



CALIFORNIA
MASSAGE THERAPY COUNCIL

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Notice and Agenda

**Board of Directors Meeting
Wednesday, January 11, 2012
9AM**

Via Teleconference
Number: 1-877-366-0711
Passcode: 77085177#

1. Call to order/ Roll call
2. Board approval of proposed language of 2012 cleanup legislation
3. Staff implementation of Board recent policy decision regarding Portal G
4. Amending last Board motion regarding Portal G
5. Board approval of NESL option exams
6. New proposed policy regarding unapproved schools and PSD's workload
7. Closed session with CAMTC legal counsel pursuant to CA Government Code Section 11126(e)
8. Appointing entities credentials and Board members terms and qualifications
9. In house counsel- search and hiring update
10. Establishment of a CAMTC office in Los Angeles for counsel and possibly CEO
11. Closed Session regarding the appointment, employment, evaluation of performance, or dismissal of an employee pursuant to CA Government Code Section 11126(a)
12. Return from closed session and announce any action taken during item number 11
13. Amending 2012 strategic priorities document to include Sunset Review

14. CEO financial, operational and promotional brief updates
15. Issues and scheduling for next meeting
16. Adjourn

All agenda items are subject to discussion and possible action.

Requests for more information, or to make a request regarding a disability-related modification or accommodations for the meeting, please contact Sheryl LaFlamme at (916) 669-5336 or One Capitol Mall, Suite 320 Sacramento CA 95814 or via email at camtc@amgroup.us.

Requests for disability-related modification or accommodation for the meeting should be made at least 48 hours prior to the meeting time. This notice and agenda is available on the Internet at <http://www.camtc.org>.

Attachment #1 Documentation for CAMTC Board Conference Call January 11, 2012

Attachment # 2 Board approval of proposed language of 2012 clean-up legislation

Attachment # 3 Board approval of NESL option exams

Attachment # 4 Discussion of Amending 2012 strategic priorities to include Sunset Review

Attachment # 5 Strategic Priorities for 2012 as proposed 1.11.12

MEMO Attachment #2

TO: Board of Directors

FROM: Staff

DATE: January 6, 2012

RE: Proposed Amendments for a 2012 clean-up bill

The following proposed amendments have been approved by the Board on December 7, 2011. This document is offered as a clean version of the amendments approved by the Board for submission to B&P committee.

1. Specifying that the certificate and ID card are the property of CAMTC and shall be surrendered upon suspension or revocation.
Rationale: standard practice for suspended or revoked certifications and licenses
2. Authorization for law enforcement or a local government agency to provide information to CAMTC regarding a certificate holder or applicant including but not limited to the status of a local permit, disciplinary actions, criminal activity or unprofessional conduct, police reports and declarations of conduct.
Rationale: The city attorney of one major city does not believe that local governments have the authority to provide information to CAMTC, resulting in approval of applicants who would otherwise be denied
3. Addition to the grounds for denial or discipline of an infraction, municipal code violation or civil citation substantially related to the practice of massage.
Rationale: It is common to charge relevant crimes, such as solicitation as infractions, civil citations or municipal code violations.
4. Authorization for CAMTC to conduct reasonable inspections of an applicant or certificate holders' place of work or school.
Rationale: Local government request most often, since they can no longer charge for establishment permits. This will strengthen CAMTC's ability to investigate applicants or schools under existing policies of the Professional Standards Division.
5. Add to reasons for revocation a finding has been made that would have justified denying the application in the first case.

Rationale: It is not unusual to receive information after issuing a certification that would have resulted in a denial if known prior to approval, typically regarding substantive fraudulent information on the application.

6. Owner/ operator background check can be 10 years and include live scan and criminal background check and consequences should the background investigation reveal offenses substantially related to the operation of a massage business.

If the owner background check results in findings of history relevant to owning or management of a massage business the provisions of Section 4612 (a) and (b) that apply to businesses in which everyone providing massage is certified do not apply

Rationale: Make it clear that Section 4612 (e) permits local jurisdictions to include a criminal background check and live scan of non-certified business owners as well as 10 years work and home address history (as CAMTC does on the applicant for certification).

The law does not currently allow a city or county to prevent a person from opening or operating a massage business as there are no consequences should the background investigation reveal offenses substantially related to the operation of a massage business. The second section of this provision will allow local governments the ability to regulate the business as if no one is certified should the owner/manager have relevant background.

7. Amend Section 4612 (7) – Clarify what is relevant information for a business license application

Rationale: city request for clarification

8. Specify that business license fees can be no higher than that charged other professionals as defined under Corporations Code

Rationale: City Request. Currently most cities have multiple rates for professionals. Also would allow for fees that are less than other professions are charged:

9. Add to grounds for immediate suspension of certification acts of unprofessional conduct based on substantial evidence in sworn officer declarations

Rationale: Allows CAMTC to suspend based on the sworn declaration and move forward with the revocation procedure. This would suspend the person while the notification and hearing process proceeds. The evidence received would have to rise to our revocation level before the suspension would take effect.

10. Define “Operator” as someone who owns or manages a business.

Rationale: City request to be able to investigate a person who has substantial authority over the operation of the establishment – including hiring and firing of certified massage professionals.

11. Require that the certified professional provide their full name and certification # to the public, CAMTC or law enforcement upon request

Rationale: The public has a right to know who their massage therapist is and whether they are certified. In one case, an employer refused to inform CAMTC staff of the full name (and certification status) of a certified professional after CAMTC received a complaint for sexual assault. Without verifying his name and whether certified, no investigation could take place. In another, a client asked for a receipt with the name and certification number of the massage therapist. The massage therapist refused.

12. Require that the ID card be in the possession of the therapist while providing massage

Rationale: City request – the certificate itself does not have a photo

13. State that the education can be 250 hours or the credit unit equivalent, “500 hours or the credit unit equivalent.”

Rationale: The US Department of Education has issued new rules for recognizing school credits issued. Currently CAMTC converts credits to hours but some states have recognized in rules that they will accept both. Two schools have suggested that CAMTC do the same to avoid confusion regarding student financial aid. It will need to be determined whether to change the language in the statute itself, or provide the Board authority in statute to accept both credit units and hours.

14. Consideration of allowing local ordinances to restrict the ability of a new massage business to open for a period of one year (or more) in any location in which a massage business has been closed for criminal activity.

Rationale: City request. It is common for illicit businesses to change ownership and continue the same type of business. Nuisance abatement, which prohibits any use of the site for one year, is costly and burdensome on the city and county.

15. Deletion of Portal E for instructors approved by BPPVE. – While this proposal was approved by the Board December 7, 2011, this Portal expired January 1, 2012

MEMO Attachment # 3

TO: Board of Directors

FROM: Staff

DATE: January 5, 2012

RE: Board approval of NESL option exams

At the Board meeting of June 26, 2009, the CAMTC Board of Directors adopted the following policy:

“National exams that will be accepted by the CAMTC include: the MBLEx administered by the Federation of State Massage Therapy Boards and the NCETMB and the NCETM (non-NESL option) administered by the National Certification Board for Therapeutic Massage & Bodywork.”

All three of these exams are psychometrically developed and legally defensible.

The National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) was created in 1992 in order to develop an exam for private certification. Over the years the exams they developed (National Certification Exam for Therapeutic Massage & Bodywork (NCETMB) and National Certification Exam for Therapeutic Massage (NCETM)) were adopted by a number of cities and states for local permitting and state licensing purposes. Both of these exams require that an applicant graduate from a school with a minimum of 500 hours of education in specified curriculum (or undergo portfolio review for equivalency). The school must have a valid code issued by the NCBTMB for their graduates to sit for the exams. In addition, the applicant must adhere to a code of ethics and obtain a minimum of 48 hours of CE's and document at least 200 hours of work experience to qualify to recertify every four years.

Several states asked the NCBTM to offer an exam only option without requiring that the applicant meet the requirements to become nationally certified. The results are the NESL (National Exam for State Licensing) option exams, available since 2002. These are the same exams, the NCETMB and NCETM, without the required proof of education. Those passing the exams are provided proof of passing but do not become nationally certified. The regulating states set the number of hours required to qualify for licensing in addition to the exam.

The Federation of State Massage Therapy Boards (FSMTB), incorporated in 2005, later developed their own exam (MBLEx) specifically for licensing purposes. It was launched in late 2007. As with the NESL options, there is no requirement for proof of education as each state sets the required amount of education for state regulation in addition to the exam (with California as the exception through "Pathway G").

As a result, the NESL only option makes the NCETMB and NCETM equivalent to the Massage & Bodywork Licensing Exam (MBLEx) in all being legally defensible psychometrically developed entry level exams with no proof of education required to sit for them.

It is the Boards' decision, per the December 7, 2011 meeting, to continue to recognize applicants who have passed an approved exam but have no other proof of education available.

The Board is being asked to review the decision regarding rejection of applications with the exams taken under the NESL option. By recognizing the NESL option, CAMTC would then have three approved exams that require no proof of education to sit for the exams. If the Board chooses not to recognize the NESL options, CAMTC would be effectively excluding two valid exam options that require no education, while recognizing a third.

Additionally, it has been discovered that staff has approved some number of applicants who took one of the certification exams with the NESL options, as indication of which option they tested under is not automatic.

MEMO Attachment # 4

TO: Board of Directors

FROM: Beverly May, Chief Executive Officer

DATE: January 5, 2012

RE: Amending Strategic Priorities document to include Sunset Review

December 7, 2011 the Board approved Strategic Priorities for 2012.

Staff is requesting the Board to amend the Priorities to include preparation for Sunset Review.

Prior to beginning work on the extensive Sunset Survey, the Board will have a number of significant policy decisions to make. Obviously, staff will need to know if the Board wants to continue the statewide regulation of massage. If so, study and reports will need to be presented on the various regulatory and legislative options, feasibility and pros and cons.

If the Board votes to include preparing for Sunset Review as a priority for 2012, staff will begin to prepare initial reports over the next few months. Policy decisions should be made at least by the third quarter or fourth quarter of 2012.

California Business and Professions Code Section 4600 et seq. sunsets January 1, 2015. The Joint Committee on Business, Professions and Economic Development will send CAMTC a Request for Information and a format for the report around January 2013. Since CAMTC is not a state board but a private non-profit authorized by the legislature, the survey itself will be customized for this regulatory model. The survey will be submitted to legislative staff in late 2013. Committee staff prepares a report and requests stakeholder feedback. Legislation to extend the Sunset (and other proposed changes) will be introduced by the committee in 2014 with the sunset hearing in March 2014.

Attachment #5

CAMTC Proposed Strategic Priorities for 2012

Approved by CAMTC Board December 7, 2011

Proposal to amend by inserting #4 and renumbering #5 and #6

1. Operations
 - a. Improve applicants and certificate holders experience
 - i. Responsiveness - all inquires to receive accurate and friendly response within in two business days.
 - ii. New applications to be turned around within 45 days from the time applications are complete
 - iii Shortening the denial process from 10 to 5 months
 - iv. Simplify the application process as much as possible
 - b. Evaluate management adequacy and explore options to correct deficiencies
2. Work toward a permanent resolution to the challenge of fraudulent schools
3. Initiate cleanup legislation with full cooperation of all stakeholders (associations, schools, local government and CPCA)
4. Start preparing board policy direction for Sunset Review (see attachment #4)
5. Viability- meeting budgetary milestones in coming year (9,000 new applicants and 11,000 recertification applications)
6. Local Government-Assure the uniform implementation of state law by all cities and counties by keeping the momentum of collaboration with local government officials