



CAMTC Board of Directors Meeting

February 22, 2018

Hyatt Regency Los Angeles International Airport
6225 West Century Blvd.
Los Angeles, CA. 90045

OPEN SESSION MINUTES

Directors Present: *Ron Bates, Allison Budlong, Mike Callagy, Alex Diaz, Shana Faber, Jeff Forman, Dixie Wall, Mark Dixon, Heather Forshey, Minouche Kandel*

Directors Absent: *Mike Marylander, Stephany Powell*

Staff: *Ahmos Netanel, CEO; Jon Walters, Director of Operations; Beverly May, Director of Governmental Affairs; Rick McElroy, Director of Professional Standards Division; Joe Bob Smith, Director of Educational Standards Division; Roberta Rolnick, Outreach Director*

General Counsel: *Jill England*
Special Counsel: *Alison Siegel*

Guests: *Patricia Gillette, Bernadette Murray, Laura Embleton, Jeannie Martin, Keith Grant*

1. Call to Order

Chairman Dixon called the meeting to order at 9:33am on February 22, 2018 and established a quorum.

2. Chair's comments

Chairman Dixon reminded the Board of the rules of debate.

3. Approval of Minutes

MOTION 2222018:1 Diaz/ Bates - Motion to approve open session minutes from November 2, 2017.

8-0 MOTION PASSES

ROLL CALL VOTE: 8 Yes; 0 No; 0 abstain

Ron Bates - yes
Allison Budlong - yes

Mike Callagy – yes
Alex Diaz - yes
Shana Faber - yes
Jeff Forman – yes
Dixie Wall – yes
Mark Dixon – yes

4. Consideration of waiving automatic removal based on attendance for Minouche Kandel

MOTION 2222018:2 Diaz/Forman - Motion to reinstate Minouche Kandel to the Board after automatic removal

8-0 MOTION PASSES
ROLL CALL VOTE: 8 Yes; 0 No; 0 abstain

Ron Bates - yes
Allison Budlong - yes
Mike Callagy – yes
Alex Diaz - yes
Shana Faber - yes
Jeff Forman – yes
Dixie Wall – yes
Mark Dixon – yes

5. Consideration of reducing waiting period for applicants denied for education only who did not request a hearing.

John Nam, Chief of Staff for Assembly member Kansen Chu, spoke on behalf of constituent Wei Lu of San Jose who did not understand that if she did not respond to the Proposed Denial Letter she would have to wait two years to re-apply. Assembly member Chu is requesting that Ms. Lu's waiting period be reduced.

MOTION 2222018:3 Bates/Callagy – Motion to extend debate.

MOTION PASSES 10-0
ROLL CALL VOTE: 10 Yes; 0 No; 0 abstain

Ron Bates - yes
Allison Budlong - yes
Mike Callagy – yes
Alex Diaz - yes
Shana Faber - yes
Jeff Forman – yes
Heather Forshey – yes
Minouche Kandel - yes

Dixie Wall – yes
Mark Dixon – yes

Discussion on the legal and administrative issues of creating an exception for one person, the challenge logistically of applying the requested action to all others in this situation (since our database system is not designed to search on this parameter); the reason that the past policy of a one year waiting period was later reversed.

6. Revisions to the Procedures for Denial of Certification or Discipline/Revocation

Special Counsel summarized the proposed changes to the Procedures, which have been revised to include the current policy on requests for continuances.

MOTION 2222018:4 Bates/Callagy - Motion to approve the proposed changes to the Procedures for Denial of Certification or Discipline/Revocation

MOTION PASSES 10-0

ROLL CALL VOTE: 10 Yes; 0 No; 0 abstain

Ron Bates - yes
Allison Budlong - yes
Mike Callagy – yes
Alex Diaz - yes
Shana Faber - yes
Jeff Forman – yes
Heather Forshey – yes
Minouche Kandel - yes
Dixie Wall – yes
Mark Dixon – yes

7. Revisions to the Policies and Procedures for Approval of Schools

Joe Bob Smith gave explanations for all the proposed changes.

MOTION 2222018:5 Forman/Bates - Motion to accept the proposed changes to the Policies and Procedures for Approval of Schools

Mike Callagy asked about how to inform all students, even at schools that have not applied for CAMTC approval, or have been unapproved or denied. Mr. Netanel noted that there may be a bill authored by Assembly member Chui that would require that all schools notify potential students if they are not CAMTC approved.

Selena Lee requested that the Board postpone the item until the Schools Advisory Committee can discuss (next meeting is May 30). The maker of the motion rejected this request. The issue can come back after the Schools Advisory Committee discusses it. There will be a roll-out period, so the policy will not be expected to be implemented immediately. Joe Bob explained that he and his staff work with schools one by one to help them implement new requirements.

MOTION PASSES 10-0

ROLL CALL VOTE: 10 Yes; 0 No; 0 abstain

Ron Bates - yes

Allison Budlong - yes

Mike Callagy – yes

Alex Diaz - yes

Shana Faber - yes

Jeff Forman – yes

Heather Forshey – yes

Minouche Kandel - yes

Dixie Wall – yes

Mark Dixon – yes

8. Proposed change to stop accepting foreign education

Joe Bob Smith discussed a recently conducted analysis of the Massage Therapy Act, which concluded that the Act does not allow acceptance of education completed outside of the United States. In addition to being a legal issue, it is also a practical issue – very difficult for staff to deal with out-of-country education.

MOTION 2222018:6 Callagy/Bates - Motion to cease recognizing education from foreign schools. Callagy amended his motion to refund pending applications that will fall under this policy using staff discretion regarding processing of applications in process.

MOTION PASSES

ROLL CALL VOTE: 8 Yes; 0 No; 1 abstain; 1 not present

Ron Bates - yes

Allison Budlong - Abstained

Mike Callagy – yes

Alex Diaz - yes

Shana Faber - yes

Jeff Forman – yes

Heather Forshey – yes

Minouche Kandel - yes

Dixie Wall – yes

Mark Dixon – yes

The Board went into closed session at 11:02 and returned at 11:56, then broke for lunch.

Returned to open session 12:48 pm.

9. CEO report. The CEO gave a detailed report regarding 2017 strategic priorities and accomplishments, as well as the 2018 strategic priorities. Mr. Netanel asked the Board to revise the 2018 strategic priorities as presented in the Board packet.

MOTION 2222018:7 Bates/Callagy - Move to approve 2018 Strategic priorities as amended.

Discussion of the last sentence of Goal 2.4 to limit the 25 days turnaround to apply only to those who apply at least 30 days prior to recertification.

MOTION PASSES

ROLL CALL VOTE: 10 Yes; 0 No; 0 abstain

Ron Bates - yes

Allison Budlong - yes

Mike Callagy – yes

Alex Diaz - yes

Shana Faber - yes

Jeff Forman – yes

Heather Forshey – yes

Minouche Kandell - yes

Dixie Wall – yes

Mark Dixon – yes

10. Budget

Mr. Netanel explained the CFO's memo. While the legislature does not require 6 months of reserves, it is an issue that the legislature reviews during the Sunset process. He discussed Board options: 1) cut budget; 2) pass budget with the possibility of a low reserve at the end of the year; 3) raise revenue through review and consideration of a revised fee structure (which would not go into effect under November 1 at the soonest). Mr. Netanel suggested approval of the budget as presented, as all the numbers are based on achieving Board goals. The budget can be amended again at any time. Mr. Callagy would like to consider in more depth in May. He asked at that time that staff present the actual costs of implementation of the new initiatives as well as their impact on public protection. He also suggested looking at 5%, 10% and 15% cuts and what they will look like. Mr. Netanel stated that May is probably too soon to evaluate the "sexually suggestive advertising" campaign, as it will not be fully implemented yet. Mr. Bates suggested having it on agenda for September rather than May to have more time to see the effects. Mr. Callagy agrees. Ms. Forshey also agrees but suggested that the Board be prepared to act in September, and also to consider an economic downturn. Ms. Budlong noted that more people work as massage therapists in down economies, but also that applicants now pay almost \$200 for the exam. Mr. Callagy asked to see fees in cities for comparison. Mr. Netanel noted that in 2009 the average cost for a massage permit for one city was \$498, and many massage therapists work in multiple cities. CAMTC has not yet raised fees as thus far it has covered costs and also wants to maintain the incentive to certify in cities where it is an option and less costly.

MOTION 2222018:7 Callagy/Bates - Motion to approve the budget, but to bring the budget back in September to discuss the potential effects of a fee increase – what and why; internal reviews of 5%, 10% and 15% cuts; impacts of suggestive advertising taskforce; and to post a 90 day notice on website of potential fee increase for possible discussion and vote in May.

MOTION PASSES

ROLL CALL VOTE: 10 Yes; 0 No; 0 abstain

Ron Bates - yes
Allison Budlong - yes
Mike Callagy – yes
Alex Diaz - yes
Shana Faber - yes
Jeff Forman – yes
Heather Forshey - yes
Minouche Kandel -yes
Dixie Wall – yes
Mark Dixon – yes

11. Audit committee report – 3 firms to be interviewed next week.

12. Presentation by the Thai Consulate and Nuad Thai Spa Association on the MBLEx

Mr. Sangrat, Counsel General of Thailand, spoke on behalf of the Thai government and the several hundred members of the Nuad Thai Spa Association regarding the issue of the language barrier that many applicants face when trying to pass the MBLEx.

Mr. Netanel clarified that CAMTC only has one vote in FSMTB, and translation is up to the FSMTB Board.

MOTION 2222018:8 Bates/Faber - Motion to have CAMTC Board ask the FSMTB to consider language options that may be viable for the MBLEx.

MOTION PASSES

ROLL CALL VOTE: 9 Yes; 0 No; 0 abstain

Ron Bates - yes
Allison Budlong - yes
Mike Callagy – not present
Alex Diaz - yes
Shana Faber - yes
Jeff Forman – yes
Heather Forshey -yes
Minouche Kandel -yes
Dixie Wall – yes
Mark Dixon – yes

13. Treasurers Report presented by Ahmos Netanel as Mike Marylander was not able to attend this meeting. CAMTC is in good financial position, with a strong ratio of certificate holders who recertify. Modest numbers of new applicants are expected.

14. Report on Local Government: Beverly May reported on her contacts with city and county staff and elected officials who responded to the letters sent by CEO Netanel and Chairman Dixon; work with Bakersfield on new ordinance; meeting with the League of California Cities; activity with anti-human trafficking organizations; and the new database (Certification and Management System).

15. Educational Standards Director Report – Joe Bob Smith reported that 90 schools (93 campuses, 83 currently operating) are currently approved, one new application has been received, 35 schools are due for renewal, and three schools have been denied thus far. Mr. Smith also discussed first time pass rates at schools, outreach to schools, and events he’s attended.

16. Professional Standards Director Report – Rick McElroy stated that in 2017 he trained over 150 agencies and over 443 officers; since 2014, 475 agencies and 1,400 officers. Los Angeles city is now working with Mr. McElroy to offer trainings throughout the various LA bureaus.

17. Outreach Director Report - Roberta Rolnick reported on the numerous upcoming events and staff presence at each for A2Z expo; AMTA annual education Conference; and CA Chiefs Symposium. Ms. Rolnick noted her work on outreach materials including those for ESD, PSD, certificate holder surveys and Governmental Affairs outreach to local government.

18. Items on agenda that were tabled:

- Continuing education
- Consideration of acceptance of education from individual applicants whose education was completed at schools on the “Application Received” list at the time of submission of the individual application for certification, but whose schools are later purged
- Re-opening the limited recertification option
- Staff expense policy amendment

Ahmos mentioned that the September Board meeting may need to be moved due to the League of CA Cities Conference – either to Sept 5 or the end of the month.

Chairman Dixon adjourned the meeting at 4:25 pm.

Minutes Approved: May 31, 2018

Allison Budlong, Secretary