messages for work purposes while operating a motor vehicle or for personal purposes while operating a motor vehicle during work hours or on CAMTC business.

EMPLOYMENT OF RELATIVES

Beginning on the date this Handbook is first adopted, relatives of present employees may be hired by CAMTC only if (1) the individuals concerned will not work in a direct supervisory relationship, (2) the employment will not pose difficulties for supervision, security, safety, or morale, and (3) approved by the CEO. "Relatives" are defined as spouses, domestic partners, children, sisters, brothers, mothers, or fathers, and persons related by marriage or domestic partner relationship. Present employees who marry or have a domestic partnership or who become related by marriage or domestic partnership will be permitted to continue employment with CAMTC only if they do not work in a direct supervisory relationship with one another, or otherwise pose difficulties for supervision, security, safety, or morale. If employees who marry or who become related by marriage do work in a direct supervisory relationship with one another, CAMTC will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, then one of the employees will be required to resign from CAMTC. The decision as to which employee resigns will be left solely to the spouse/employees. In the event that no alternative position is available and neither employee voluntarily resigns, the employee with lesser seniority will be terminated.

NON-FRATERNIZATION

In order to promote the efficient operation of CAMTC and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, and morale, and possible claims of sexual harassment, managers, supervisors, and Board/committee members are forbidden to date or pursue romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees and Board/committee members who violate this guideline will be subject to discipline, up to and including termination of employment or removal from the Board or committee on which the member serves.

VEHICLE USE

Employees may be required to use their personal vehicle from time to time for conducting CAMTC activities. Employees will be reimbursed for mileage while on CAMTC business at

the then current IRS mileage reimbursement rate. Employees whose jobs require the use of their personal vehicle must provide CAMTC with written documentation satisfactory to the CEO and/or Chairperson that verifies that the employee carries appropriate liability insurance coverage.

TELECOMMUTING

Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a central workplace. It is a work alternative that CAMTC may offer to some employees when it would benefit both the organization and the employee.

Employee compensation, benefits, work status, work responsibilities, performance standards, and the typical amount of time you generally work per day or per pay period will not change due to telecommuting.

The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the organization. Employees' at-home work and project deadlines will conform to a schedule agreed upon by the employee and his/her supervisor.

During working hours, an employee's at-home workspace will be considered an extension of CAMTC's workspace. Employees allowed to telecommute agree to maintain safe conditions in the at-home workspace and to practice safety habits. In the case of an injury while working at home, employees must immediately report the injury to their supervisor or to the CEO to get instructions for obtaining medical treatment.

Telecommuting is an alternative method of meeting the needs of the organization and is not a universal employee benefit. As such, CAMTC has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.

CONFLICTS OF INTEREST

CAMTC employees are expected to devote their best efforts and attention to the full-time performance of their jobs. Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of CAMTC. A conflict of interest exists when the employee's loyalties or actions are divided between CAMTC's interests and those of another, such as a constituent, outside organization, or a supplier. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with his/her supervisor. Any exceptions to this guideline must be approved in writing by the Chairperson.

This guideline does not attempt to describe all possible conflicts of interest that could develop. Some of the more common conflicts from which employees should refrain, however, include the following:

- A. Accepting personal gifts or entertainment from constituents, suppliers, or potential suppliers without the express consent of your supervisor.
- B. Using proprietary or confidential CAMTC information for personal gain or to CAMTC's detriment;
- C. Using CAMTC assets or labor for personal use;
- D. Acquiring any interest in property or assets of any kind for the purpose of selling or leasing it to CAMTC.

An employee may engage in outside employment, provided that 1) he or she discloses this fact to his or her supervisor, and 2) the outside employment does not in any way interfere or conflict with the employee's duties at CAMTC.

Failure to adhere to this guideline, including failure to disclose any conflicts or to seek an exemption, may result in discipline, up to and including termination of employment.

DRUG-FREE WORKPLACE

I. Purpose of Guideline

It is the intent of CAMTC to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. CAMTC has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and success at CAMTC. Employees who are under the influence of a drug or alcohol on the job compromise CAMTC's interests, and endanger their own health and safety and the health and safety of others. Substance abuse in the workplace can also cause a number of other work related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, delays in the completion of jobs, inferior quality in service, and disruption of relations with constituents and suppliers.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its reputation, property, equipment, and operations, CAMTC has established this Guideline concerning the use of alcohol and drugs. As a condition of continued employment with CAMTC, each employee must abide by this Guideline.

II. Employee Cooperation

Early detection of substance-abuse problems benefits everyone. For example, it benefits the employee with the substance-abuse problem because it gives him or her the opportunity to correct the problem before it leads to serious harm to the employee or others; it benefits the employee's co-workers who otherwise might be exposed to serious injury or have to carry an extra burden by "covering" for the substance abuser, and it benefits CAMTC by providing an opportunity to prevent accidents and avoid the performance problems and other losses associated with substance abuse. Accordingly, all employees should understand that co-workers with substance-abuse problems should be encouraged to seek

assistance.

III. Definitions

For purposes of this Guideline:

- (1) "Illegal drugs or other controlled substances" means *any* drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully.
- (2) "Legal drug" means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- (3) "Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- (4) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- (5) "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

IV. Prohibited Conduct

A. Scope

The prohibitions of this section apply whenever the interests of CAMTC may be adversely affected, including any time the employee is:

- (1) On CAMTC premises;
- (2) Conducting or performing CAMTC business, regardless of location;
- (3) Operating or responsible for the operation, custody, or care of CAMTC equipment or other property; or
- (4) Responsible for the safety of others.

B. Alcohol

The following acts are prohibited and subject an employee to discharge:

- (1) The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
- (2) Being under the influence of alcohol except as described below.

C. Illegal Drugs

The following acts are prohibited and subject an employee to discharge:

- (1) The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- (2) Being under the influence of any illegal drug, or other controlled substance.

D. Legal Drugs

The following acts are prohibited and subject an employee to discharge:

- (1) The abuse of any legal drug;
- (2) The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or
- (3) Working while *impaired* by the use of a legal drug whenever such impairment might:
 - (a) Endanger the safety of the employee or some other person;
 - (b) Pose a risk of significant damage to CAMTC property or equipment; or
 - (c) Substantially interfere with the employee's job performance or the efficient operation of CAMTC's business or equipment.

V. Disciplinary Action

A. Discharge for Violation of Guideline

A first violation of this Guideline will result in *immediate discharge*, whenever the prohibited conduct:

- (1) Caused injury to the employee or any other person, or, in the sole opinion of management, endangered the safety of the employee or any other person;
- (2) Resulted in significant damage to CAMTC property or equipment, or, in

the sole opinion of management, posed a risk of significant damage;

- (3) Involved the sale or manufacture of illegal drugs or other controlled substances;
- (4) Involved the possession, distribution, or dispensation of illegal drugs or other controlled substances or alcohol in a quantity greater than for personal use.

B. Discretion Not to Discharge

In circumstances other than those described in Paragraph A, above, CAMTC, in the discretion of management, may choose not to discharge an employee for a first violation of this Guideline if the employee satisfactorily participates in and completes an approved drug or alcohol abuse assistance or rehabilitation program (at the employee's expense).

C. Written Warning

An employee who is not discharged for a first violation of this Guideline will receive a written warning and immediate suspension without pay for a period of 10 calendar days.

D. Effect of Second Violation

A second violation of this Guideline at any time will result in immediate discharge.

E. Effect of Discharge on Eligibility for Rehire

Employees who are discharged for a violation of this Guideline will not be eligible for rehire by CAMTC.

VII. Use of Legal Drugs

CAMTC recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to CAMTC property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation time. Nothing in this Guideline is intended to sanction the use of accrued sick leave or vacation time to accommodate absences due to the *abuse* of legal drugs. Further, nothing in this Guideline is intended to diminish CAMTC's commitment to employ and reasonably accommodate qualified disabled individuals. CAMTC will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

VIII. Unregulated or Authorized Conduct

A. Customary Use of Over-the-Counter Drugs

Nothing in this Guideline is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Guideline.

B. Off-the-Job Conduct

This Guideline is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Guideline.

C. Authorized Use of Alcohol

CAMTC may provide alcohol for consumption at certain events, such as social functions. The responsible consumption of alcohol at these events does not violate this policy.

IX. Confidentiality

Disclosures made by employees to CAMTC management concerning their use of legal drugs will be treated confidentially and will not be revealed to other managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to CAMTC management concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

POLICY CONCERNING VIOLENCE IN THE WORKPLACE

I. Statement of Policy

This policy will only apply if CAMTC establishes its own central office (i.e. this does not apply to employees who work from a home office). CAMTC recognizes that workplace violence is a growing concern among employers and employees across the country. CAMTC is, therefore, committed to providing a safe, violence-free workplace. In this regard, CAMTC strictly prohibits employees, constituents, vendors, visitors, or anyone else on CAMTC premises or engaging in a CAMTC-related activity from behaving in a violent or threatening manner. Moreover, as part of this policy, CAMTC seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

II. Workplace Violence Defined

Workplace violence includes, but is not limited to, the following:

- (1) Threats of any kind;
- (2) Threatening, physically aggressive, or violent behavior, such as intimidation of

or attempts to instill fear in others;

(3) Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of CAMTC property, or a demonstrated pattern of refusal to follow CAMTC policies and procedures;

(4) Defacing CAMTC property or causing physical damage to the facilities; or

(5) With the exception of security personnel, bringing weapons or firearms of any kind on CAMTC premises, in CAMTC parking lots, or while conducting CAMTC business.

III. Reporting

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, constituent, consultant, visitor, or anyone else, he or she should contact their supervisor immediately.

Further, employees should notify their supervisor immediately if any restraining order is in effect, or if a potentially violent nonwork-related situation exists that could result in violence in the workplace.

IV. Investigation

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, CAMTC will inform the reporting individual of the results of the investigation. To the extent possible, CAMTC will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. CAMTC will not tolerate retaliation against any employee who reports workplace violence.

V. Corrective Action and Discipline

If CAMTC determines that workplace violence has occurred, CAMTC will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, suspension, or termination. If the violent behavior is that of a non-employee, CAMTC will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

CAMTC may, in its discretion, forego disciplinary action on the condition that the employee takes an unpaid medical leave of absence, and/or participates in counseling or special training, either voluntarily or as a condition of continued employment, at the employee's own expense.

TERMINATION, DISCIPLINE, AND RULES OF CONDUCT

I. Termination

A. Voluntary Termination

CAMTC will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

- (1) Resigns from CAMTC;
- (2) Fails to return from an approved leave of absence on the date specified by CAMTC; or
- (3) Fails to report for work without notice to CAMTC for two consecutive days.

B. Involuntary Termination

An employee may be terminated involuntarily for reasons that may include, but are not limited to, poor performance, misconduct, or other violations of CAMTC's rules of conduct as set forth below. **Notwithstanding this list of possible reasons, every CAMTC employee is "at-will", and as such CAMTC reserves the right to discharge any employee with or without cause and with or without prior notice.**

C. Termination Due to Reorganizations, Economics, or Lack of Work

From time to time, CAMTC may need to terminate an employee as a consequence of reorganizations, job eliminations, economic downturns, or lack of work.

II. Discipline and Rules of Conduct

A. Policy

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet CAMTC standards, the employee may be given a reasonable opportunity to correct the deficiency. If, however, the employee fails to make the necessary correction(s), he or she may be subject to disciplinary action up to and including termination. **Provided, however, that CAMTC reserves the right to proceed directly to termination, without resort to prior disciplinary steps, when CAMTC, in its sole discretion, deems such action necessary or appropriate.**

The rules set forth in this Guideline are intended to provide employees with fair notice of what is expected of them. Such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees must be aware that conduct not specifically listed below, but which adversely affects the interests of CAMTC, its employees, or constituents may also result in disciplinary action, and nothing herein mitigates an employee's at-will status.

B. Job Performance

Employees may be disciplined or terminated for poor job performance, including but not limited to the following:

- (1) Unsatisfactory work quality or quantity;

- (2) Poor attitude (for example, rudeness or lack of cooperation);
- (3) Excessive absenteeism (three or more unexcused absences in a 90 day period), tardiness, or abuse of break and lunch privileges;
- (4) Failure to follow instruction or CAMTC procedures; or
- (5) Failure to follow established safety regulations.

C. Misconduct

Employees may be disciplined or terminated for misconduct, including but not limited to the following:

- (1) Insubordination;
- (2) Dishonesty;
- (3) Theft of any kind;
- (4) Discourtesy;
- (5) Misusing or destroying CAMTC property or the property of another on CAMTC premises;
- (6) Violating conflict of interest rules;
- (7) Disclosing or using confidential or proprietary information without authorization from the appropriate management personnel;
- (8) Falsifying or altering CAMTC records, including but not limited to the application for employment or timecards;
- (9) Interfering with the work performance of others;
- (10) Altercations, arguing, fighting, badgering;
- (11) Harassing, including sexually harassing, employees or others;
- (12) Being under the influence of, manufacturing, dispensing, distributing, using, or possessing illegal or controlled substances on CAMTC property or while conducting CAMTC business;
- (13) Gambling on CAMTC premises or while conducting CAMTC business;
- (14) Sleeping on the job or leaving the job without authorization;
- (15) Possessing a firearm or other dangerous weapon on CAMTC property or while conducting CAMTC business; or

(16) Being convicted of a crime that indicates unfitness for the employee's particular job or raises a threat to the safety or well-being of CAMTC, its employees, constituents, or property.

ED. Attendance

In addition to the general rules stated above, employees may be disciplined or terminated for failing to observe the following specific requirements relating to attendance:

(1) Reporting to work on time, observing the time limits for rest and lunch periods, and obtaining approval to leave work early; and

(2) Notifying your supervisor in advance of anticipated tardiness or absence.

E. No Discipline Procedure

CAMTC reserves the right to proceed directly to termination, without resort to prior disciplinary steps, when CAMTC, in its sole discretion, deems such action appropriate.

F. Exit Interview

Employees who leave CAMTC for any reason may be asked to participate in an exit interview. This interview is intended to permit terminating employees the opportunity to communicate their views regarding their work with CAMTC, including job duties, job training, job supervision, and job benefits. At the time of the interview, employees are required to return all CAMTC furnished property, such as equipment, I.D. cards, keys, credit cards, documents, and handbooks.

III. Employment at Will

Nothing in this section on discipline/termination is intended to alter the at-will status of employment with CAMTC. Either you or CAMTC may terminate the employment relationship at any time, with or without cause, and with or without prior notice. CAMTC reserves the right to terminate the employment relationship, or to demote, discipline, or alter the terms and conditions of employment (including this handbook) without advance notice and without resort to any particular procedures.

EXTERNAL COMMUNICATIONS

Occasionally, employees may be contacted by outside sources (including but not limited to media) requesting information about CAMTC matters, including information regarding current or former employees, constituents, CAMTC projects, or other workplace issues. In order to avoid providing inaccurate or incomplete information to outside sources, employees contacted by an outside source should immediately refer the contact to the CEO without disclosing any information or making any comment.

REFERENCES

Requests for references after an employee leaves CAMTC will be responded to by disclosing only dates of employment and title of last position held.

ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

(PLEASE READ THE EMPLOYEE HANDBOOK AND FILL OUT AND RETURN THIS PORTION TO YOUR SUPERVISOR WITHIN ONE WEEK OF RECEIPT)

Employee Name: _____

I acknowledge that I have received a copy CAMTC Employee Handbook as approved on September 12, 2019, 2021. I understand that I am responsible for reading the policies and for knowing and complying with the policies during my employment with CAMTC.

I further understand, however, that the policies are guidelines only and are not intended to create any contractual rights or obligations, express or implied, and shall not be construed to create any type of right to a "fair procedure" prior to termination or other disciplinary action. I also understand that CAMTC has the right to amend, interpret, modify, or withdraw any of the policies at any time in its sole discretion, with or without notice. Furthermore, I understand that, because CAMTC cannot anticipate every issue that may arise during my employment, if I have any questions regarding any of CAMTC's policies or procedures, I should consult my supervisor.

I understand and agree that my relationship with CAMTC is "at-will," which means that my employment is for no definite period and may be terminated by me or by CAMTC at any time, for any reason, with or without cause, and with or without advance notice. I also understand that CAMTC may demote or reassign me or otherwise alter the terms of my employment at any time at its discretion, with or without cause or advance notice.

I understand and agree that if I resign or am terminated from my employment with CAMTC I will immediately return any CAMTC-owned property to the CAMTC office, including but not limited to CAMTC-owned laptops or other computers, phones, printers, electronic storage devices, and documents. With respect to CAMTC-owned computers, phones, and storage devices, I agree to return such property to CAMTC without removing any data, documents, software, or applications from the device(s).

I understand and agree that the terms of this Acknowledgment may not be modified or superseded except by a written agreement approved by CAMTC board of directors and signed by me and the Chairperson of CAMTC, that no other employee or representative of CAMTC has the authority to enter into any such agreement, and that any agreement to employ me for any specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable. If the terms of this Acknowledgment are inconsistent with any policy or practice of CAMTC now or in the future, the terms of this Acknowledgment shall control.

Finally, I understand and agree that this Acknowledgment contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises or commitments to me contrary to the foregoing, and that this Acknowledgment supersedes all previous agreements, whether written or oral, express or implied, relating to the subjects covered in this Acknowledgment.

Date: _____

Signed: _____
Signature of Employee

Print Name of Employee

ACKNOWLEDGEMENT OF RECEIPT OF POLICY AGAINST HARASSMENT

(PLEASE READ THE POLICY AGAINST HARASSMENT AND FILL OUT AND RETURN
THIS PORTION TO YOUR SUPERVISOR WITHIN
ONE WEEK OF EMPLOYMENT)

I have received a copy of CAMTC's Policy Against Harassment contained in the Employee Handbook as approved on ~~September 12, 2019~~ _____, 2021. I have read and understand the Policy Against Harassment, including the procedures for reporting harassment, and I agree to abide by the provisions contained therein.

Date: _____

Signed: _____
Signature of Employee

Print Name of Employee

AGENDA ITEM 14: Delegate to FSMTB 2021 Annual Meeting

ATTENTION: CAMTC Board of Directors

FROM: Bernadette Murray, CAMTC Director

DATE: June 9, 2021

MOTION: Board appoints [nominee] to be the CAMTC voting delegate at the 2021 Annual Meeting of the Federation of State Massage Therapy Boards.

- a) The delegate shall submit a written report to all CAMTC Board Directors no later than 14 days after the close of the FSMTB Annual Meeting listing all motions voted upon by the delegate and whether the vote was for or against the motion. The delegate may include additional information beyond motions voted upon in the report.
- b) The CEO shall affirm the CAMTC Board appointment to FSMTB as needed for the delegate to register for the FSMTB 2021 Annual Meeting when the registration opens July 1, 2021.

DISCUSSION: The Federation of State Massage Therapy Boards generally holds an annual meeting that includes elections for the Board of Directors as well as consideration of resolutions from the Policy Committee with recommendations and proposed Bylaw changes if any. Due to the Pandemic Emergency in 2020, FSMTB conducted elections for the Board of Directors virtually via online process and deferred convening Delegate Assembly.

FSMTB has scheduled the 2021 Annual Meeting to be held October 7-9, 2021 in Charlotte North Carolina (if in-person: a virtual format was also an option in a survey open to all State Boards of Directors and Executive staff) . The registration fee, hotel accommodations, and travel expenses for the one voting Delegate will be covered by FSMTB.

The proposed motion language above includes a requirement that the voting Delegate submit a report as specified to the CAMTC Board of Directors within 14 days. The intention is to make clear that the votes taken by a designated individual Director should be reported back to the whole Board in a timely manner and by a means that can be preserved for the record.

FSMTB does provide a monthly update in the form of a newsletter In Touch that is emailed to subscribed members who serve on the State Boards who have joined FSMTB. This newsletter covers progress on major initiatives such as the Massage Therapy Compact funded by a grant from the Department of Defense and with technical assistance from the National Center for Interstate Compacts, a division of the Council of State Governments.

So this type of information is not to be required, but discretionary on the part of the delegate.



To: CAMTC Board of Directors

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

RE: Board Meeting June 16, 2021

Human Trafficking

Rick McElroy and I have been extremely busy with regional Human Trafficking meetings, conferences, discussion groups, as well as reviewing studies and reports.

The shootings at several massage establishments in Georgia caused a great deal of discussion and introspection regarding the violence. It is difficult not to conflate the killings as violence against women, violence against possible sex workers or human trafficking victims and violence against Asians, none of which justifies murder. Any business advertising massage and providing sexual services is a danger to the workers and also to legitimate massage therapists. See Rick's report for more on this.

This month we did a spotlight on CAMTC for the San Mateo Human Trafficking Initiative, organized through the Sheriff's department. Rick gave an overview of CAMTC and his trainings. He spoke about our increasing awareness of human trafficking in massage and support for victims who may not acknowledge that they have been trafficked. He also outlined the various means that applicants who may have criminal histories may qualify for certification to by demonstrating rehabilitation. I discussed the sunset process.

I have been participating in the Media sub-committee of the South Bay Coalition to end Human Trafficking (SBCEHT). This committee has been using information developed by the University of Washington regarding protocols and language to use/avoid when interacting with the media. The resulting paper is expected to be shared widely. Obviously, I have brought up terms such as "massage parlors" and "masseuse", considered obsolete and disrespectful to the profession. Rick also drives these points in his trainings to law enforcement and other government officials.

More focus is being placed on Labor Trafficking as awareness increases of the extent and nature of this crime, including in massage, whether or not sex trafficking is also verified.

Some of the Human Trafficking coalitions, taskforces and initiatives Rick and I participate in include:

- The San Diego HT Advisory Council- including relevant subcommittees
- South Bay Coalition to End Human Trafficking - including relevant subcommittees
- San Mateo Human Trafficking Initiative
- San Francisco Collaborative Against Human Trafficking (SFCAHT)
- Contra Costa Coalition against Human Trafficking
- i5 Freedom Project
- Freedom 209 Project (Central Valley)
- Los Angeles Regional Human Trafficking Taskforce
- Sacramento Together Human Trafficking Task Force
- Marin County Coalition to End Human Trafficking
- Bilateral Safety Corridor Coalition
- Alameda H.E.A.T Watch (currently not meeting)
- SF Mayors Taskforce on Human Trafficking (currently not active)
- HT-RADAR – (Human Trafficking- Research and Data Advisory Roundtable) is a partnership between the San Diego County Advisory Council on Human Trafficking and Point Loma Nazarene University. As its' name suggests, HT-RADAR focuses on data, something sorely missing. We participate in meetings and will attend the annual conference later this year.
- Community Solutions
- Asian Americans for Community Involvement (AACI)
- National Center on Sexual Exploitation

In addition, we monitor the following for any focus on massage:

- Ventura County Coalition against Human Trafficking
- Long Beach Human Trafficking Taskforce
- Orange County Human Trafficking Taskforce
- Riverside County Anti- Human Trafficking Taskforce

Following this report is the 2020 S. Bay Coalition to End Human Trafficking Annual Report. Pages 4 and 29 mention CAMTC specifically and page 6 mentions their coverage of Illicit Massage Businesses.

Local Government

In California, the pandemic has resulted in few amendments and new massage ordinances being drafted. One of note is the Sacramento municipal code. We met several years ago with city and county staff, followed by numerous back and forth discussions with city staff as the ordinance was developed. The city chose not to require certification, and much of the ordinance is pretty good. However, at First Reading before

the city council, some requests for amendments were made by the Vice Mayor. Although well-intentioned they had not considered unintended consequences. As of this writing, the city has pulled the ordinance from Second Reading for further review.

Santa Clara county is in the process of updating their ordinance. I have suggested that they also review land use and fees. County counsels are reviewing information that Alison Siegel and I sent. As of last year, when I review ordinances, I also look at existing zoning codes and fee schedules. CAMTC pointed out to the County that onerous business fees and zoning restrictions that can put hardships on small practices, especially for solo massage therapists.

Los Angeles county provided some grants to small businesses for pandemic relief. Certain businesses, including massage, were disqualified by the Board of Supervisors due to the “prevalence of human trafficking”. Funds ran out before an appeal could be filed.

San Juan Capistrano just updated its’ 2018 ordinance at the request of a local human trafficking organization. I had assisted the city in the last revision and again this time. Due to the influence of the trafficking organization, the Human Trafficking posters required to be displayed in certain businesses, including massage, must be hung in the lobby, breakroom and each massage room, as well as another notice stating that the rooms are not private. Additionally, all clients must provide their full name and address and show their identification as proof.

New local ordinances regulating massage businesses are increasing in frequency across the country. These are implemented by communities to exert control over massage therapy through establishment licensing fees, investigations of owners and operating requirements. Most of these are modeled after local massage ordinance that is drafted to address criminal activities.

Fargo, North Dakota is one such city. While some licensed massage therapists support the proposal for the city to regulate massage businesses, others feel it treats them as prostitutes.

Between 2018 and 2020 Aurora, Wheat Ridge and Commerce City, CO have all enacted local massage ordinances. Aurora closed all illicit massage businesses within a year of passing the ordinance. Half of the illicit businesses in Wheat Ridge have left since the ordinance became effective last year.

Falls Township in Pennsylvania has introduced an ordinance to regulate massage businesses, to be voted on at an upcoming meeting.

California Legislation: See CEO's report.

Legislation - Other states

Rhode Island Governor recently signed a bill that raises standards for the massage therapy profession. Highlights from the bill include:

- An increase in initial required massage therapy education from 500 to 650 hours of supervised in-class, hands-on courses and clinical work.
- A mandate that the department of health investigate all complaints, including allegations by any person, entity, license or organization related to the practice of massage therapy.
- Changes to the examining board to ensure that the majority of its members will be licensed massage therapists. This provision is especially noteworthy as the overall trend is towards majority public members on licensing boards. I discuss this further below.
- The new bill which sets the standards for continuing education also requires the board to create an annual report with detailed actions and recommendations

A two-year state audit of the Louisiana Board of Massage determined that the Board dismissed or closed the investigation of 74% of complaints, including allegations of unprofessional conduct, sexually-suggestive ads and signs of human trafficking. Complaints ranged from a failure to investigate claims by three women that a therapist sexually harassed or molested them to the discovery of new and used condoms at a massage business. While the Board claimed a lack of resources and authority, the Legislative Audit Advisory Council disputes this. The Massage Board has also said that it leaves “prostitution and human trafficking allegations to professionals, including the FBI.” The Legislative auditors suggested changes to the law. Louisiana state legislators introduced a bill that will require that all applicants for licensing be fingerprinted. It also adds new duties and responsibilities to the Massage Therapy Board.

The Iowa legislature has passed a law addressing both sex and labor trafficking in nail and massage businesses.

I attended the 2021 virtual conference of the Federation of Regulatory Boards, which is a federation of federations. The Federation of State Massage Therapy Boards (FSMTB) is a member as are federations representing accountancy, medicine, nursing and so on.

The trend is to increase the number of public members to a majority of board seats, especially on Boards that make disciplinary decisions. In Arizona, HB 1274 passed in 2020 with an overwhelming majority with support from Governor Ducey. A recent US Supreme Court case involving the N. Carolina Dental board is driving the trend towards majority public member boards. The downside expressed can be a loss of Subject Matter Experts when disciplinary issues are considered, the extra burden to get them up to speed; and the need for timely appointments (often seats are unfilled).

Also of note is that the Arizona Board shows their mission as “Serving the industry, protecting the public”. This is in contrast to California, where public protection is, by law, the primary mission of state regulatory entities, as well as CAMTC. The Massage Therapy Act and other professional regulatory laws state that “Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”



Monthly Meeting of the SMC Human Trafficking Initiative

(Hosted by the San Mateo County Human Trafficking Program)

Tuesday, June 8th

12:30pm – 2pm

Discussion/Presentation topics will include:

- **Participant Introductions**

Presentation: Human Trafficking and the Alcohol Industry: Agent Ryan Bittle Agent Bittle has worked at Alcoholic Beverage Control since 2018. After the academy, his first assignment was at the San Jose District Office covering Santa Clara County. In 2020, Agent Bittle was assigned to Sacramento and has since been specially assigned to handle human trafficking matters throughout Northern California. Through this assignment, Agent Bittle has been able to investigate businesses, perpetrating both labor and sex trafficking, and connect survivors with service providers while holding the business and suspects accountable.

- **Agency Spotlight on CA Massage Therapy Council:** Rick McElroy, CAMTC Director of Law Enforcement Relations and Beverly May, CAMTC Director of Governmental Affairs, Human Trafficking and IT
- **County Updates:** Pamela Estes, SMC Human Trafficking Advocacy Coordinator
- **Report Agency/Organization Updates**

This is a San Mateo County Sheriff's Office program in cooperation with the San Mateo County Police Chiefs and Sheriff Association. The monthly meeting of the San Mateo County Human Trafficking Initiative is open to members of governmental, non-governmental, faith- and community-based organizations, and members of the public who have a role or interest in the response to human trafficking within San Mateo County. HTI meetings focus on the response to human trafficking within the County, along with delivering relevant information on all aspects of human trafficking. Please forward this invitation to anyone interested in these topics.



SOUTH BAY
**Coalition to End
Human Trafficking**

Spreading the seeds of hope

SOUTH BAY COALITION TO
END HUMAN TRAFFICKING

2020
ANNUAL
REPORT

FISCAL YEAR
JULY 2019-JUNE 2020

SouthBayEndTrafficking.org

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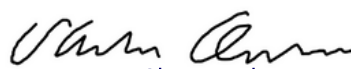
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A Message from the Director of Strategic Development

The South Bay Coalition to End Human Trafficking and its members have continued to build capacity in Santa Clara County in terms of responding to and identifying survivors and providing services. While 2020 has posed unprecedented challenges in terms of health, civil unrest, environment and democratic engagement, the Coalition has relied on established partnerships to continue to do outreach and offer a net of services to survivors.

Covid-19 has created significant challenges for many agencies who are essential workers, and they have quickly adapted their frameworks to be able to serve survivors safely. In general, shelter-in-place has impacted timelines in relation to case management, prosecution and investigation, processing times for relief and remedies, and the ability to do direct outreach.

While initially there was a dip in trafficking, law enforcement and community report trafficking is thriving, and some forms of exploitation, such as online exploitation of minors has increased. The Coalition is adapting outreach strategies and creating tools to help members meet this shift in needs. Member agencies across disciplines also continue to identify gaps and work on data collection in order to better inform these efforts. In the coming year, the Coalition will prioritize projects that enhance partnership to identify new vulnerabilities and trends and develop strategies to bridge gaps to serve survivors effectively.

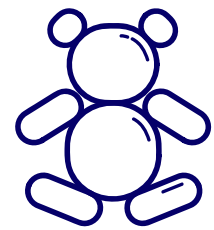

Sharan Dhanoa

FY 2020 Impact at a Glance



276 survivors
received victim
services from
Coalition VSPs

Of 276, **109** were
sexually exploited
children or at risk
of exploitation



144 survivors
received legal
services from
Coalition LSPs

111 anti-trafficking
capacity-building
events convened



Annual Report Purpose

The Annual Report is intended to provide Coalition members and partners with an overview of the anti-trafficking efforts the Coalition has been involved with in the past year. This year, the report is transitioning from calendar to fiscal year format and information included covers calendar year 2019 through June 2020, data will indicate specific parameters. This report highlights trends, gaps, notable accomplishments, areas of engagement, and areas where the Coalition is building capacity to identify and serve survivors of trafficking. Data provided in this report are submitted by active Coalition member agencies only and do not include all providers in the County. In order to show collective impact, agencies may combine data, but caveats are noted. Agencies submitting data are respectively credited. Citations of data should appropriately credit respective agencies.

FY 2020 Coalition Membership



January 2019 - July 2020

OUTREACH & EDUCATION

In 2019 and 2020, the Coalition and member agencies hosted or participated in at least **111 capacity-building events** including human trafficking trainings, focus groups, panels, presentations, workshops, and clinics. Coalition Director of Strategic Development, Sharan Dhanoa, presented a report on commercial sex in the Bay Area to the 2019 Santa Clara County Human Trafficking Commission. In March 2020, the Coalition shifted to virtual presentations, trainings and events to comply with the shelter-in-place order.



CHANGING THE NARRATIVE: MEDIA IMPACT ON THE HUMAN TRAFFICKING MOVEMENT

January 2020

The Coalition hosted a one-day Symposium on January 24, 2020 focused on the impact media plays on the human trafficking movement. The event included 200 attendees and speakers including advocates, survivor leaders, local and state elected officials, journalists, attorneys, and members of academia. The event focused on how to encourage and promote a hope-based narrative with the media when reporting on trafficking, in order to show how community and survivors can address and overcome exploitation. The event led to a media toolkit in partnership with the University of Washington's Communication Department.



ENSURING A TRAUMA INFORMED APPROACH AMID CHANGING LANDSCAPES

January 2019

The Coalition hosted a one-day Conference on January 25, 2019 focused on the impact media plays on the human trafficking movement. The event brought together 267 attendees and 42 speakers to provide workshops for advocates, law enforcement, attorneys, social workers, and community. In addition to presenting, survivor leaders were consulted and attended to provide feedback on workshop sessions.

Audiences

3,234 attendees

Coalition events from January 1, 2019-June 30, 2020 were attended by over 3,200 attendees from various backgrounds, including:

- Victim Advocates
- Attorneys
- Elected Officials
- Care Home Workers
- Community Members
- Day Laborers
- Domestic Workers
- Faith Communities
- Filipino Workers
- LGBTQ Community
- Foster Youth Liaisons
- Health Care Professionals
- Law Enforcement
- Transit Workers
- Youth



- University Students
- Agricultural Industry
- Mexican Citizens at the Consulate
- Parents
- Survivor Leaders
- Transit Workers
- Unhoused Persons

Topics Covered

101

Intro to Trafficking

Sex Trafficking in the Bay Area
Commercial Sex Intersections
Illicit Massage Businesses
Gender-Based Violence
Human Trafficking 101
Transit Worker Training
Labor Trafficking
Know Your Rights
Local Trends
Health Care
CSEC



Legal Issues / Services for Survivors

LGBTQ
Wage Theft
Immigration
Male Survivors
Civil Remedies
International Law
Available Services
Case Management
Employment Rights
Fraud in Forced Labor Contracting



Capacity Building

What Businesses Can Do
Media Engagement
Demand Strategies
Survivor Leadership
Trauma & Self-Care
Coalition Tabling
Collaboration
Triqui Culture
Prevention

NO TRAFFICK AHEAD (NTA)

No Traffick Ahead promotes local impact through regional connection.

No Traffick Ahead (NTA) continues to meet about three times a year and has formalized as a Coalition Committee to ensure sustainability.

March 2019

NTA hosted a meeting focused on Education. Counties presented on how they are incorporating in human trafficking curriculum pursuant to the requirements under AB1227. In addition, a presentation on PROTECT's curriculum was provided.

June 2019

NTA hosted a follow-up meeting focused on demand. With increasing attention focused on ways society regulates commercial sex, NTA formed a workgroup looking at understanding decriminalization.

September 2019

NTA hosted a meeting focused on collaboration and partnership within each county. Presenters included San Francisco, Santa Clara, Alameda, San Mateo and Contra Costa.

NTA has continued to develop regional projects:

Hotel training toolkit is nearly complete and will be a guide coalitions and community groups use when raising awareness in the hospitality industry.

Points of Contact is complete for Santa Clara County and San Mateo County. These documents provides contact information for specific professionals (advocates, social workers, law enforcement) in each respective county specializing in trafficking in order to facilitate warm hand-offs and efficiency in cross-county collaboration.

Mass Online Open Course (MOOC) is being updated after transitioning from Stanford University's website to EdX online.

Job listserv advertises anti-human trafficking related job vacancies across the region.

May 2020

NTA hosted a meeting focused on service provision to trafficking survivors. Five counties' service providers presented information on services provided to survivors of trafficking in their respective county, what is working in service provision, existing challenges and gaps, and what collaboration looks like. The most prevalent gap identified was housing resulting in a workgroup focused on housing available to survivors of trafficking around the region.

Lydia's advocate described her case as,

"The biggest success in direct services I have ever given"

Lydia, a survivor of sex trafficking, came to AACI with no financial resources and needing emergency housing, emotional, and practical support. She **received five weeks of hotel stay, food, basic needs assistance and ongoing case management.** In a moment of emergency, AACI provided her with a Lyft voucher and our advocate stayed on the phone with her, ensuring her safety until she reached the hospital.

Post-hospital, her advocate was able to connect her with AACI's Health Center to address persistent pain. Lydia's advocate shared: "Taking part in responding to a life and death situation successfully, is by far the biggest success in the direct services I have ever given to any client in my time here." The client continues to receive ongoing care from AACI, including support from AACI's Behavioral Health department to ensure the client is able to address her trauma.

This true story is provided by an AACI Asian Women's Home. The survivor's name and photo have been changed to protect confidentiality.

Lydia's STORY

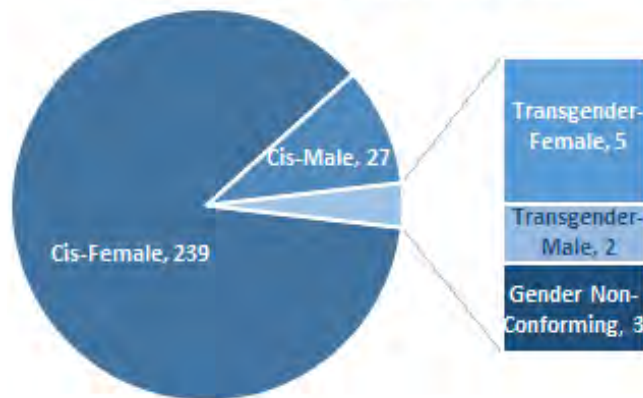


VICTIM SERVICE PROVIDER UPDATES

The Coalition Victim Service Providers (VSPs) are committed to providing in-person response to human trafficking survivors identified by law enforcement, governmental organizations, and service providers. The following data and tables provide demographics for the survivors served by AACI, Community Solutions, and YWCA Silicon Valley during the period of July 1, 2019 to June 30, 2020. In this time period, Coalition VSPs provided crisis intervention services and comprehensive services to **276 human trafficking survivors**, up from 219 in calendar year 2018. VSPs hired seven new human trafficking victim advocates in this same time period.

Gender & Age of VSP Human Trafficking Clients

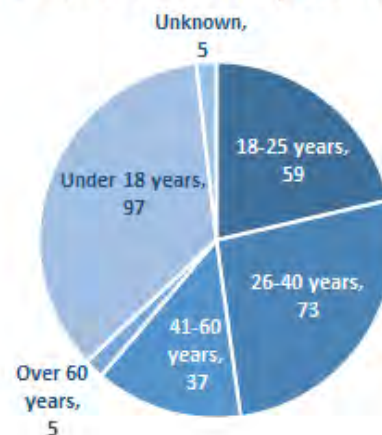
Gender of VSP Clients in FY 2020



As in recent years, most VSP clients were domestic-born, female, minors, and survivors of sex trafficking. **87% identified as cisgender female, 10% were cisgender male, & 4% were transgender.**

The VSPs served a combined total of **156 trafficking survivors or youth at risk of trafficking* under the age of 25**, up from 137 in our last report. Fifty-nine were Transitional Aged Youth (TAY), youth between 18 and 24 years, and 97 were under the age of 18.

Age Group of Survivors Served by Coalition VSPs FY 2020



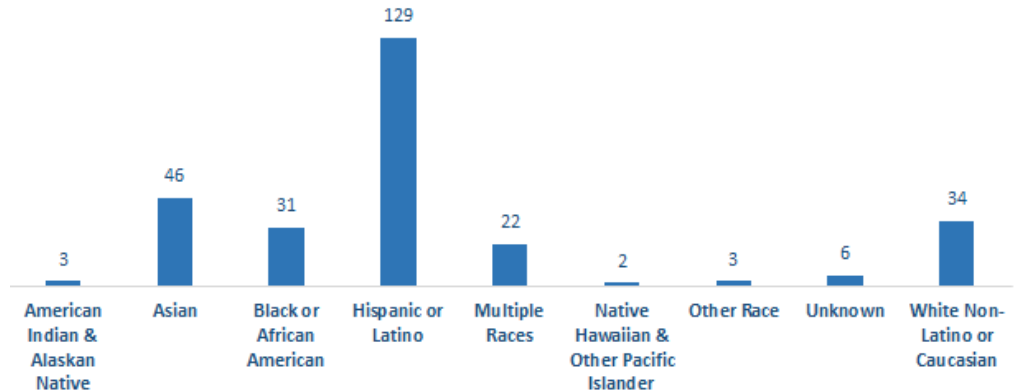
*The State of California Department of Social Services' All County Letter 16-49 defines indicators of "at risk" for CSEC. They are as follows: "Minimum of one of the following indicators: (A) Child/youth exhibits behaviors or otherwise indicates that she/he is being controlled or groomed by another person. (B) Child/youth spends time with people known to be involved in commercial sex; (C) Child/youth's use of internet, cell phone, or social media involves social or sexual behavior that is atypical for his/her age; OR minimum of two of the following indicators D-H: (D) Child/youth has a history of running away, unstable housing, including multiple foster care placements, or periods of homelessness including couch surfing; (E) Child/youth has had prior involvement with law enforcement or the juvenile justice system; (F) Child/youth is frequently truant; (G) Child/ youth's relationships are concerning, placing him/her at risk or in danger of exploitation; (H) Child/youth has a history of substance abuse, specifically narcotics, opiates, crack/cocaine and amphetamines." [i] [i] CDSS ACL 16-49 <http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-49.pdf>

Ethnicity, Country of Origin, & Language

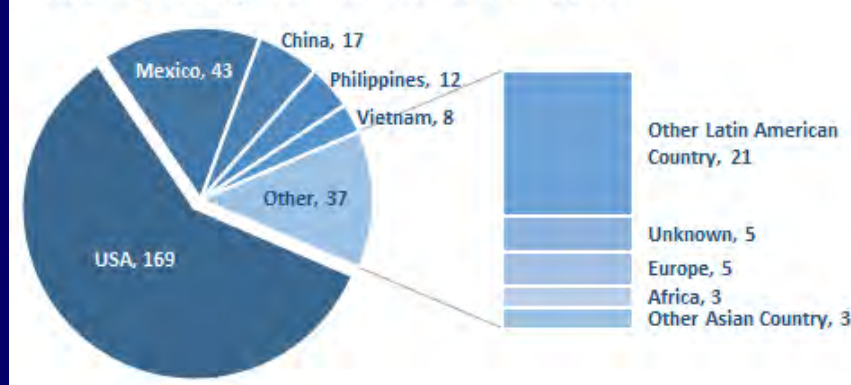
The largest ethnic group served by Coalition VSPs in FY 2020 was **Hispanic or Latino, representing about 47% of all clients.** The next largest group was Asian with 17%, followed by White/Caucasian with 12%, then Black/African American at 11%. It is important to

recognize disproportionate exploitation of the Black community; the U.S. Census Bureau estimates less than 3% of Santa Clara County residents were African-American in 2019.

Race & Ethnicity of Survivors Served by Coalition VSPs FY 2020



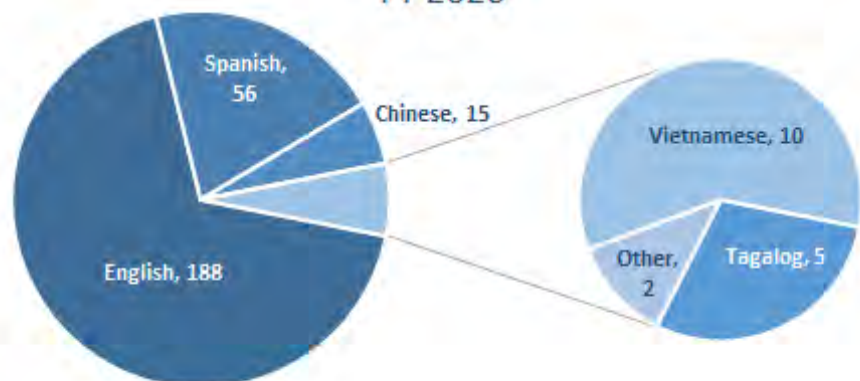
Country of Origin of VSP Clients in FY 2020



The top five countries survivors served in FY 2020 came from are the **United States with 61%, followed distantly by Mexico with 16%, China with 6%, Philippines with 4%, and Vietnam with 3%.**

By region, 61% of clients came from the U.S., 23% from Latin America (up from 16%), 15% from Asia and the Pacific Islands (up from 4%), 2% from Europe (down from 4%), and 1% from Africa (no change).^{*} The top five primary languages of clients were **English (spoken by 188 clients), Spanish (56), Chinese (15), Vietnamese (10), and Tagalog (5).**

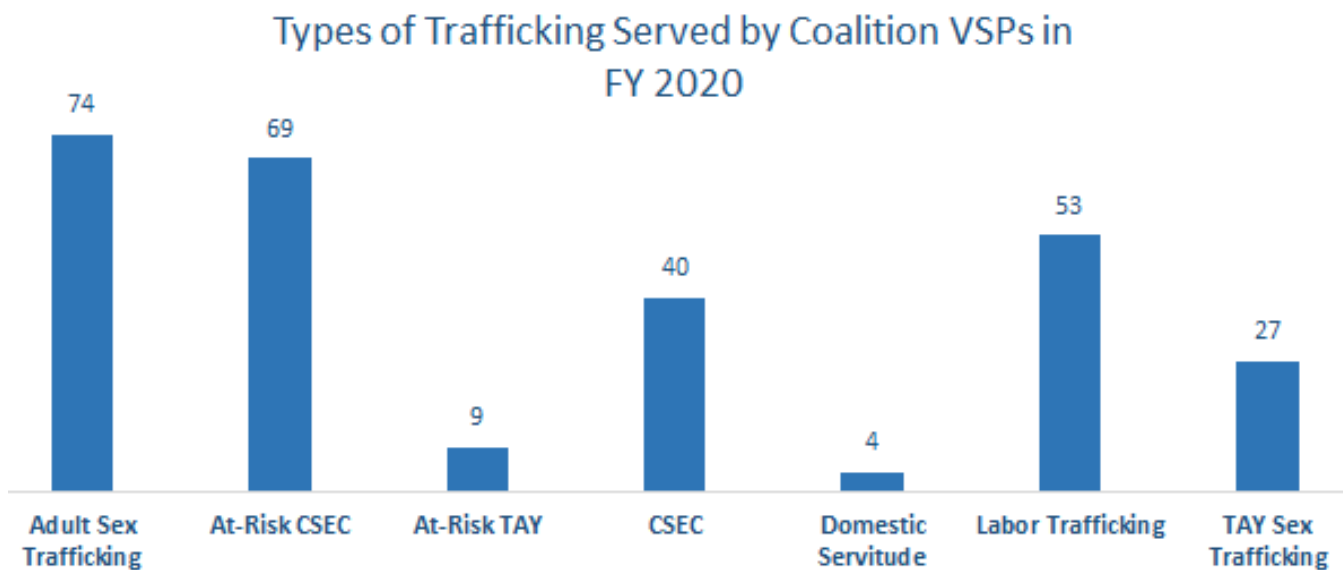
Language of Services Provided to Survivors by Coalition VSPs in FY 2020



^{*}This data does not include data from Maitri, an organization serving primarily South Asian women who have experienced intersectional domestic violence and human trafficking.

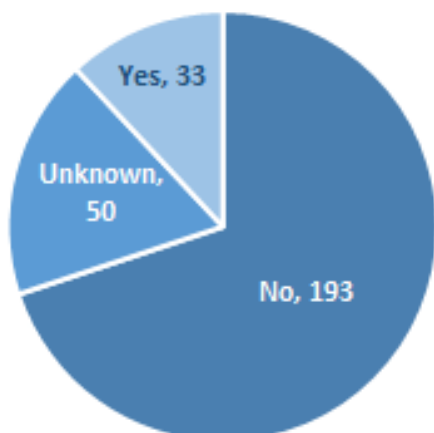
Type of Trafficking and Intersections

The most common type of trafficking experienced by clients was **sex trafficking (79%)**, and **52% of all clients were sexually exploited youth** or youth at-risk of sexual exploitation. **Fifty-three clients (19%) experienced labor trafficking** and four (1%) experienced domestic servitude.

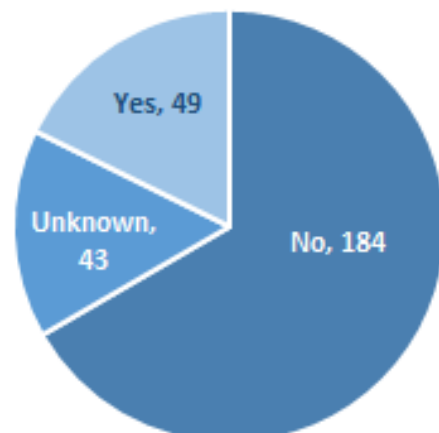


Coalition VSPs utilize an intersectional screening tool to identify and support clients who have experienced multiple forms of violence. **Twelve percent of human trafficking clients also experienced domestic violence and 18% had experienced sexual assault.**

VSP Human Trafficking Clients with Domestic Violence in FY 2020



VSP Human Trafficking Clients with Sexual Assault in FY 2020



FY 2020 Highlights from Coalition Victim Service Providers



In FY 19-20, AACI continued to provide multilingual housing and case management support to survivors and their families.

Staff also raised community awareness of human trafficking through 16 presentations and outreach events at diverse community locations, including the Philippine Consulate

General, San Jose State University, Katherine Smith Elementary School, Bank of America, Cisco, and Verizon Wireless. We also trained the next generation of survivor advocates and behavioral health interns at AACI and our sister agencies.

Community Solutions continues to serve as the **Point Agency*** for all human trafficking survivor referrals. In FY 19-20, Community Solutions' received 124 referrals. To ensure survivor-centered and culturally responsive advocacy and support for survivors, 47 referrals were assigned to our partner agencies AACI and the YWCA. Community Solutions advocates provided services to 170 survivors: 62 youth at risk



for commercial sexual exploitation, nine transitional age youth (TAY) at risk for commercial sexual exploitation, 12 youth survivors of CSEC, 17 TAY survivors of CSEC, 37 adult survivors of sex trafficking, one survivor of domestic servitude, and 32 survivors of labor trafficking. Survivors were provided with comprehensive, trauma-informed, survivor-centered case management services including emergency shelter, transitional housing, peer counseling, safety planning, goal planning, advocacy and accompaniment to the criminal justice system, and connections to resources such as therapy, legal services, and social service benefits. Community Solutions continues to take an intersectional, collaborative approach to serving survivors of gender based violence. All clients served are screened for intersections with intimate partner violence, sexual assault, and human trafficking. Additionally, we screen survivors to identify legal needs (e.g. immigration, family law, employment law) and link them legal service providers. Our goal is to ensure all survivors are offered and connected to all the resources and services they are entitled to. Community Solutions also provides training and technical assistance to our partner agencies on utilizing the Victim Needs Screening Tool to ensure all survivors are screened for potential intersections of gender-based violence. Since the onset of COVID, Community Solutions has continued to provide in-person response to safe locations to ensure survivors are immediately connected to an advocate. Case management services were provided in person, by phone, or through telehealth options according to the survivor's level of comfort and need.

**See the Coalition Overview for more on the Point Agency System*



Despite the unexpected circumstances of COVID-19, the YWCA has been able to successfully continue service provision and advocacy for clients. Staff quickly learned how to effectively adapt their case management style from

in-person to virtual or telephone appointments. In this past year, YWCA human trafficking advocates have supported **12 clients with housing** via the Rapid Rehousing program. In fiscal year 2019-20 alone, they have served **22 clients under the age of 18, 23 clients between the ages of 18-25, & 40 clients over the age of 25.**



Marilyn's STORY

Marilyn wrote to her advocate,

**"I'm happy! I'm healthy! And I'm
doing amazing! So Thank you"**

From a young age, Marilyn was trafficked by multiple people & incarcerated as a result. Four years ago, Marilyn's attorney connected her with an advocate at YWCA Silicon Valley. The advocate met Marilyn in jail & worked nonstop to provide her with resources. Upon release, Marilyn was given options for housing, counseling, therapy, & moral support, but her trauma bonds were strong and the trafficker continued to exploit her. Her advocate continued to provide support, and over time trust was built through consistent communication and support. Last year, Marilyn called her advocate for support after a traumatic event, seeking support. The advocate secured housing & support to enroll her in school. Marilyn just completed her first year of college on the Dean's List & is part of an honors society that fosters academic excellence through leadership & service opportunities. Marilyn wrote to her advocate, "I wouldn't be here today without your support & determination. All your hard work paid off. I'm happy! I'm healthy! And I'm doing amazing! So, thank you." As Marilyn continues to succeed, the stability and reassurance from her advocate will help her establish permanency in this new, healthy, safe, deserved life.

This true story is provided by YWCA Silicon Valley. The survivor's name and photo have been changed to protect confidentiality.

LEGAL SERVICE PROVIDER UPDATES

Legal Services Provided in FY 2020

The following data and charts are based on aggregates of data provided by Coalition Legal Service Providers (LSPs) Katharine and George Alexander Community Law Center, Step Forward Foundation, Tahirih Justice Center, Bay Area Legal Aid, and Legal Advocates for Children and Youth (LACY) for clients served during the period of July 1, 2019 through June 30, 2020.



144
CASES

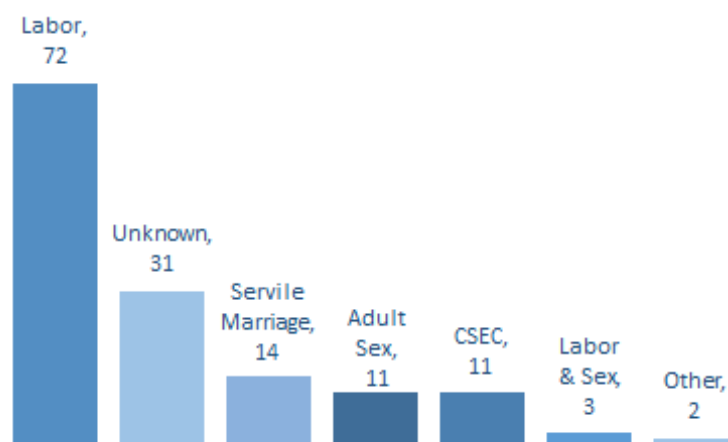
Coalition LSPs provided services in 144 human trafficking cases in FY 2020, down from 203 cases in calendar year 2018. This may be due to the realities of shelter-in-place due to the pandemic, not enough capacity to take on new cases, and cases taking longer. The most common type of trafficking among LSP clients in FY 2020 was **labor trafficking with 72 clients. Fourteen clients had experienced servile marriage,* 11 adult sex trafficking, 11 commercially sexually exploited children (CSEC), and three experienced both sex and labor trafficking.**

Half of FY 2020 cases (72) began in a previous year and were still ongoing at the end of the fiscal year, 44 were granted immigration relief, 23 were new cases, and five clients were screened but did not meet the eligibility criteria for immigration relief under the Trafficking Victims Protection Act (TVPA).

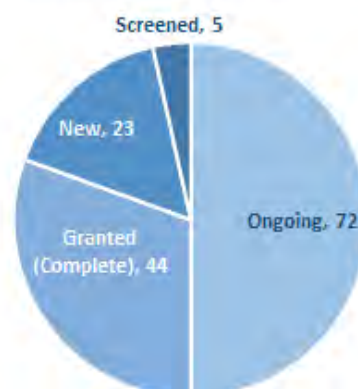


Clients were most frequently referred to legal services by another non-governmental organization (NGO) (39 times), eight clients were referred by law enforcement, seven self referred, eight by a legal service provider, and one from the Department of Labor, while 81 had unknown referral sources. Ninety-eight clients initially received immigration legal services making immigration services the most common initial service by far.

Type of Trafficking Experienced by LSP Clients in FY 2020



Case Status of LSP Clients in FY 2020

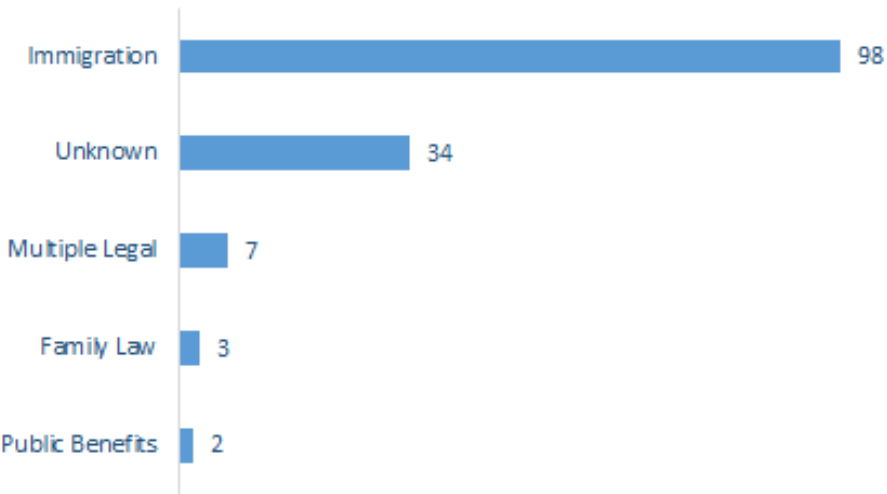


*The United Nations Conventions defines "servile marriage as: "(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind; (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person." However, Coalition LSPs also serve male clients in servile marriages.

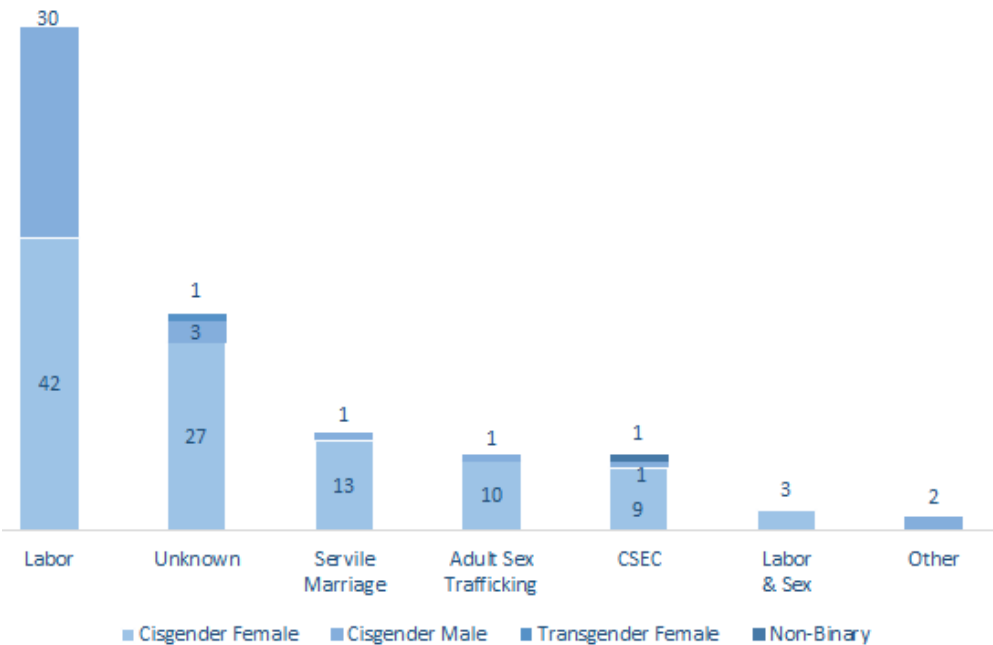
While clients may come in for one reason, they are often connected to secondary services - at least 13 LSP clients also received services from a local Victim Service Provider, seven clients received secondary legal services for wage and hour claims, six clients were connected with social services, two received emergency housing, two had criminal record clearance services, and two had anti-SLAPP representation to protect their freedom of speech.



Intitial Service Provided to LSP Clients in FY 2020



Type of Trafficking and Gender of LSP Clients in FY 2020

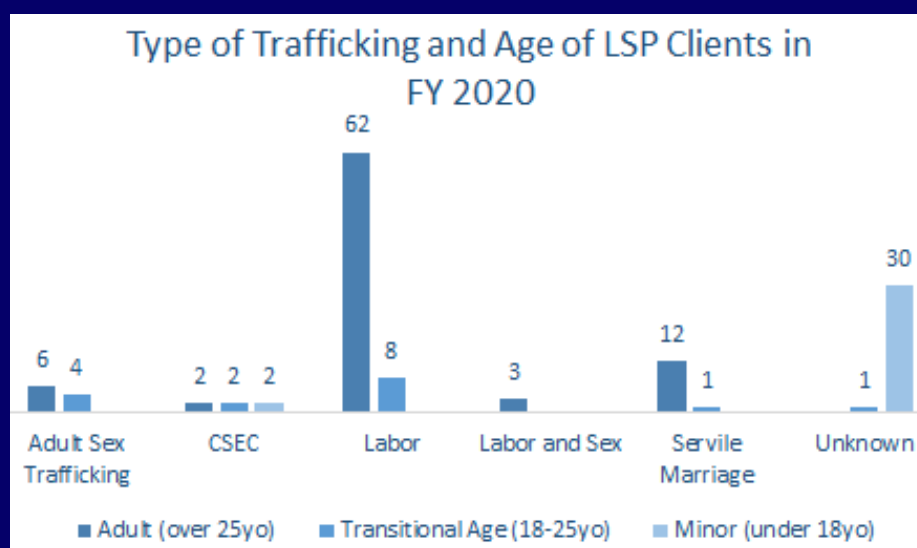
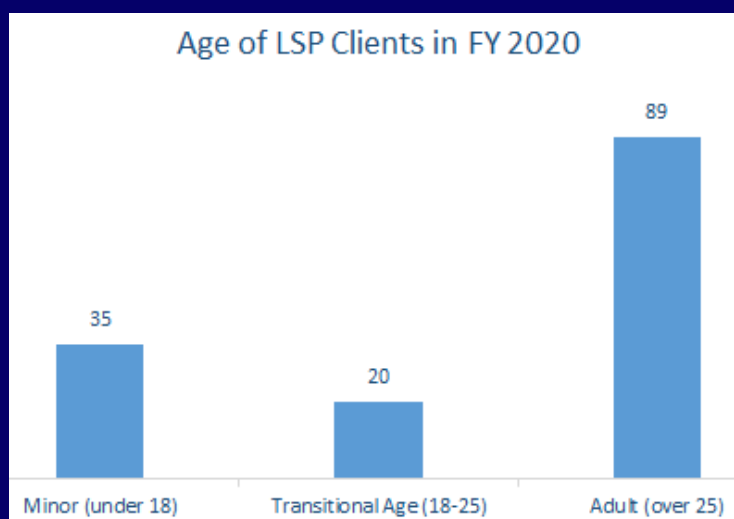


While Coalition members provided legal services to a diverse group of human trafficking survivors, some trends did emerge in 2020.

A large majority of clients (73%) were female opposed to only 26% male. One female client identified as transgender, and one client was nonbinary.

Labor trafficking was the most common form of trafficking experienced by both male (79%) and female (43%) clients. Female clients comprised the majority of every type of trafficking.

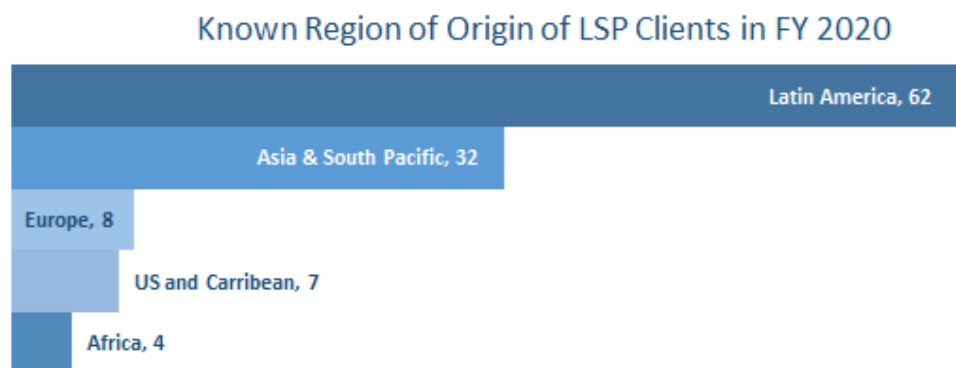
Almost two-thirds of LSP clients were over the age of 25 years, about a quarter were minors under the age of 18 years, and over an eighth were Transitional Aged Youth (TAY) aged 18 to 25. Most adult clients experienced labor trafficking, and most labor trafficking clients were adults.



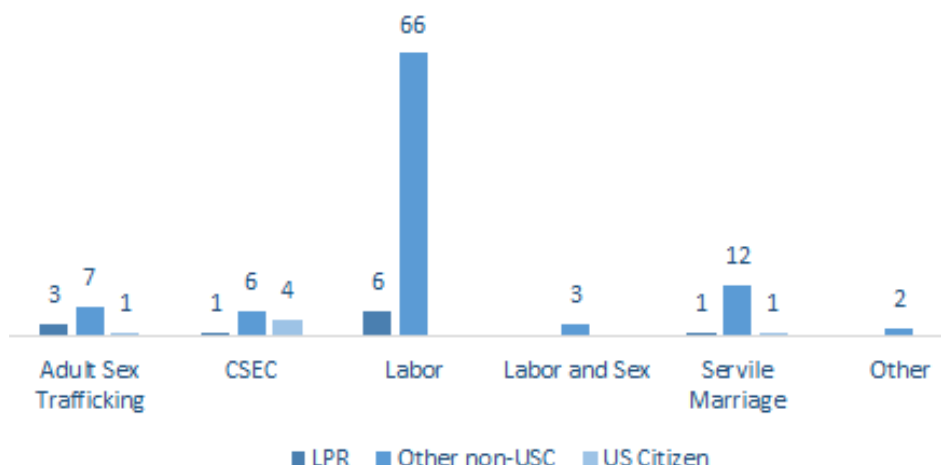
Half of TAY clients were victims of labor trafficking, but the type of trafficking was unknown for all but two minors, who experienced CSEC.

Of the 108 clients who were known to originate from outside the United States, 43 came from Mexico, 16 from the Philippines, seven from Spain, seven from Guatemala, six from China, and 29 from other countries in Latin America, the Caribbean, Europe, Africa, and Asia. Six clients were

US citizens (USC), eleven were Long-Term Permanent Residents (LPR), and 96 had another immigration status. The immigration status of thirty-one clients is unknown.



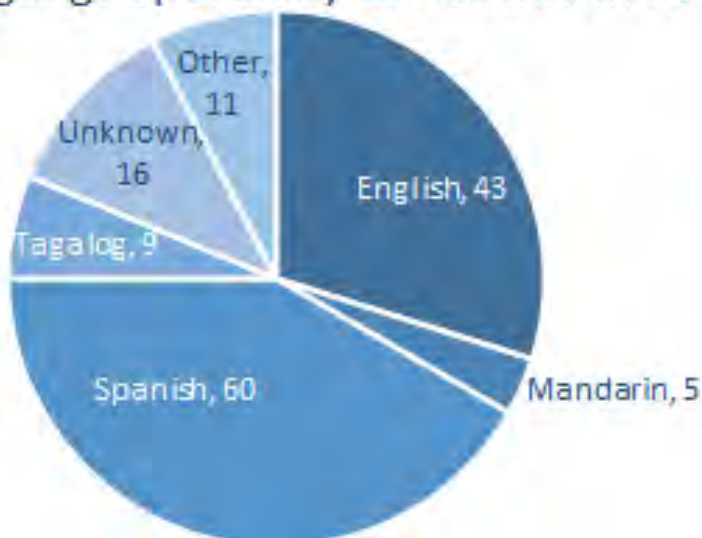
Type of Trafficking and Immigration Status of LSP Clients in FY 2020



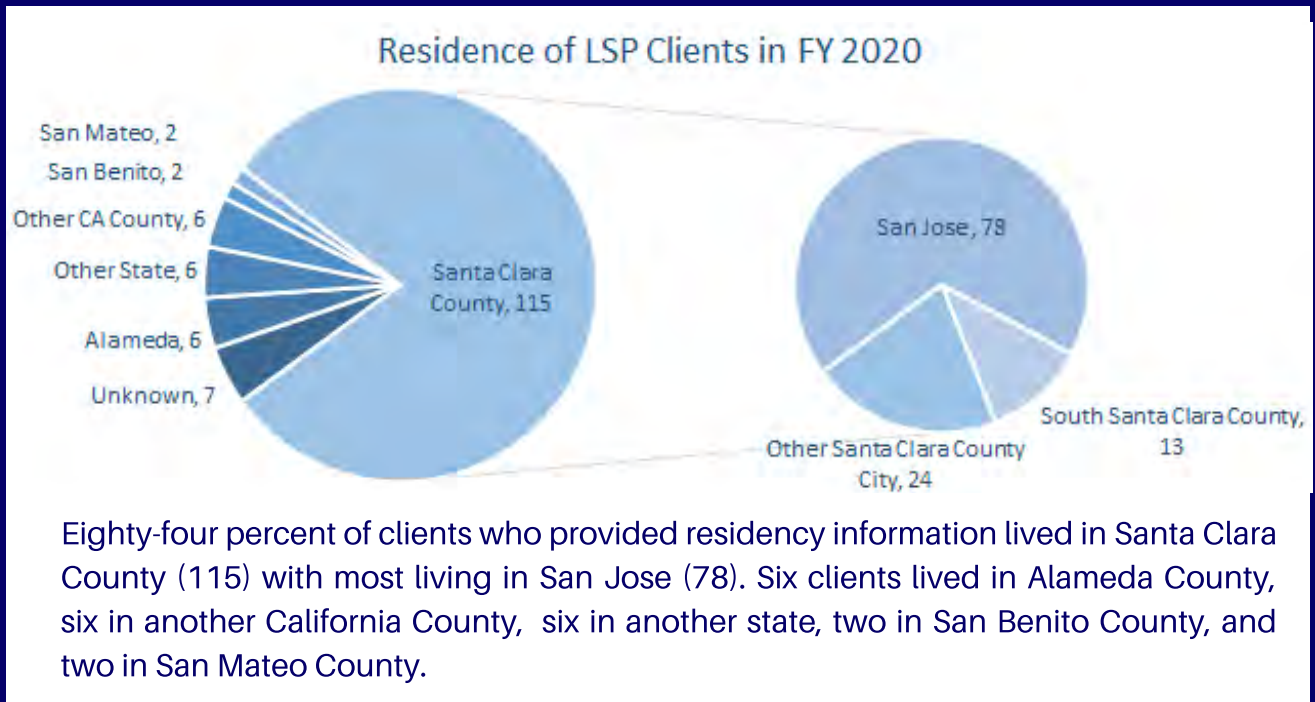
Seventeen had immigration certification provided by an agency. Of those, six were certified by federal law enforcement, four by local law enforcement, two by the Department of Labor, one by the Department of Fair Employment and Housing, (DFEH) two are unknown, one is pending with DFEH, and one is pending with local law enforcement.

Most labor trafficking cases involved clients who were neither US citizens (USC) nor Long-Term Permanent Residents (LPR), and most of these other non-USC clients experienced labor trafficking. Most LPR clients experienced labor trafficking, but no USC clients experienced labor trafficking.

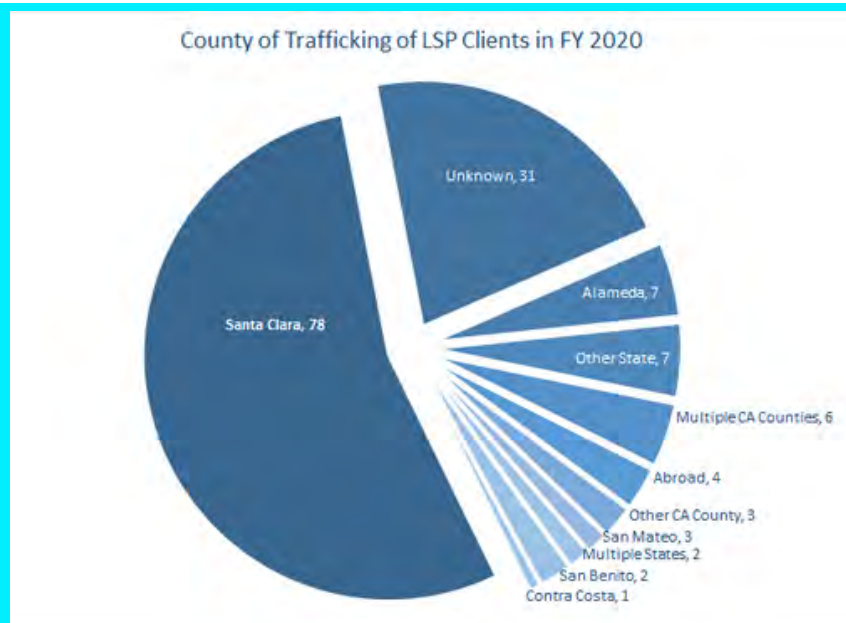
Primary Language Spoken by LSP Clients in FY 2020



Other non-USCs were the majority of every other type of trafficking case as well. The most common primary languages spoken by clients were Spanish (60), English (43), Tagalog (9), and Mandarin (5). Eleven clients spoke another language, and the language of 16 clients is unknown.



Seventy-eight clients were trafficked within Santa Clara County, seven were trafficked in Alameda County, seven in other states, six in multiple California Counties, four in another country, three in another California county, two in San Mateo County, two in San Benito County, two were trafficked in multiple states, and one in Contra Costa County. At least 26 clients were trafficked in a different city or county than their provided residence. The location of trafficking for thirty-one clients is unknown.



Impact of COVID

- **SLOWER PROCESS:** Attorneys can't meet with clients in person, so the legal process is longer. Courts & agencies require documents and signatures, but many clients do not have access to the needed technology. Immigration courts did issue some extensions, but many clients did not qualify.
- **CLIENTS MOVING:** Many clients have left the local area due to job loss or to care for family. This makes it difficult to assist law enforcement, handle paperwork in person, and to come into agency offices.
- **COURTS & AGENCIES CLOSED:** Local courts now allow participation via Zoom, but immigration courts and agencies do not. However, the local immigration court is expected to reopen for non-detained cases soon. For wage theft claims, telephonic interviews are only available for simple cases.
- **LABOR RIGHTS:** Initially, Workers Compensation was available to workers with COVID who had worked in the last 14 days, but now it doesn't apply to all industries. The Family First Corona Virus Response Act and state and local laws require employers to pay 80 hours of sick pay, but workers fear retaliation for making complaints when employers don't pay.

Immigration Cases

- **WAIVER DENIALS:** The rate of fee waiver denials, some erroneously, has increased, which can have ramifications like application rejection due to the long turnaround time causing T visas to expire.
- **INCREASED SCRUTINY:** There has been an increased scrutiny of visa applications, and USCIS is requesting more evidence. Sometimes there is not enough time to respond before the deadline, especially for requests for medical exams. Also, USCIS began denying visa applications that had any blank fields, even if they were appropriately left blank. This policy includes humanitarian visas like T visas and asylum requests.
- **AUTOMATIC DEPORTATION PROCEEDINGS:** Attorneys are seeing survivors placed into deportation proceedings once their visa application is denied. This increases the risk for survivors to apply for visas.
- **PROCESSING TIMES:** There is increased ambiguity for processing times. For example, there is a lag for renewing work permits. Clients can only apply 6 months before the permit expires, but renewals take up to 2 years to process.
- **SOCIAL SECURITY CARDS:** Clients are not receiving Social Security cards. An appointment is needed to issue a card, and a job offer is required to get an appointment. However, clients cannot get a job offer without first having a Social Security Number, and they can't go into the office due to COVID.

Employment Cases

- **JOB APPLICATIONS:** Survivors with employment authorization have trouble finding jobs because some applications require a Green Card or US Citizenship. The Employee and Immigrant Rights Section of the United States Department of Justice (DOJ) is willing to make an informal call to the employer in these cases. Call the DOJ Worker Hotline: 1-800-255-7688.
- **WAGE THEFT:** LSPs are seeing more clients with wage theft claims.
- **BENEFITS ACCESS:** Undocumented survivors are eligible for State Disability and Paid Family Leave. However, the application for Unemployment or Pandemic Unemployment Assistance (PUA) requires claimants to attest to the fact that they can legally work. It is, therefore important for the claimant not to apply unless the claimant has work authorization. The State Disability form asks for a Social Security Number; therefore, undocumented claimants are advised to request a copy of the form through the mail and to leave that field blank. If a claimant has just started working and has no work history, the claimant may not be eligible for benefits because there may not be enough money in the reserve account.
- **RETALIATION THREATS:** There has been an increase in threats of deportation directed against workers who complain about wage theft and health and safety. The Santa Clara County Office of Labor Standards Enforcement, which screens for human trafficking, has seen an increase in calls from vulnerable workers during the pandemic.

Important Bay Area Legal Cases of 2019-2020

Rainbow Bright day care centers and adult care homes in Daly City and Pacifica were found to be trafficking of Filipino nationals for labor. The defendants are charged with human trafficking, insurance fraud, tax fraud, rape, and possession of illegal assault weapons. Victim service providers and legal service providers from the Coalition were present for the operation, and Coalition members provided services and represented the survivors in immigration, victim rights, and wage and hour cases. There is currently a criminal trial in South San Francisco prosecuted by the California Attorney General's Office.



Tapa Ole involved labor trafficking and wage theft at a restaurant and a beauty salon, in Saratoga. The survivors were recruited workers from Spain and exploited at the businesses while living on the trafficker's property. The defendants were ultimately convicted of wage theft. Coalition members provided victim services and represented the survivors in victim rights and wage and hour cases.



Important Case Law in 2019-2020

People v Reneaux 50 Cal App 5th 852 June 2020. In the context of a domestic violence situation, the defendant intimidated the victim who thereafter did not testify. The court allowed for admission of the victim's prior statements, finding the defendant forfeited the right to confront those prior statements based on Evidence Code 1390 Forfeiture by Wrongdoing. While the case focused on a situation of domestic violence, it has been useful in trafficking cases.

The federal TVPRA (Trafficking Victim Protection Reauthorization Act) 18 USC Section 1595 states that a person can sue the perpetrator or whomever knowingly benefits financially and knew or should have known that there was human trafficking. There is an **increase in lawsuits against hotels and motels** including: a lawsuit in Florida for \$100 million against Best Western, La Quinta, Fairfield Inn, and Gulf Coast Inn, and a lawsuit in Houston, Texas against Choice, Wyndham, and Hilton Worldwide Holdings. There were 25 new cases in 2019 against hotels and motels including the Marriott, Red Roof Inn, and Hilton. In San Jose, a civil lawsuit was filed on January 30, 2020 against Super 8 on The Alameda, Clarion Inn on Monterey Road, and Motel 6 on Fontaine Road. The Plaintiff is seeking \$9.99 million in damages. Wyndham owns the Super 8 motel, GC Hospitality owns Motel 6, and Choice owns Clarion Inn.

FY 2020 Highlights from Coalition Legal Service Providers



The Katharine & George Alexander Community Law Center, Santa Clara University School of Law assisted 35 unique human trafficking survivors (plus additional 15 family members) with immigration legal services. A number of these survivors were also assisted with wage and hour claims. Of these survivors, twenty-five are Santa Clara County residents and/or were trafficked in Santa Clara County. Law Center successes during FY 2019-2020: 4 survivors granted T visas;

3 survivors granted permanent residence; 4 applications were filed; 5 applications are in process; remainder of cases are being monitored and requests for further evidence being addressed. Immigration made significant changes to procedures for filing applications for immigration benefits on behalf of human trafficking survivors. The Law Center trained staff and volunteers on the changes. In spring 2020, with COVID 19 shelter-in-place restrictions the Law Center pivoted to working remotely with survivors of human trafficking. Working remotely and the new changes takes more time per client, but Law Center attorneys continue to serve clients.

In FY 2019-2020, Legal Advocates for Children and Youth (LACY) served 31 clients who were identified as CSEC or victims of human trafficking. LACY provided these 31 clients with civil legal assistance with family law issues, referrals to other services, supports and resources, individual advocacy (e.g., assistance in applying for public benefits or seeking return of their personal property), and civil legal assistance in obtaining protection or restraining orders.



Fiscal year 19-20 saw several successes at Step Forward with human trafficking survivors in addition to expanding our capacity. We welcomed Staff Attorney Sarah Cottingham in June 2019, Grant Administrator Pai Vengas in January 2020, and Legal Assistant Teresa Gallardo in April 2020. We provided legal services and advice at several human trafficking operations throughout the Bay Area and won immigration benefits for survivors from around the world, including Ghana, the Philippines, and Honduras.

FY 2020 Highlights from Coalition Legal Service Providers

Bay Area Legal Aid provides free civil legal services including immigration representation to survivors of human trafficking (both CSEC and labor trafficking survivors), and to youth at risk of trafficking, in seven of the nine Bay Area counties. We belong to several coalitions that focus on the prevention of human trafficking including the South Bay Coalition to End Human Trafficking. In December 2019 we participated in the Alameda County labor trafficking operation in cooperation with law enforcement and other legal service and victims' service providers, where several of our attorneys screened survivors for potential immigration relief. In March 2020 we received a T visa approval for a survivor of labor trafficking from Mexico, for whom we had applied for a T visa in March 2018. We are currently working on the consular processing for his spouse and children so they can reunite with him in the US. (Due to COVID-19 and the related embassy closures and travel restrictions, that process has been delayed.) Like everyone else, we are facing the myriad challenges posed by the ongoing COVID-19 pandemic and shelter-in-place orders. We are unable to meet face-to-face with clients to provide consultations and legal services so we have pivoted to offering services via telephone, video conference, email and mail.



Justice At Last provides holistic wraparound legal services to victims of all forms of human trafficking throughout the Greater Bay Area using an interdisciplinary rights-based approach of crisis management, advocacy, and legal representation. During this reporting period, Justice At Last has focused on enhancing Victims' Rights enforcement as attorney of records within Santa Clara

County. We have strengthened collaboration and partnership with the Santa Clara District Attorney's Office, strengthening a collaboration for victims' rights representation during criminal cases. This grant period, Justice At Last was able to successfully represent 8 identified crime victim witnesses in a multi-defendant labor trafficking. Recently, we were able to enforce victims' rights in the wake of early releases of defendants as a result of the COVID-19 pandemic, successfully opposing release of defendants that were charged with violent crimes like human trafficking as well as working in collaboration with the Santa Clara County's Probation Office to inform and ensure safety of victims impacted by early releases. While a victims' rights attorney represents their voice and protect their rights throughout the criminal investigation and prosecution, all clients are screened to ensure all legal claims and remedies are flagged and referrals are made. From January through June of 2020 approximately 20 client-survivors of human trafficking meaningfully participated in the criminal legal system to enforce their victims' rights and hold their trafficker accountable.



Nora's STORY

Nora is a survivor of domestic servitude from El Salvador. She became pregnant with her second child, as a teen. To save for her unborn child, she started working for a wealthy family with businesses in El Salvador and the US. Nora's older daughter lived with her sister, since she could not afford to care for her. This family convinced Nora that they'd provide her with work, shelter, & arrangements that "would be best for her child's future" if she put all legal documents for her newborn in their name, so that they had custody of her child. Then, they used the child to manipulate Nora into performing more unfair work for them. They moved to the US, where they forced her to work in their bar as a "Fichera" (a Geisha in the Japanese culture) and work within their household. Nora fled with her daughter, & the traffickers called the police, who made her return her daughter to them since they had legal custody. Nora sought legal counsel, who linked her to an advocate. The advocate gave Nora the support she needed during this very difficult time and connected her to medical, therapy, and education resources. Nora was granted full custody of her daughter, obtained a T-Visa for herself and her daughter, and is waiting for a T-Visa for her other daughter in El Salvador. Nora got a better paying job at Google in Food Service, has been unable to continue working due to COVID-19. She is preparing to enroll in classes to improve her English to expand her employment opportunities.

This true story is provided by YWCA Silicon Valley. The survivor's name and photo have been changed to protect confidentiality.

Government Partners

SANTA CLARA COUNTY PROBATION DEPARTMENT

For the Fiscal Year, which entails July 1, 2019 to June 30, 2020, this is the CSEC Data collected by the Santa Clara County Probation Department:



- **498 duplicated youth** (some youth were screened more than once for CSEC during the reporting period) **were designated as “possible concern” or clear concern” for CSEC** by the CSE-IT CSEC identification tool.
- **59 of those identified as “clear concern” and “possible concern” were 14 years old or younger** at the time of their CSEC screening.

From July 1, 2019 to June 30, 2020, **1,964 duplicate youth were screened with the CSE-IT** (1,743 unique youth): 75 % were no concern for CSEC, **22% were possible concern, and four percent were clear concern.** Any youth identified as clear concern are automatically referred to the CSEC Coordinator for a comprehensive case review to assist the DPO with information gathering and discussion. As a result of this process, from July 1, 2019 to June 30, 2020, **ten juvenile justice system involved youth were confirmed as victims of sexual exploitation and 46 were identified as either suspected of or at high risk** for becoming a victim of sexual exploitation. Upon determining a youth is either a victim of sexual exploitation or at high risk for sexual exploitation, the CSEC Coordinator refers the case to the CSEC Transformation Team.

Additionally, in that juncture, **22 probation officers completed the CSEC related mandatory training for the first time.**

SANTA CLARA COUNTY OFFICE OF GENDER-BASED VIOLENCE PREVENTION



The Office of Gender-Based Violence Prevention was founded in September 2019 as part of the Division of Equity & Social Justice. We work to develop a countywide strategic plan to address the spectrum of gender-based violence, including domestic violence, human trafficking and sexual assault. With a total budget of nearly \$12 million, the Office created a community grants program and invested in innovative initiatives that will transform the county’s response to gender-based violence. In FY20, the OGBVP provided funding to address service gaps related to HT and provided technical assistance related to training and policy:

- **Provided \$173,995 in funding to support CSEC-Transitional Age Youth to receive serves.**
- **Provided \$150,000 to support the South Bay Coalition to End Human Trafficking.**
- **Increased funding to \$1,416,882 to Santa Clara University to provide direct and legal services to survivors of HT and workplace crimes.**
- **Provided \$2.3M to fill a gap for state mandated rape crisis center services.**
- **Supported the creation of the County’s first Sexual Assault Response Protocol in partnership with the Sexual Assault Response Team (SART) Committee.**

In collaboration with VTA and Mineta Transportation Institute, provided technical assistance to a produce a training video for transit employees. For more information, visit www.SCCEndviolence.org

**SANTA CLARA COUNTY
DEPARTMENT OF
FAMILY & CHILDREN'S
SERVICES
(DFCS)**



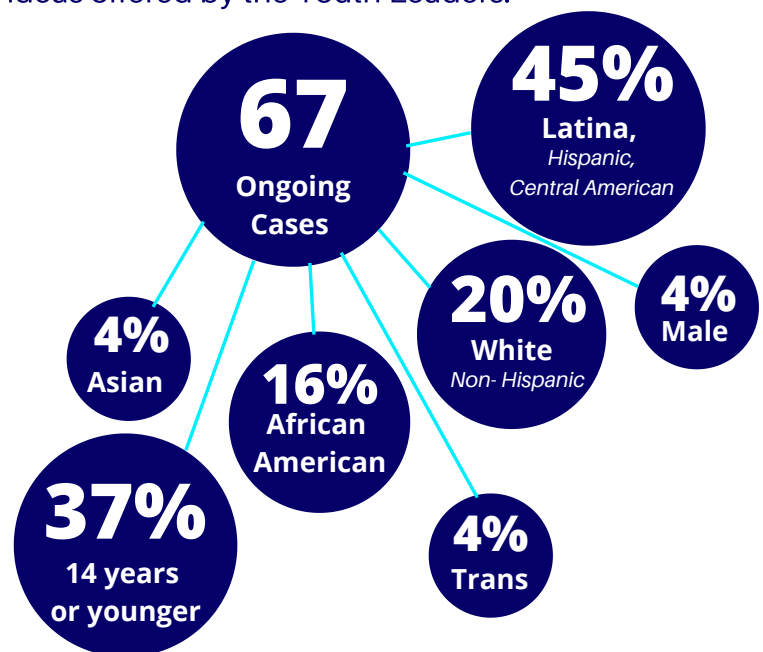
The Transformation Team is the multidisciplinary team working together to address the needs of at risk, suspected and confirmed CSEC youth. The team is comprised of staff from Santa Clara County's Departments of Family and Children's Services (DFCS), Juvenile Probation, Behavioral Health, Public Health and Community Solutions and the YWCA. Team members started meeting weekly in 2019 to address the needs of our children and youth. In 2019, the Department of Social Services offered numerous trainings to its staff and to community members. These training included:

- CSEC 101, Advanced CSEC Engagement Training. Ending the Game-facilitator training. Facilitated by Rachel Thomas, a survivor leader.
- Commercial Exploitation and Missing Youth, facilitated by DFCS.
- Myths Facts and Masculinity: Gender and Cultural Considerations When Working with Male and LGBTQ+ Survivors of Trafficking facilitated by Suamhirs Piraino-Guzman, a survivor leader.
- Issues regarding LGBTQ+ facilitated by Tatyana Foltz, survivor leader.
- Rachel Thomas facilitated specialized trainings and presentations for smaller specialized groups.

107
Cases
worked on

This past year DFCS' Transformation team participated in the Intern to Earn program for youth who are at-risk or identified as CSEC. The Team took this opportunity to start developing youth leaders. As part of the program, Youth Leaders assisted in identifying and offering solutions to systems problems. Youth Leaders presented their ideas at several DFCS' meetings. The Team has implemented in their work some of the ideas offered by the Youth Leaders.

Another accomplishment in 2019 was the 5th Youth Empowerment Summit-My Kind of Confidence on April 16th that featured survivors leaders that met with 37 of our DFCS and JPD youth. Santa Clara DFCS had contact with the following youth throughout 2019 from out of the area: 18 youth were located in Santa Clara County from the following County: Alameda (2), Contra Costa (2), Los Angeles (1), Orange (2), Sacramento (4), San Mateo (1), Solano (2), Sonoma (1), San Joaquin (2), and Yolo (1).



Law Enforcement Updates

San Jose Police Department Human Trafficking Task Force

From July 1st, 2019 to June 30th, 2020, the San Jose Police Department (SJPD) identified 52 human trafficking survivors and arrested ten suspected traffickers. The SJPD Human Trafficking Task Force (HTTF), part of the new Special Victims Unit, conducted a cyber-operation in which 72 potential sex buyers were contacted by law enforcement. The task force also conducted two demand reduction operations that assisted two human trafficking victims and cited three potential sex buyers. In this same time period, SJPD supported Ventura police with an operation tied to the Bay Area, and arrested three suspected traffickers, recovered six victims, and cited one potential sex buyer. **The HTTF officers worked with trafficking survivors and Coalition members including victim service providers, legal service providers, health care providers, and social services to develop and film a human trafficking training video for patrol officers.** Due to COVID, patrol officers go directly to the field, but the video will be shown during briefings once they resume.

Santa Clara County Sheriff's Department L.E.I.H.T. Task Force

The LEIHT (Law Enforcement to investigate Human Trafficking) Task Force is responsible for the recovery and reintegration of victims of human trafficking and the investigation/prosecution of suspected traffickers and abusers. The L.E.I.H.T. Task Force conducts undercover sting operations as well as investigates referral cases from patrol and hotline tips and other sources. The task force provides training to law enforcement and the public on investigative tactics, current trends and red flags of human trafficking. During a law enforcement statewide effort aimed at combatting human trafficking (Operation Reclaim and Rebuild), the L.E.I.H.T. Task Force conducted sting operations in partnership with local police agencies. During one of the sting operations, L.E.I.H.T. recovered a victim from out of state that led to the identification and arrest of a suspected trafficker. During the same operation, L.E.I.H.T. was able to identify and connect three other out of state victims to the same suspect. The victims were targeted based on a narcotic dependency which was used as a method of control by the trafficker. This is an example of the predatory nature of the traffickers to control victims and move them away from family and other support systems to maintain control. All victims were immediately connected with resources to provide them assistance.

52

Survivors
Identified

10

Suspected
Traffickers
Arrested

72

Potential
Buyers
Contacted

Human Exploitation Unit

Despite the COVID-19 pandemic creating significant delays in the criminal justice system in 2020, the District Attorney's Office human trafficking prosecutors and investigators have continued to investigate and bring charges against exploiters. Between July 1, 2019 to June 30, 2020, the Human Exploitation Unit

prosecuted 80 defendants

from investigations conducted by police agencies in Santa Clara County. Of the eighty (80) individuals,

30 were convicted,

8 convicted at trial, and 49 pending

of human trafficking/exploitation crimes (e.g. commercial sex and labor trafficking, pimping and pander, labor/wage theft, and various fraud conduct)

with a conviction rate of 97%

Eight convicted defendants were the result of four jury trials. Currently, 49 defendants are pending prosecution at various stages in the court process. With respect to all cases prosecuted in the last year,

83 victims were offered and/or provided advocate support services,

including support from the District Attorney's Office grant funded human trafficking VSU advocate.

Investigators with District Attorney's Office have worked collaboratively as part of the LEIHT task force, as well as local, state, and federal agencies to combat human trafficking. In the last year, LEIHT Task Force Detective Chris Tolbertson arrested prolific sex trafficker Andre Furtado who was the subject of a recent trial prosecuted by DDA Patrick Vanier in the midst of COVID-19. After obtaining multiple guilty verdicts, Mr. Furtado now faces an **85 year to life** sentence from the partnership between the Sheriff and DA's offices. In addition, DA investigators have initiated investigations with the FBI, U.S. Department of State, Alcohol Beverage Control (ABC), California Massage Therapy Council (CAMTC), San Jose Police Department Human Trafficking Task Force, and city police departments.



Earlier this year, the District Attorney's Office signed an MOU with CAMTC to administratively address the **proliferation of illicit massage** establishments in the county. As a result of this MOU, a pilot program was launched to use code enforcement personnel and police resources to identify bad actors and exploited victims. While COVID-19 has slowed the execution of this pilot program, when this collaborative effort is fully realized, the intention is to replicate the successful strategies in other cities and unincorporated areas of the county.

DA investigators have also partnered with ABC to identify **labor traffickers exploiting employees at several liquor retail stores in South County**. While the investigation is still ongoing, search and arrest warrants have been obtained and support services have been provided to the identified trafficking victims.

Finally, over the last year DA investigators have also worked with Milpitas Police, FBI and the State Department to **dismantle an organization operating a network of brothels in San Jose, Milpitas and South San Francisco**. Investigators uncovered more than eight separate brothels, recovered seven victims, commenced forfeiture litigation on more than one million dollars in assets, and developed evidence to charge 20 individuals for felony crimes that included human exploitation, money laundering, real estate/mortgage fraud, and tax invasion.

Spearheaded by the District Attorney's Office and the South Bay Coalition to End Human Trafficking, a working group of law enforcement representatives, county agencies, and service providers were convened over the last year to revise the **Law Enforcement Human Trafficking Protocol**. The previous iteration of the protocol was adopted by the Santa Clara County Police Chief's Association in 2016 and until recently, was not updated.

The new protocol provides a comprehensive blueprint for police to rescue both adult and CSEC victims. This protocol is unique in encompassing all forms of trafficking with a victim centered lens, focusing on collaboration and advocacy serving as a model for other counties through the state to emulate.

In addition to the revising the protocol, DA human trafficking prosecutors and investigators have conducted more than a **dozen trainings for attorneys, police, service providers, and community members throughout the state**.

Acknowledgements

2020 Coalition Members

AACI	Gateway Community Outreach
Asian Law Alliance	MISSEY
Bay Area Anti-Trafficking Coalition	San Jose Police Department
Bay Area Legal Aid	Step Forward Foundation
Bill Wilson Center	S.T.O.P. Task Force
California Massage Therapy Council	Tahirih Justice Center
Community Solutions	Women's International League
Daughters of Charity	for Peace and Freedom
	YWCA Silicon Valley

County of Santa Clara Agencies:

Department of Family and Children's Services

District Attorney's Office Human Exploitation Unit

District Attorney's Office Victim Services Unit

Office of Gender-Based Violence

Office of Women's Policy

Probation Department

Sheriff's Office

Valley Homeless Healthcare Program

Valley Medical Center Sexual Assault Response Team

Thank you to our 2019 & 2020 Funders and Sponsors

Community Solutions
 California Massage Therapy Council
 Office of Gender-Based Violence
 San Jose Police Department
 Office of Women's Policy
 Santa Clara County District Attorney's Office
 Sisters of the Holy Names of Jesus and Mary
 University of Washington Department of Communications
 Daughters of Charity, Province of St. Elizabeth Ann Seton
 National Asian Pacific Islander Prosecutors Association
 CEMA
 UA Local Union 393
 Echo Church

Please read the [Coalition Overview](#) document for more information on the Coalition and its partners



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

Operations Report

June 16, 2021

Overview

Since the last Operations report to the board the California Massage Therapy Council's (CAMTC) Operations division has continued to fulfill its primary objectives.

The team remains distributed and is operating at capacity. As the government moves towards relaxing restrictions, the need for additional bandwidth, resources, streamlined policies and processes, and better tools is expected to increase in order to maximize the opportunity of continuing to meet and maintain the board's goals. Team CAMTC has certified and recertified ~30,000 massage professionals so far during the pandemic (3/2020 to 5/2021), slightly more than during a period two-years before (3/2018 to 5/2019), and it is reasonable to expect a higher frequency of applicants as schools and establishments acquire, educate, and employ more massage professionals, and life generally resumes on a larger scale.

Numerous operational challenges have been met, and changes implemented, over the last fifteen months including:

- Increased communications efficiency
- Adaptation to CAMTC's new online payment workflow
- Design and implementation of a new payment workflow for "offline" fees

- Logistics for safe, compliant, and limited office operations
- Physical mail backlog processing
- Certificate and ID card production backlog processing
- The manual verification of over 18,000 certificate expirations
- Improvement of transcript routing and handling
- Technical and connectivity challenges operating from over 25 different locations
- Administration of CAMTC's late fee forgiveness program
- Implementation of new internal accountability, metrics, and communications protocols for distributed operations
- Overall workforce reduction of 12%
- Numerous personal trials for team-members
- New methods for recruiting and training during a pandemic...

...to name a few. The team has met each challenge with skill and grace. They are deserving of rest and appreciation, consistently choosing to stay engaged. Their invisible fight to solve problems, overcome obstacles and stay productive, operating and strong for the CAMTC community is ongoing. The Director echoes the CEO's description, which applies behind the scenes to the team-members of Operations and CAMTC as a whole every day: adaptability, care, creativity, resilience and talent.

Physical Services

Although physical services continue to be constrained, certificate and ID card generation has recently been occurring within several days of approval (1 to 5 days so far in June), enabling applicants to receive their CAMTC Certification documents timelier than has been feasible or safe during earlier stages of the pandemic. Upcoming challenges include an office remodel, document destruction projects, purging, and adaptation to a new "post-COVID" paradigm.

New Applications & Certificates

In May 2021, the median number of days to process new applications with no background or education issues was 14 days (see attached chart; board goal = 45 days or less).

Recertifications

Incoming recertification applications during 2021 are 45% higher than in the first five months of 2019. This may be a cyclical effect from the legislature's suspension of exam requirements that led to increased new application activity two years ago.

The median number of days to approve eligible recertification applications with no background issues in May 2021 was 21 days (see attached chart; board goal = 25 days or less).

Recertification processing time is a current area of focus. Although the team made progress in February after previous setbacks sparked by the holiday season COVID-19 surge, new and combined challenges have interfered with maintaining our preferred processing times (we like single digits). Payment workflow upgrades in late February and early March required that CAMTC's application processing system be offline for 11 days. At the same time, CAMTC received more applications in the remaining days of March 2021 than had been received in any month since last June (which at the time was rooted in public hope that State re-opening was imminent). Steps needed to maintain the late fee forgiveness program remained in play, and the fact that applications to recertify more than six months after expiration must be processed manually, combined with the continued acceptance of applications via email to support applicants during the pandemic – which also must be processed manually, were also contributing factors (along with other miscellaneous elements).

The team and work assignments have been reconfigured in an effort to improve recertification application processing time. While results are still - and have been for

many months - within the board's goals, Operations prefers to increase the buffer zone between expectations and performance. One example of why that preference exists is to help us meet unexpected challenges while still providing excellent service levels, as has been demonstrated.

Customer Service Phone Calls

Calls handled during the first five months of 2021 exceed calls handled during the same time period during 2020 by 24%. The team has handled over 18,000 calls so far this year.

The average wait time to answer by a live agent in May 2021 was 34 seconds (see attached chart; board goal = 90 seconds or less).

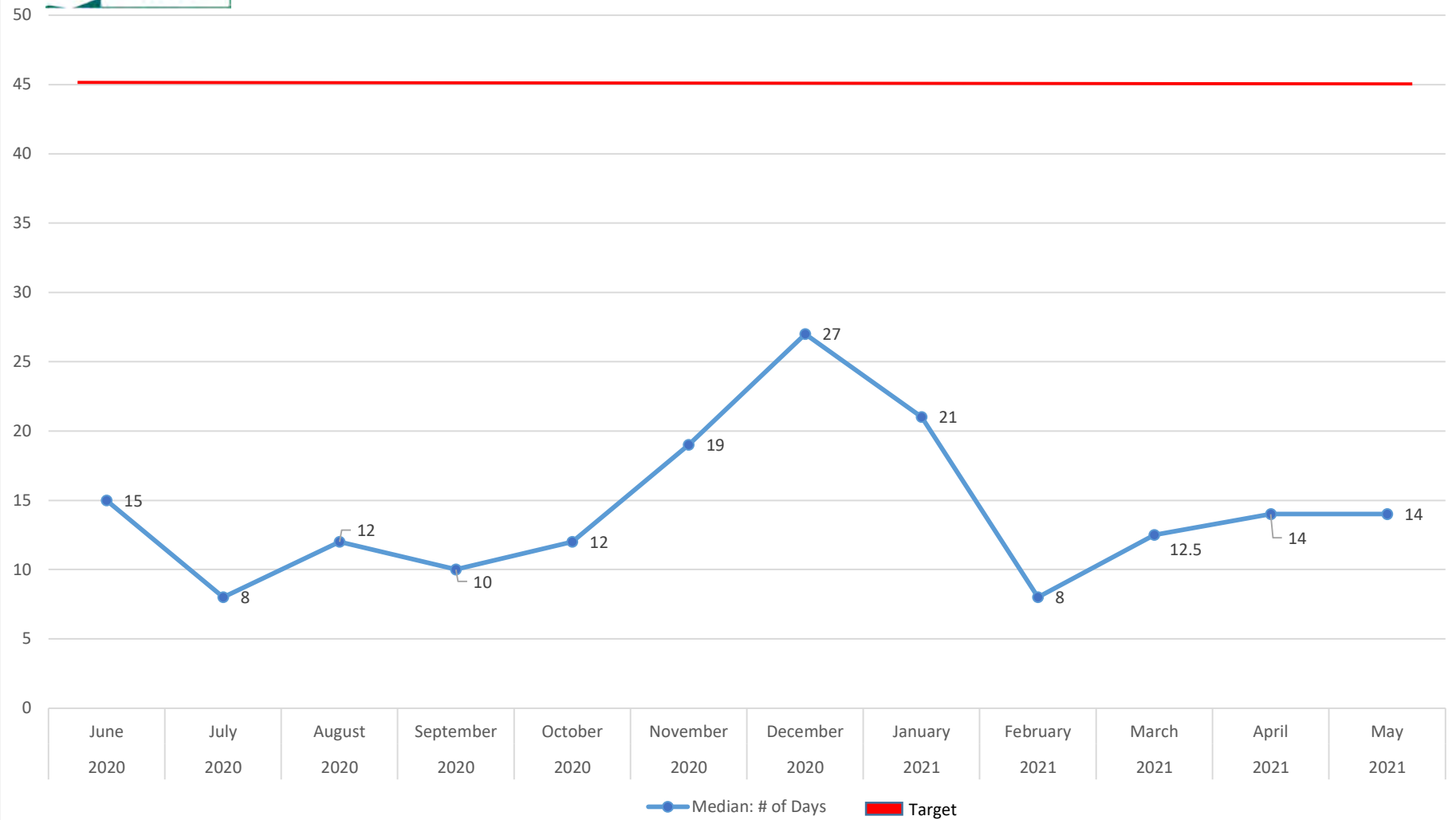
Correspondence

Incoming emails to CAMTC's info@camtc.org and cs@camtc.org email accounts have increased during January through May of 2021 by 74%.

In May 2021, the average response time for incoming customer service and application processing emails assigned to Operations was 100 minutes (see attached charts; board goal = 1 business day).

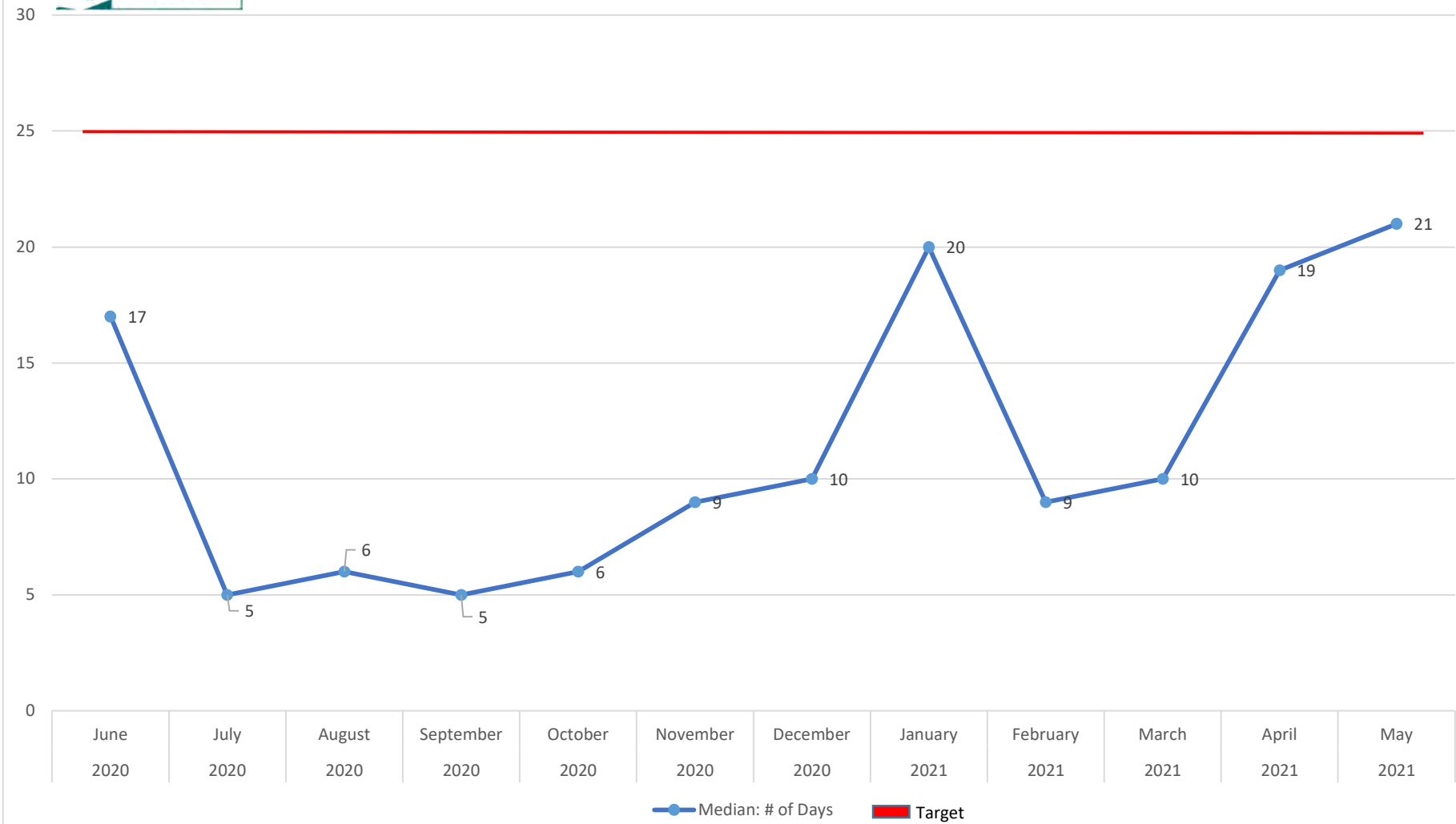


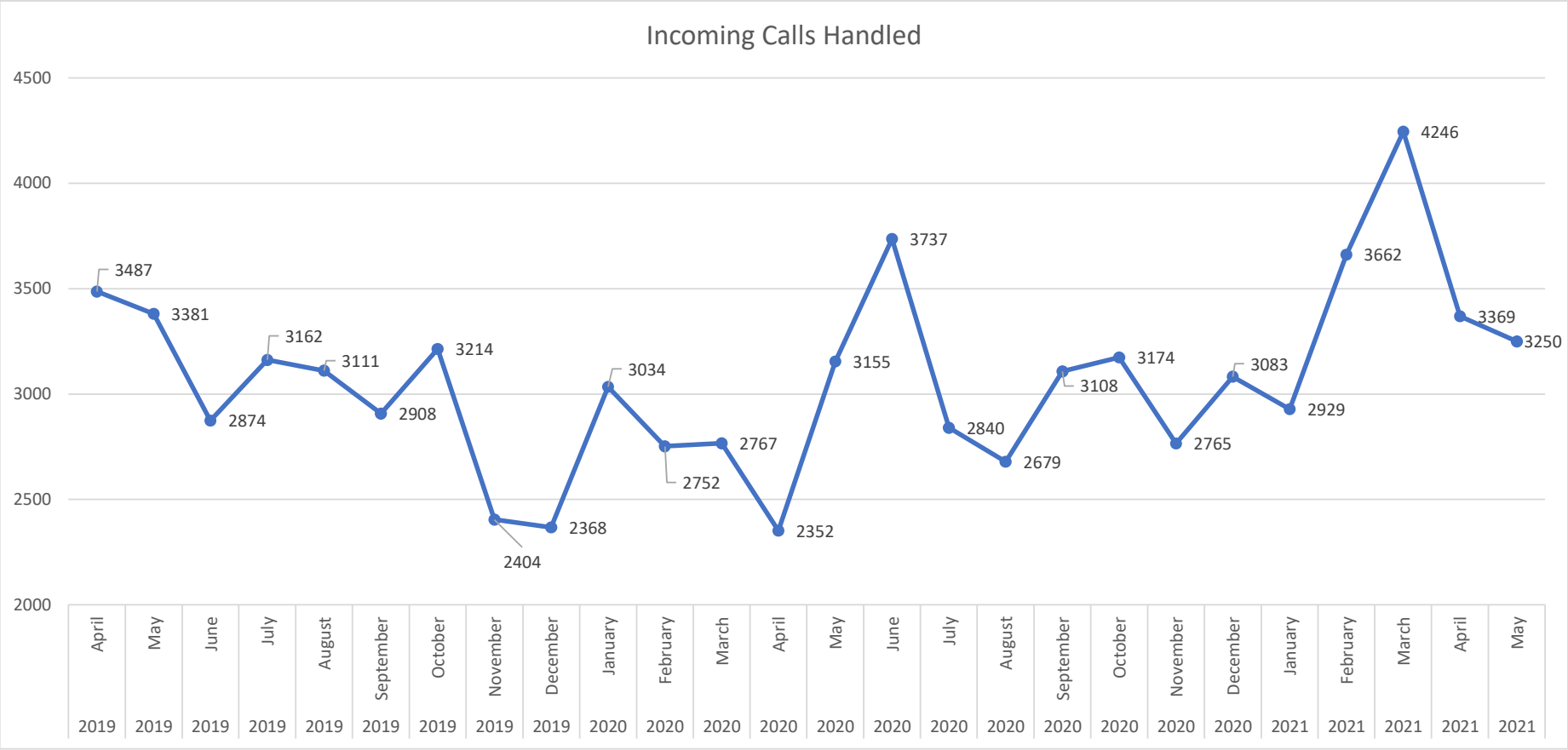
CAMTC Median Processing Time - New Applications with No Background or Education Issues





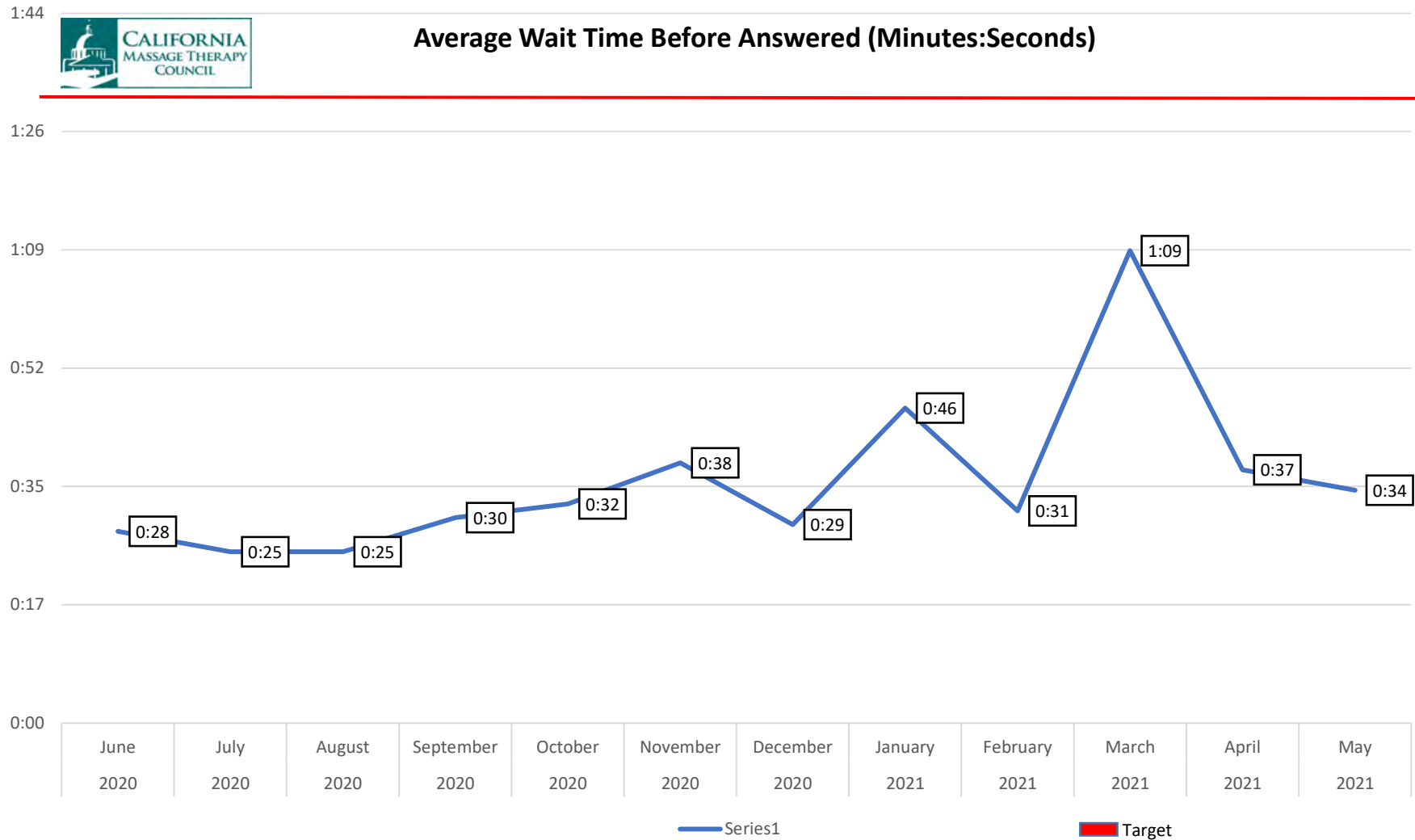
CAMTC Median Processing Time - Recertification Applications with No Background Issues

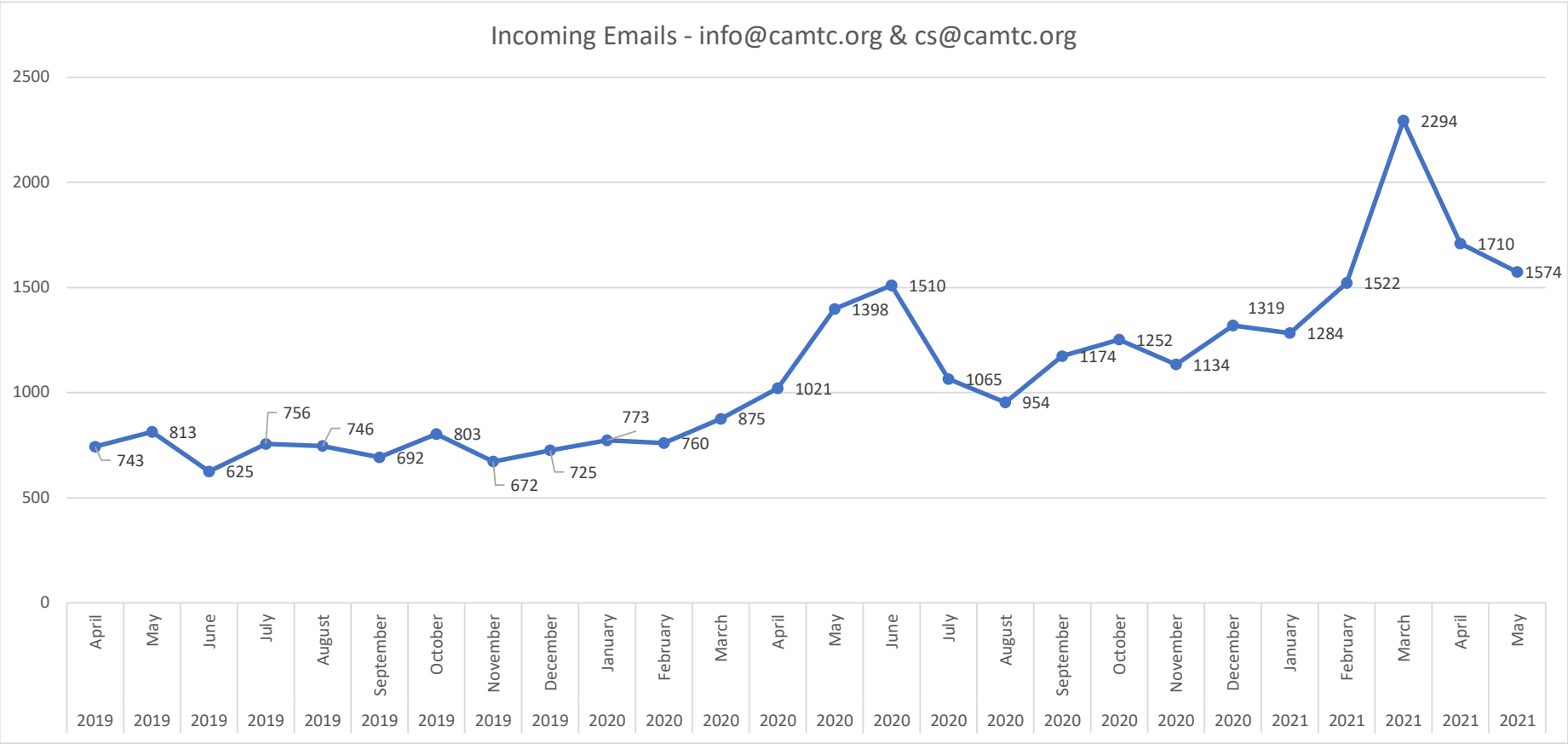






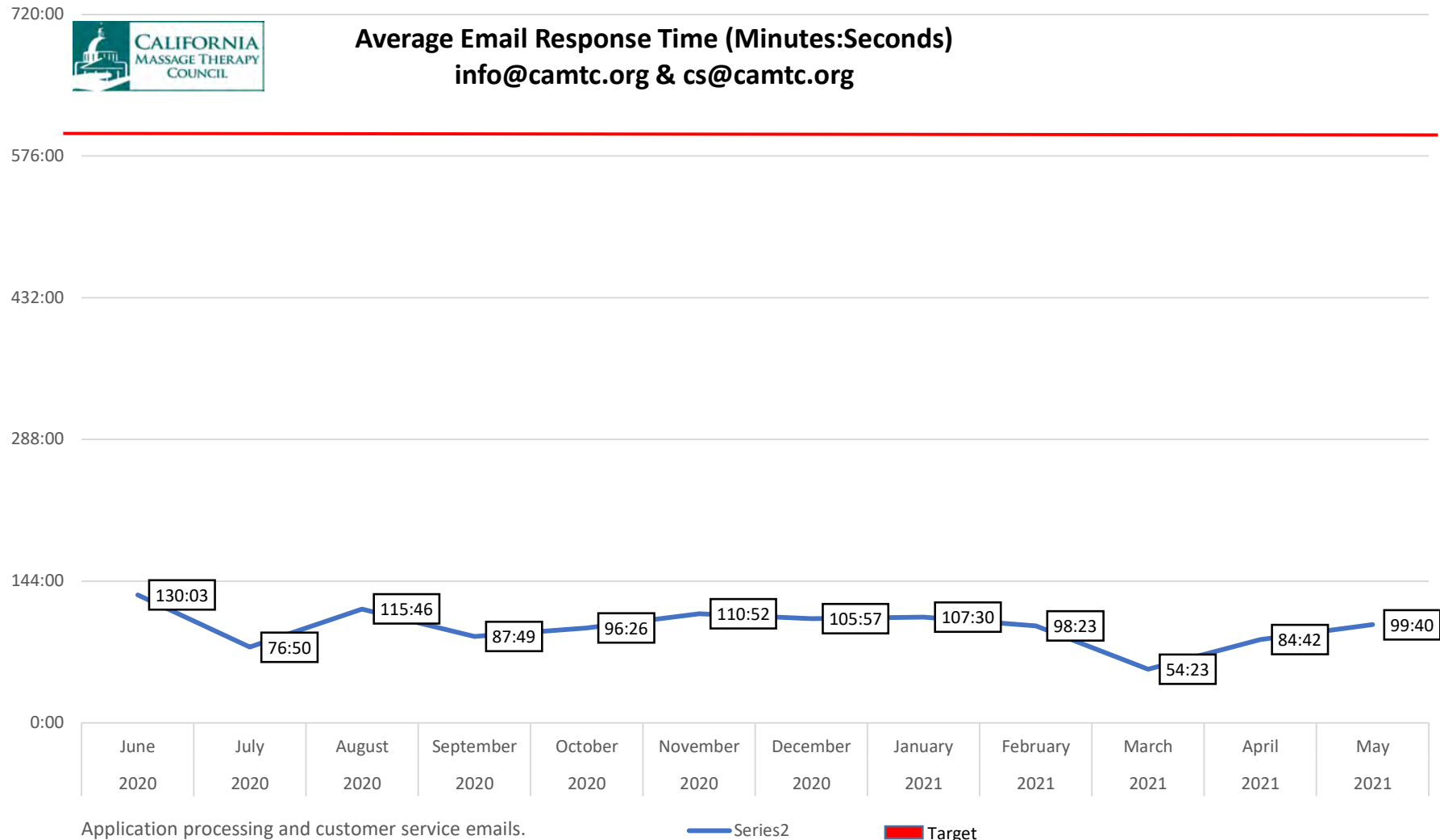
Average Wait Time Before Answered (Minutes:Seconds)







Average Email Response Time (Minutes:Seconds) info@camtc.org & cs@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: CAMTC Board of Directors
From: Rick McElroy, Director of Law Enforcement Relations (LER)
Re: Board Meeting – June 16, 2021

Law Enforcement Relations (LER) POST Certified Training for Law Enforcement

We have been working on getting the 2-hour CAMTC police training class POST certified. POST is an acronym for “Police Officer Standards and Training,” which is the agency within the State that offers and monitors police officer training modules. This has been a difficult project. We have been updating and creating a new power-point presentation, as well as applying for and securing all of the qualifications needed to accomplish POST Certification. We feel this certification will increase participation in CAMTC trainings. The training is being offered both in-person as well as virtually.

Our statement of purpose, noted in the POST course catalog is:

CAMTC is focused on educating Law Enforcement and Code Enforcement officers and professionals as well as local government agencies on the myriad solutions that working with CAMTC provides in the efforts to curtail illicit massage establishments and human trafficking in their communities.

The benefit to law enforcement of working with CAMTC is that it allows them to expand their tool belt and to increase their ability to utilize CAMTC’s law and overcome the restrictions of criminal prosecution.

Finding the Balance, Part 2

“Finding the Balance” was a program that Ahmos, Beverly, and I began working on in January, 2020. This program was designed to assist city/county chiefs and sheriffs in making smart and cost-effective decisions regarding human trafficking in their city. CAMTC, in effect, becomes a partner with law enforcement to solve human trafficking issues. The program involves a 2-prong approach to help them identify illicit massage businesses and then identify ways to effectively address them. Unfortunately, when Covid-19 hit in March 2020, everything was paused until now. I returned to full time status on June 1, and am working on this project, appropriately named “Finding the Balance, Part 2.” Before Covid, we were focusing on cities/counties in Northern California and now we are working with cities/counties in southern California as well. We have had our first meeting with Riverside.

Meeting with Riverside Police Chief Larry Gonzales

On Thursday, June 10, Ahmos and I had a virtual conference call with Chief Larry Gonzales and operation Deputy Chief Frank Assumma for the city of Riverside. The meeting revolved around partnering with them for purposes of assisting with the illicit massage businesses (IMB's) that they have in their city. The city updated their massage ordinance in 2018 and it looks like a fairly strong ordinance that is helping them to eliminate IMB's. We also talked about training and we are now coordinating a time in the next month for an in-person POST certified training session to include Riverside and some neighboring cities as well. I am hopeful that this meeting will open more doors for other meetings with Chiefs and Sheriffs.

California Police Chiefs' Virtual Conference April 27-29

I and Kellie Rodriguez, supervisor of the Background Review Department, participated in the filming of CAMTC's virtual presentation, along with Ahmos Netanel (who gave the opening remarks). Each of us had about 10 minutes for our presentations and all in all, it turned out great. I believe our presentation had a huge impact on the Chiefs as it answered many questions that they had asked of us weeks ahead of time via a survey. The Chiefs' conference was attended by me and BRD personnel. The title of the training was: **"Making Massage Safe and Legal In Your Community."**

Zoom Conferences

Many of our zoom meetings (Beverly and I generally attend together) are bi-monthly, quarterly, and sometimes weekly in this new day and age.

Listed below (in no particular order) is a list of the usual meetings we now attend:

- World Without Exploitation
- Forensic Logic Coplink
- Little Hoover Commission
- Los Angeles Regional Human Trafficking Task Force
- San Francisco Collaborative against Human Trafficking
- San Mateo County against Human Trafficking
- South Bay Coalition against Human Trafficking
- FSMTB (Federation of State Massage Therapy Boards)
- Alcoholic Beverage Control (ABC) Labor Trafficking Squad
- San Diego Coalition against Human Trafficking
- Contra Costa Coalition against Human Trafficking

Many other meetings with police departments and CAMTC POST certified trainings are continuing on a weekly basis.



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: Roberta Rolnick, Outreach Director
For: Board Meeting - June 16, 2021

Upcoming & Recent Events

July 16-17, 2021 - **Alliance for Massage Therapy Education**, at Tucson, AZ and virtual
September 9, 2021- **iConnection**, Uniting the Spa + Wellness Industry at TBD
September 28-30, 2021 - **CPCA Women Leaders in Law Enforcement** at Anaheim, CA
October 5-7, 2021 - **California Association of Code Enforcement Officers**
CACEO Annual Seminar at Olympic Valley, CA
October 15, 2021 - **HT-RADAR Research Advisory**, virtual event

With events continuing to be virtual due to the pandemic, our outreach has gone to the next level of using COVID-safe green screen studios to create 4 videos for virtual events. The videos have some advantages to reach more people, but the in-person events develop a wider knowledge base and stronger collaborations.

CAMTC sponsored the **South Bay Coalition To End Human Trafficking - SBCEHT**. It was a four-week virtual series titled Trafficking Streams from January 11th to February 4th. The host, SBCEHT, set it up as a Zoom conference. Rick McElroy, Beverly May, Kellie Rodriguez, Joe Bob Smith, and myself Roberta Rolnick presented **Ending Human Trafficking in The Massage Industry** and included a virtual Q&A too.

The **California Police Chiefs Association - CPCA** held their virtual 2021 Annual Training Symposium April 27-29, 2021. CAMTC maintains our status of Strategic Partners, as well as the Premier Sponsor again this year. Ahmos Netanel presented a five-minute video with **Opening Remarks** at the start of the event. His message included:

"As optimistic as CAMTC is about massage therapy, we listen to many of you here today, and recognize that negative vestiges of the old days still remain. The perpetuation of what is essentially disguised brothels - and the unforgivable horror of human trafficking - are problems that we cannot pretend don't exist."

Rick McElroy's and Kellie Rodriguez's video presentation for CPCA 2021 Annual Training Symposium was titled **Massage & Human Trafficking – Partnering With CAMTC As An Effective Solution**. That title was based on a two question survey that Ahmos created and CPCA sent it out as an eBlast to CPCA's entire membership.

Ahmos Netanel and Beverly May attended the **Bilateral Safety Corridor Coalition (BSCC)** luncheon in San Diego, June 11th for "Angel Award Winners," of which Beverly received an award. San Diego County District Attorney Summer Stephan was the Master of Ceremonies and took a photo with Beverly and her award.

Schools Outreach

The outreach trend for schools' outreach during the pandemic has generally increased with the Monthly Schools Call in order for schools to stay current. And the CAMTC School Newsletter only has 3 pages instead of 4. However, the trend to film videos in a green screen studio has given Joe Bob Smith wings to fly with a video presentation titled How Schools Can Help Stop Sex & Labor Trafficking. It's a very compelling message, and so perhaps there will be more on that topic this year.

Law Enforcement Outreach

Outreach for Law Enforcement overlaps with the video and Zoom presentations that we've been busy with the half of 2021. CPCA and CACEO are the main outlets for outreach, and we are doubling up with CPCA this year. In addition to the CPCA Annual Symposium in April 2021, we will be also sponsoring CPCA's live in person conference for the Women Leaders in Law Enforcement in September 2021.

Governmental Affairs and Human Trafficking Outreach

Typically more outreach happens at in person events, than the virtual events. However via our Strategic Partnership with CPCA, we've been relying more on print media in their magazine, eBlasts, and the CAMTC custom survey this year to CPCA members in order to have our outreach be more effective.



CAMTC – POST Certified Training



Rick McElroy, CAMTC Director of Law Enforcement Relations
805-390-0397 • rmcelroy@camtc.org

Our collaborative effort to target illicit massage businesses and stop the negative impact they have in our local communities is **THE** most striking benefit of the Strategic Partnership between CPCA and CAMTC to protect the public.

Request a No-Cost POST Certified Training in your local area.



Partners To Protect The Public



www.camtc.org/cpca-strategic-partners

[Contact Us](#)[Terms and Conditions](#)[Sign in](#)

CALIFORNIA POLICE CHIEFS ASSOCIATION

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



RE:
Welcome!

By: Katie Nelson , one
month ago

Posted in: Communications
Committee

Hello Sara! Thank you for
setting this up. Looking
forward to the good work
we're going to do here. ...



Recruiting, Hiring
& Retaining
Officers in the
21st Century

Jul 15, 12:00 PM - 1:30 PM
(PT)

[More](#)



CPCA 2021



APRIL 27-29, 2021

LOOKING FORWARD

In addition to training, the CPCA Annual Training Symposium virtual event will connect attendees with CPCA partners by way of a virtual portal designated for each partner. Visit the partner pages for contact information and special promotions.

Strategic Partner | Premier Sponsor



Strategic Partners



FIRSTNET®
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▼ CAMTC Ahmos Netanel's Remarks



Ahmos Netanel
CAMTC Chief Executive Officer





Overview

California Massage Therapy Council

California Massage Therapy Council



Leadership Team

LEADERSHIPTEAMCAMTC@CAMTC.ORG



Ahmos Netanel

CAMTC CHIEF EXECUTIVE OFFICER
ONE CAPITOL MALL, SUITE 800
SACRAMENTO, CA 95814
ANETANEL@CAMTC.ORG



Rick McElroy

CAMTC DIRECTOR OF LAW ENFORCEMENT
RELATIONS
RMCELROY@CAMTC.ORG



Beverly May

CAMTC DIRECTOR OF GOVERNMENTAL AFFAIRS,
HUMAN TRAFFICKING AND IT
BMAY@CAMTC.ORG

Kellie Rodriguez



CAMTC SUPERVISOR, BACKGROUND REVIEW
DEPARTMENT
KRODRIGUEZ@CAMTC.ORG



2021 CAMTC Training Flyer

Document: 2021 CAMTC Training Flyer



2021 CAMTC Law and Code Enforcement Training

Document: 2021 CAMTC Law and Code Enforcement Training



CAMTC Get Connected

Document: CAMTC Get Connected



CAMTC Human Trafficking Brochure - Updated

Document: CAMTC Human Trafficking Brochure - Updated



Understand Violations of CAMTC Law

Document: Understand Violations of CAMTC Law



2021 Bio - Detective III Rick McElroy - Retired

Document: 2021 Bio - Detective III Rick McElroy - Retired



Kellie Rodriguez - Get Connected

Document: Kellie Rodriguez - Get Connected



CAMTC Partner Questions to CPCA Members 2021

Document: CAMTC Partner Questions to CPCA Members 2021



CAMTC Roberta Rolnick - Get Connected

Document: CAMTC Roberta Rolnick - Get Connected



CAMTC PARTNER FEEDBACK

As our Strategic Partner and Premier Sponsor, the California Massage Therapy Council plays a key role in regulating the massage industry in our communities and works closely with Cal Chiefs. They are seeking some quick feedback from our members on a couple key questions and they would like your response to the following questions below. **Please email your responses to CAMTC CEO Ahmos Netanel, anetanel@camtc.org by March 4th, 2021.**

1. As CAMTC and the police chiefs continue to engender a positive and increasingly collaborative relationship, what do you consider to be the top priorities that we can confront together?
2. CAMTC has placed an emphasis on listening closely to our police chiefs and sharing with them the advances we have made in bringing safe, healthy and legitimate massage therapy to California communities. How can we improve in the way we communicate with you personally and your organization as a whole?

We would appreciate your response to these questions by March 4th, 2021. Simply email your feedback to anetanel@camtc.org.

Respectfully,



California Police Chiefs Association

California Police Chiefs Association members value the close relationship we have with our strategic, preferred and circle partners. The **CPCA** provides this quarterly update to highlight advancements and programs which help California law enforcement agencies do their jobs more efficiently and effectively. Thank you to all our partners for their continued support of the membership and collaboration with our law enforcement communities.

STRATEGIC PARTNER



PREMIER SPONSOR



California Massage Therapy Council (CAMTC)

camtc.org/cpca-strategic-partners

Rick McElroy, CAMTC Director of Law Enforcement Relations,
805-390-0397, rmcelroy@camtc.org

FREE 2-Hour Training in your area within California. Schedule NOW for new trainings in 2021.

We implement the provisions of the California Massage Therapy Act. Policing massage businesses that operate as a subterfuge for prostitution can be a real challenge. CAMTC provides critical support to law and code enforcement agencies and local governments in efforts to curtail illicit massage establishments. Know the signs of illicit massage businesses (IBMs) and adapt the strategies to make massage Safe and Legal in your communities. Our collaborative effort to target illicit massage parlors and stop the negative impact they have in our local communities is THE most striking benefit of the strategic partnership between CPCA and CAMTC to protect the public.

STRATEGIC



PARTNERS



CORDICO

cordico.com

Brady Pilster, Cordico Sales Director, 801-390-3834,
brady.pilster@cordico.com

Cordico, 844-267-3426, info@cordico.com

Cordico is the leading officer wellness tool for law enforcement and part of Lexipol, the experts in policy, training and wellness support, committed to improving the quality of life for all community members. CordicoShield wellness apps are used by law enforcement agencies throughout California as a 24/7, confidential, easy to use, high-quality proactive officer wellness solution. Fully customized for your agency, CordicoShield wellness apps provide in-hand officer wellness resources, anonymous self-assessments, access to peer support, vetted law enforcement therapists, one-touch calling

Posted on CPCA Website and sent as an eBlast

	No-Cost POST Certified Training
	
	 Rick McElroy, CAMTC Director of Law Enforcement Relations 805-390-0397 • rmcelroy@camtc.org
	Our collaborative effort to target illicit massage businesses and stop the negative impact they have in our local communities is THE most striking benefit of the Strategic Partnership between CPCA and CAMTC to protect the public. www.camtc.org/cpca-strategic-partners

eBlast Sent to California Police Chiefs Association Members

Campaigns < All campaigns Email templates Reports	2021.04.22 CAMTC- CPCA Strategic Partners EBlast
	Campaign Preview HTML Source Plain-Text Email Details
	Hello Cal Chiefs and Command Staff. Kudos to 4 successful years of our partnering with CPCA! Thank you!
	
	Massage & Human Trafficking Partnering With CAMTC As An Effective Solution
	We invite you to see our video and virtual booth at the 2021 Virtual CPCA Annual Training Symposium. And if you can't attend the Symposium this year... Visit: camtc.org/cpca-strategic-partners Request CAMTC's Training at no-cost for one or many in your department. Simply contact: Rick McElroy • rmcelroy@camtc.org • 805-390-0397

Trafficking Streams

STRATEGIES TO TARGET TRAFFICKING WHERE IT HAPPENS

JANUARY 11-FEBRUARY 4, 2021

In her first public appearance

KEIANA ALDRICH

Emerging Survivor Leader

**Recently won her freedom after 8 years of prison
for crimes related to her being trafficked**

Keynotes by

MAGGY KRELL

Keiana Aldrich's Attorney & former Deputy Attorney General against Backpage

CARISSA PHELPS

Founder & CEO Runaway Girl, FPC

Featuring

ELESONDRA DEROMANO
REGINA EVANS

SAVANNAH SANDERS
COALITION SURVIVOR
ADVISORY COUNCIL

Santa Clara County Supervisor CINDY CHAVEZ

California Assemblymember ASH KALRA

Santa Clara County District Attorney JEFFREY F. ROSEN

San Jose City Councilmember SYLVIA ARENAS

San Jose City Councilmember MAGDALENA CARRASCO

Weekly workshop themes with in-depth looks at

January 11th-15th Industries with Labor Trafficking

**January 18th-22nd Online & Street-Level
Commercial Sexual Exploitation**

**January 25th-29th Illicit Massage Establishments
& Residential Brothels**

**February 1st - 4th Domestic Servitude & Care
Home Workers**

Sponsored by California Massage Therapy Council

Register at bit.ly/htc2021

SOUTH BAY COALITION TO END HUMAN TRAFFICKING
2021 HUMAN TRAFFICKING CONFERENCE

General Admission (\$40 for 10.5 hours) includes:

- *Mon Jan 11, 10:30-12* **Opening Ceremony and Press Conference**
- *Tues Jan 12, 1-2:30* **Multi-Disciplinary Approaches to Combating Labor Trafficking in the Bay Area** *Sponsored by CEMA*
- *Tues Jan 19, 1-2:30* **Trends in Commercial Sexual Exploitation and Accounting for Disproportionate Impact** *Sponsored by Daughters of Charity*
- *Tues Jan 26, 1-2:30* **A Multi-disciplinary Approach to Illicit Massage Establishments and Residential Brothels** *Sponsored by California Massage Therapy Council*
- *Fri Jan 29, 1-2:30* **Ending Human Trafficking in the Massage Industry** *Sponsored by California Massage Therapy Council*
- *Tues Feb 2, 1-2:30* **A Multi-Disciplinary Approach to Combating Domestic Servitude and Trafficking in Care Homes**
- *Thurs Feb 4, 5-6:30* **Closing Gala**

Professional Track (\$60 for 15 hours)

includes all of the above workshops, the following workshops open to all professions, and certificate of completion. Additional profession-specific workshop tracks are available to Victim Service Providers (sponsored by Echo.Church), Legal Service Providers, and Law Enforcement (sponsored by Santa Clara County District Attorney's Office).

- *Thurs Jan 14, 1-2:30* **Labor Trafficking in the Service Industries**
- *Fri Jan 22, 10-11:30* **Understanding Intersections of Trauma and Race**
- *Thurs Feb 4, 1-2:30* **Domestic Servitude and Labor Trafficking in Care Homes**

Thank you to
our Sponsors:

Register at bit.ly/htc2021



CALIFORNIA
MASSAGE THERAPY
COUNCIL



Community
Solutions

DAUGHTERS of CHARITY
OF ST. VINCENT DE PAUL
Province of the West





Ending Human Trafficking in the Massage Industry

Presentation by the California Massage Therapy Council (CAMTC)
SOUTH BAY COALITION TO END HUMAN TRAFFICKING

Rick McElroy, CAMTC Director of Law Enforcement Relations (LER)

rmcelroy@camtc.org

Rick McElroy, Retired LAPD Detective III, worked illicit massage establishments with the Organized Crime and Vice Division. He also wrote a Red Light abatement manual, used to close those illicit establishments. When Rick came on board with CAMTC in 2009, he created and established the disciplinary arm of CAMTC. Rick is now the presenter for CAMTC trainings to law and code enforcement officers throughout the State, as well as city attorneys, district attorneys and hundreds of agencies including ICE, OHS, FBI and the DOJ.

Beverly May, CAMTC Director of Governmental Affairs and Human Trafficking (GA/HT)

bmay@camtc.org

Beverly May has been involved in legislative matters regarding massage therapy for over 35 years. Since the inception of CAMTC in 2009, Beverly has engaged, taught, and lectured on the importance of a trauma-informed approach to effectively deal with the issue of illicit massage establishments. She has helped develop policies and statutory proposals that facilitate identifying and abating sex and labor trafficking under the guise of massage. Beverly participates in Human Trafficking Taskforces and Coalitions throughout California and other states too.

Joe Bob Smith, CAMTC Director of Education Standards Division (ESD)

jbsmith@camtc.org

Joe Bob Smith has seventeen years of leadership experience in massage education. He served as a CAMTC Board member for five years. Since establishing CAMTC's Educational Standards Division (ESD) in 2014, Joe Bob has worked to eliminate fraudulent massage schools and diploma mills acting as conduits for sex and labor trafficking. In addition to investigating schools, ESD educates students about proper massage education and encourages the reporting of suspicious behaviors to CAMTC.

Roberta Rolnick, CAMTC Outreach Director

rrolnick@camtc.org

Roberta Rolnick was a founding CAMTC Board Member for seven years, serving as the CAMTC Outreach Committee Chair and Board Secretary. Currently as the CAMTC Outreach Director, Roberta manages most stakeholder outreach to organizations such as governmental entities, law & code enforcement agencies, human trafficking organizations, massage schools & students, massage professionals, and consumers. Other responsibilities include CAMTC sponsorships, statewide events, eBlasts, newsletters, and CAMTC's website overall.

Kellie Rodriguez, Supervisor of Background Review Department (BRD)

krdriguez@camtc.org

Kellie Rodriguez was an LAPD officer and detective who worked many vice assignments, involving prostitution sting operations. She witnessed first-hand the illicit conduct that takes place within illicit massage establishments and has pledged to continue her combat in eradicating illicit massage establishments and human trafficking. Kellie started with CAMTC in 2010, and in the course of BRD's investigations and proposing appropriate discipline, she works with many sources such as law enforcement, cities, courts, human trafficking victims and more.



National Council of Jewish Women
San Francisco Section



Co-sponsor
**California Massage Therapy Council, a supporter
and partner in fighting human trafficking**

The National Council of Jewish Women San Francisco

Cordially Invites You to Our

2021 Award Ceremony & Benefit

Sunday, May 23, 2021

11:00 am–12:30 pm

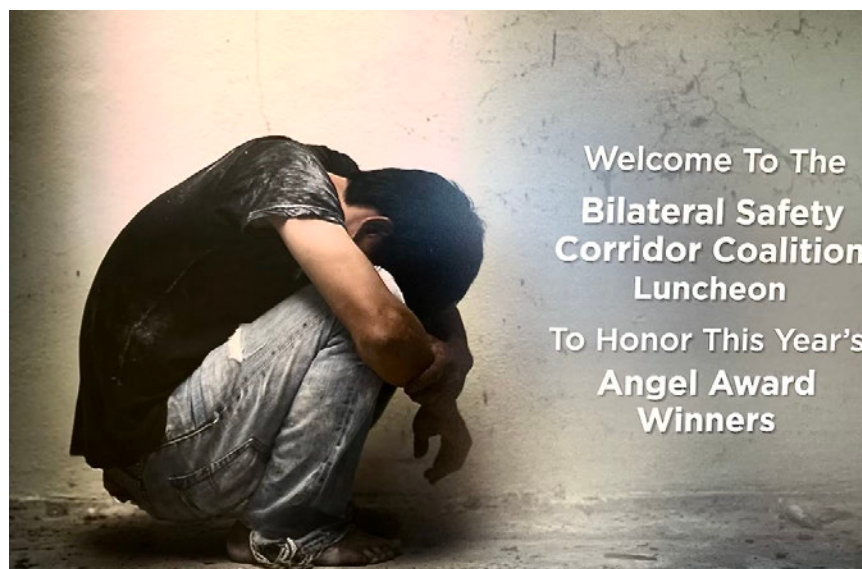
Via Zoom

**Join us for a special celebration honoring extraordinary achievements and
benefiting programs to improve the quality of life for
women, children, and families!**

KEYNOTE

Bilateral Safety Corridor Coalition “Angel Award Winners”

San Diego County District Attorney Summer Stephan (left), who has been very supportive of CAMTC’s trainings and human trafficking efforts, and Beverly May (right) with her award at the **Bilateral Safety Corridor Coalition Luncheon**.



The Bilateral Safety Corridor Coalition (BSCC)

cordially invites you to celebrate the 11th year of our

Freedom Luncheon and Angels of Trafficking Awards

"Fighting Human Trafficking in the Americas"

June 11, 11:30 A.M., at Eastlake-Torrey Pines Church

8320 La Jolla Scenic Dr N, La Jolla, CA 92037

Master of Ceremonies: District Attorney Summer Stephan

*We will be honoring those who have been leaders
in the fight against human trafficking.*

Let us share our accomplishments and vision for 2021.

Cost Lunch: \$40.00, glass of wine included

Table: \$320.00

<https://www.eventbrite.com/e/freedom-luncheon-and-angels-of-trafficking-award-tickets-149623504931>



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

www.camtc.org