



## TABLE of CONTENTS

<i><u>Document</u></i>	<i><u>Page</u></i>
Notice and Agenda	2
Nomination Letter for Allison Budlong	4
2015 Budget	5
Policies and Procedures for Approving Schools	12
Amendments to Procedures for Un-Approval of Schools	25
Amendments to Procedures for Denial of Certification or Discipline/Revocation	31
Amendments to Criteria for Proof of Rehabilitation	39
Chief Executive Officer's Report	40
Treasurer's Report	42
Director of Governmental Affairs and Special Projects' Report	48
Director of ESD's Report	51
Re-evaluation of CAMTC's Recognized Exams	52
Utilizing Workplace Locality on CAMTC's Public and LE Website	54
Treating School as Closed if BPPE Approval lost and not Disciplinary in Nature	56



**Sent and Posted: Monday December 1, 2014**

NOTICE OF PUBLIC MEETING

Thursday, December 11, 2014 - 9:45 a.m.  
The Concourse Hotel at LAX  
6225 W Century Blvd,  
Los Angeles, CA 90045  
Laguna Room

AGENDA

1. Call to order and establish quorum
2. Seating of a new Board Member
3. Chair's Comments
4. Approval of Minutes from September 30, 2014 and October 1, 2014 meetings
5. 2015 Budget
6. Policies and Procedures for Approving Schools
7. Amendments to Procedures for Un-Approval of Schools
8. Amendments to Procedures for Denial of Certification or Discipline/Revocation
9. Amendments to Criteria for Proof of Rehabilitation
10. Massage school presentations
11. Chief Executive Officer's Report
12. Treasurer's Report
13. Director of Governmental Affairs and Special Projects' Report
14. Director of PSD's Report

15. Director of ESD's Report
16. Closed Session with CAMTC Legal Counsel Pursuant to California Government Code Section 11126(e)
17. Closed Session regarding the appointment, employment, evaluation of performance, or dismissal of an employee pursuant to California Government Code Section 11126(a)
18. Return to open session and announce action taken in closed session, if any, under item 17
19. CEO's compensation
20. Re-evaluation of CAMTC's recognized exams
21. Water modalities
22. Utilizing workplace locality on CAMTC's public and law enforcement websites
23. Board of Directors – standard operating procedures
24. Treating schools as closed if the school was closed due to denial or revocation of BPPE approval which was not disciplinary in nature
25. Presentation by Coalition to Abolish Slavery & Trafficking (CAST)
26. Future agenda items and scheduling of 2015 meetings
27. Adjourn

*All agenda items are subject to discussion and possible action.* 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 Sheryl LaFlamme at (916) 669-5336 or One Capitol Mall, Suite 320 Sacramento CA 95814 or via email at [camtc@amgroup.us](mailto: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>



October 23, 2014

Ahmos Netanel  
[anetanel@camtc.org](mailto:anetanel@camtc.org)  
 California Massage Therapy Council  
 One Capitol Mall, Ste 320  
 Sacramento, CA 95814

Dear Ahmos,

It looks like the reauthorization for the Council went somewhat according to plan. The BPPE reauthorization will probably be graded out as incomplete so we will probably see clean-up language next year.

Joe Bob Smith informed me that he resigned his seat on the Council. I appreciated his work as I am sure you did.

I have another CAPPS representative to nominate to the Council. She is Allison McLeod Budlong of National Holistic Institute (NHI). She is the Manager of their Alumni Services and is very familiar with CAMT policies and procedures as her work entails assisting NHI graduates with obtaining licensure. She has also worked closely with Joe Bob Smith, which should ensure a seamless transition.

Please contact me if there is something else I can be of assistance with in the nomination process.

Regards,

Robert Johnson  
 Executive Director

CC Joe Bob Smith, NHI  
 Mason Myers, NHI

**CALIFORNIA MASSAGE THERAPY COUNCIL**  
(12/11/14)  
**PROPOSED PRELIMINARY BUDGET 2015**

Typically, CAMTC's Board approves a preliminary budget for the following year at the last Board meeting of the current year and then approves the final budget during the first meeting of the budget year. That protocol allowed the budget to be based on actual starting numbers and not projected. This process will be especially important for the 2015 budget. In addition to implementing real beginning starting cash numbers, CAMTC is facing numerous unknowns in 2015, which are addressed below.

The fees charged by the Educational Standards Division (ESD) will not be sufficient to cover all expenses incurred by ESD. The shortfall will be covered by CAMTC's general budget during 2015, but we expect that by 2017 ESD will be able to generate a surplus that will reimburse the general budget.

CAMTC's preliminary proposed budget for 2015 is a balanced budget based on a set of assumptions that reflect historical data. Projected total revenue is \$4,174,520, with total expenses of \$4,170,000, netting an operating surplus of \$4,520 for the year. Projected year-end cash is \$3,211,530, which equals more than nine months of operating expenses.

*The following revenue recognition formulas for 2015 are unchanged:  
New applications - 37% when received, 39% when issued and 24% over 24 months.*

*Recertification - 46% when received, 42% when approved, and 12% over 24 months.*

**REVENUE:**

**Revenue projections:** Making precise revenue projections for 2015 may prove to be a humbling exercise. It is difficult to predict how the substantive changes in CAMTC's enabling law will impact the demand for certification. It is safe to assume that the additional cost and effort associated with the new the exam requirement (which CAMTC fully supported) will result in a drop in new applications at the beginning of the year. We do anticipate that as the year progresses, the industry will adjust and by the end of the year the monthly volume of applications will re-adjust to nearly 2014 levels.

In addition to the above factors, there are two additional dynamics that may influence the number of new applications as well as the percentage of re-certifications. On one hand, the erosion of the value proposition that CAMTC's certification represents to certificate holders (such as the insulation from certain onerous local regulations) as well to those who employ them, may prove to have a chilling affect on demand and may act as disincentive for massage professionals to voluntarily pursue and maintain CAMTC's certification. On the other hand, the consistent trend of cities and counties mandating CAMTC's certification may result in increased demand for certification. It is difficult to project the net effect of these two opposing forces and whether each will end up balancing out the other.

The above considerations were incorporated into multiple extrapolation models used in making the revenue assumptions for the 2015 budget. At the end of the day, such projections can only be described as “educated guesses”. We believe that by March 1, 2015 clearer trends will emerge, enabling more accurate projections.

**Certification fees** - At this point, we recommend keeping all fees at current levels.

**New Applications Received** – Based on an estimate of 750 applications per month in January, 2015, escalating to 1,000 by December, 2015, which is 12% below the average of the first 10 months of 2014. Revenue recognition: 37% of the \$150 per application received.

**Certificates Issued** – Based on an average of 82% of all applications received being certified. Recognizing the revenue at 39% of the \$150 received.

**Renewals Applied** – Based on the actual database number of persons eligible for recertification by month, and the assumption that 70% of eligible certificate holders will apply for rectification, which is a 15% drop from current recertification rate (first eight months of 2014 the average rectification rate was 78%). Recognizing the revenue at 46% of the \$150 received.

**Renewals Approved** – Based on 92% renewal approval ratio. Recognizing the revenue at 42% of the \$150 received.

**Deferred Prior Years and Current Year** - Based on the number of applications received over 24 months. Deferral of 12% for renewals over 24 months and 24% of new applications received over 24 months.

- **Denied Applications and Purged Revoked, etc.** – Based on current year history and expected trend.

**Miscellaneous Fees** – Based on current year history and expected trend.

### **OPERATING EXPENSES:**

**BOARD EXPENSES:** Expenses are based on four to five board meetings, with one 2-day planning meeting.

**OUTREACH/MARKETING EXPENSES:** Includes all expenses related to the promotion of the organization and public relations. Communication expense is 100% larger than 2014 but may need to be increased even more to meet the Board’s sunset objectives.

**GENERAL & ADMINISTRATIVE EXPENSES:** Includes all expenses related to the general operation of the organization. The budget is based on known expenditures for equipment or supplies along with historical data from current year and development of a new database system starting the second quarter at an initial estimated cost of \$150,000.

**EXECUTIVE STAFF:** Includes all expenses related to executive staff (CEO and Government Relations Director). Travel was cut back from the 2014 budget but may need to be increased to meet the Board’s strategic priorities. The budget does allow for

a 4% increase on wages, and benefits allowances for all staff members (PSD, ESD and Executive) on the anniversary date of each employee. This increase is not automatic and must be approved by the CEO prior to implementation. Only the Board can approve any change to the CEO's compensation.

**PROFESSIONAL STANDARDS DIVISION:** This includes all expenses related to the staff and operations of PSD. The proposed budget allows for the current staff including a third in-house attorney starting in March. Staff costs are based on the 2014 YTD hours for each employee. The budget does not allow for the addition of other personnel for increased hearings and reviews because our immediate priority is reducing the notice of decisions backlog. There is a real possibility that PSD's workload will increase in 2015 because of increase cooperation with law enforcement agencies and the discontinuance of local permitting by many jurisdictions. However, the new exam requirement may result in reduction of the number of applicants with educational and /or background issues.

**GENERAL STAFFING EXPENSES:** Includes payroll services, payroll taxes and workers' compensation insurance. Expenses are based on known salaries and prior year history.

**PROFESSIONAL SERVICES EXPENSES:** Includes application processing expenses, legal-general, accounting/audit and consulting. Expenses are based on current agreed fees.

**CAMTC  
PROPOSED 2015 BUDGET (12/4/14 Revised)**

	January 2015	February 2015	March 2015	April 2015	May 2015	June 2015	July 2015	August 2015	September 2015	October 2015	November 2015	December 2015	TOTAL 2015
<b>REVENUE</b>													
Number of new applications deposited	750	750	900	900	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	11,300
1 New Application Fees Recognized (37% of \$150)	\$ 41,625	\$ 41,625	\$ 49,950	\$ 49,950	\$ 55,500	\$ 55,500	\$ 55,500	\$ 55,500	\$ 55,500	\$ 55,500	\$ 55,500	\$ 55,500	\$ 627,150
Certificates Issued	623	623	747	747	830	830	830	830	830	830	830	830	9,380
2 Certificates Recognized (39% of \$150)	\$ 36,416	\$ 36,416	\$ 43,700	\$ 43,700	\$ 48,555	\$ 48,555	\$ 48,555	\$ 48,555	\$ 48,555	\$ 48,555	\$ 48,555	\$ 48,555	\$ 548,672
Renewals-Applied	1376	907	1183	1140	1168	1061	1329	1409	1387	2098	1413	1457	15,928
3 Renewals Recognized (46% of \$150)	\$ 94,944	\$ 62,583	\$ 81,627	\$ 78,660	\$ 80,592	\$ 73,209	\$ 91,701	\$ 97,221	\$ 95,703	\$ 144,762	\$ 97,497	\$ 100,533	\$ 1,099,032
Renewals-Approved	1266	834	1088	1049	1074	976	1222	1296	1276	1930	1300	1341	14,652
4 Renewals Recognized (42% of \$150)	\$ 79,758	\$ 52,542	\$ 68,544	\$ 66,087	\$ 67,725	\$ 61,488	\$ 77,049	\$ 81,648	\$ 80,388	\$ 121,590	\$ 81,900	\$ 84,420	\$ 923,139
Deferred Current / Prior Years													
5 Deferred Current Year (New Apps 24% of \$150 /24),(Renewals 12% of \$150/24)	\$ -	\$ 2,157	\$ 3,962	\$ 6,200	\$ 8,405	\$ 10,781	\$ 13,076	\$ 15,573	\$ 18,130	\$ 20,670	\$ 23,744	\$ 26,303	\$ 149,001
6 Deferred Prior Yrs (New Apps 24% of \$150 /24),(Renewals 12% of \$150/24)	\$ 60,564	\$ 57,096	\$ 54,087	\$ 51,337	\$ 48,652	\$ 46,268	\$ 43,505	\$ 40,840	\$ 38,150	\$ 35,379	\$ 32,670	\$ 30,783	\$ 539,331
Denied Applications	20	20	20	20	20	20	25	25	25	25	25	25	270
7 Denied Applications Recognized (63% of \$150)	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 2,363	\$ 2,363	\$ 2,363	\$ 2,363	\$ 2,363	\$ 2,363	\$ 25,515
Purged/Revoked/Sus/Cancelled/Nullified	20	20	20	20	20	20	20	20	20	20	20	20	240
8 Purged Applications Recognized (63% of \$150)	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 1,890	\$ 22,680
Number of School Applications	6	15	31	65	16	5	2	2	1	1	2	4	150
New School Application Fees recognized (37% of \$750)	\$ 1,665	\$ 4,163	\$ 8,603	\$ 18,038	\$ 4,440	\$ 1,388	\$ 555	\$ 555	\$ 278	\$ 278	\$ 555	\$ 1,110	\$ 41,625
Schools Approved							6	15	31	65	16	5	138
School Approvals recognized (39% of \$750)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,755	\$ 4,388	\$ 9,068	\$ 19,013	\$ 4,680	\$ 1,463	\$ 40,365
Deferred Current/Prior Years													
Deferred Current Year (New Apps 24% of \$750 /24),(Renewals 12% of \$750/24)	\$ -	\$ 45	\$ 158	\$ 390	\$ 878	\$ 998	\$ 1,035	\$ 1,073	\$ 1,144	\$ 1,268	\$ 1,519	\$ 1,594	\$ 10,099
Deferred Prior Yrs (New Apps 24% of \$750 /24),(Renewals 12% of \$750/24)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9 Hearing Fees	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 24,000
10 Re-certification Late Fees	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 120,000
11 Returned Check/Miscellaneous Fees	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 84,000
<b>Total Fee Revenue</b>	<b>\$ 336,087</b>	<b>\$ 275,199</b>	<b>\$ 324,650</b>	<b>\$ 318,714</b>	<b>\$ 332,209</b>	<b>\$ 318,581</b>	<b>\$ 352,638</b>	<b>\$ 362,590</b>	<b>\$ 359,679</b>	<b>\$ 449,709</b>	<b>\$ 363,119</b>	<b>\$ 369,347</b>	<b>\$ 4,162,520</b>
Interest	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 12,000
<b>Total Other Revenue</b>	<b>\$ 1,000</b>	<b>\$ 12,000</b>											
<b>TOTAL REVENUE</b>	<b>\$ 337,087</b>	<b>\$ 276,199</b>	<b>\$ 325,650</b>	<b>\$ 319,714</b>	<b>\$ 333,209</b>	<b>\$ 319,581</b>	<b>\$ 353,638</b>	<b>\$ 363,590</b>	<b>\$ 360,679</b>	<b>\$ 450,709</b>	<b>\$ 364,119</b>	<b>\$ 370,347</b>	<b>\$ 4,174,520</b>
<b>OPERATING EXPENSES</b>													
<b>Board &amp; Committee Expenses</b>													
14 Board Travel	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 1,379	\$ 16,548
15 Facility/Banquet	2,706	2,706	2,706	2,706	2,706	2,706	2,706	2,706	2,706	2,706	2,706	2,706	32,472
16 Printing /Supplies/Postage	24	24	24	24	24	24	24	24	24	24	24	24	288
17 Conference Calls	18	18	18	18	18	18	18	18	18	18	18	18	216

83%

70% of 2013 certified

92%

6 months after apply

18	<b>Total Board &amp; Committee Expenses</b>	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 4,127	\$ 49,524
	<b>Outreach/Marketing</b>													
19	Communications & Promotion	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 3,237	\$ 38,844
20	Public Relations	3,264	3,264	3,264	3,264	3,264	3,264	3,264	3,264	3,264	3,264	3,264	3,264	39,168
21	Communications Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-
22	<b>Total Outreach/Marketing</b>	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 6,501	\$ 78,012

	<b>General Administrative</b>													
23	Office Supplies	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 176	\$ 2,112
24	Office Rental - Sacramento	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040	48,480
25	Office Furniture/Equipment	50	50	50	50	50	50	50	50	50	50	50	50	600
26	Printing/Copying	1,609	1,609	1,609	1,609	1,609	1,609	1,609	1,609	1,609	1,609	1,609	1,609	19,308
27	Records Shredding	-	600	-	-	-	-	-	600	-	-	-	-	1,200
28	Postage/Mailing	1,961	1,961	1,961	1,961	1,961	1,961	1,961	1,961	1,961	1,961	1,961	1,961	23,532
29	Telephone/Fax	148	148	148	148	148	148	148	148	148	148	148	148	1,776
30	Dues/Subscriptions-Software/Licenses	454	454	454	454	454	454	454	454	454	454	454	454	5,448
31	Insurance-D&O/E&O/GL	2,302	2,302	2,302	2,302	2,302	2,302	2,302	2,302	2,302	2,302	2,302	2,302	27,624
32	Banking/credit card fees	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	84,000
33	Staff Travel	599	599	599	599	599	599	599	599	599	599	599	599	7,188
34	Certification/Materials/Printing/Mailing	9,810	9,810	9,810	9,810	9,810	9,810	9,810	9,810	9,810	9,810	9,810	9,810	117,720
35	Database Maintenance	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	13,920
36	Database Development	625	625	625	17,645	17,645	17,645	17,645	17,645	17,645	17,645	17,645	17,645	160,680
37	Amortization Expense													-
38	Miscellaneous	240	240	240	240	240	240	240	240	240	240	240	240	2,880
39	<b>Total General Administrative</b>	\$ 30,174	\$ 30,774	\$ 30,174	\$ 47,194	\$ 47,194	\$ 47,194	\$ 47,194	\$ 47,794	\$ 47,194	\$ 47,194	\$ 47,194	\$ 47,194	\$ 516,468

	<b>Executive Staff</b>													
40	Senior Management Team	\$ 25,985	\$ 25,985	\$ 25,985	\$ 26,725	\$ 27,025	\$ 27,025	\$ 27,025	\$ 27,025	\$ 27,025	\$ 27,025	\$ 27,025	\$ 27,025	\$ 320,880
41	Senior Staff-Contingency-Requires BOD Approval	-	-	-	-	-	-	-	-	-	-	-	-	-
42	Benefit Allowance	6,019	6,019	6,019	6,238	6,260	6,260	6,260	6,260	6,260	6,260	6,260	6,260	74,375
43	Off Site - Office Rental	1,968	1,968	1,968	1,968	1,968	1,968	1,968	1,968	1,968	1,968	1,968	1,968	23,616
44	Vacation Expense	865	865	865	865	865	865	865	865	865	865	865	865	10,380
45	Travel & Meetings	3,835	3,835	3,835	3,835	3,835	3,835	3,835	3,835	3,835	3,835	3,835	3,835	46,020
46	Cell Phone	214	214	214	214	214	214	214	214	214	214	214	214	2,568
47	Supplies	95	95	95	95	95	95	95	95	95	95	95	95	1,140
48	Equipment/Furniture	175	175	175	175	175	175	175	175	175	175	175	175	2,100
49	Phone - land Line-DSL	132	132	132	132	132	132	132	132	132	132	132	132	1,584
50	Miscellaneous	5	5	5	5	5	5	5	5	5	5	5	5	60
51	<b>Total Executive Staff</b>	\$ 39,293	\$ 39,293	\$ 39,293	\$ 40,252	\$ 40,574	\$ 40,574	\$ 40,574	\$ 40,574	\$ 40,574	\$ 40,574	\$ 40,574	\$ 40,574	\$ 482,723

	<b>Professional Standards Division</b>													
52	Management	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$7,800	\$ 93,596
54	Clerical	28,855	28,855	28,855	29,021	29,027	29,193	29,360	29,526	29,693	29,859	30,032	30,390	352,666
55	Field Investigators	17,054	17,054	17,054	17,306	17,306	17,587	17,587	17,587	17,587	17,753	17,753	17,753	209,381

Rick McElroy

56	Employee Benefits Allowance	4,744	4,744	4,744	4,778	4,778	4,828	4,828	4,828	4,828	4,845	4,881	4,881	57,707
57	PTO Expense	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	24,000
58	Supplies	144	144	144	144	144	144	144	144	144	144	144	144	1,728
59	Cell Phones	1,610	1,610	1,610	1,610	1,610	1,610	1,610	1,610	1,610	1,610	1,610	1,610	19,320
60	Travel	1,679	1,679	1,679	1,679	1,679	1,679	1,679	1,679	1,679	1,679	1,679	1,679	20,148
61	Conference Calls	674	674	674	674	674	674	674	674	674	674	674	674	8,088
62	Dept Meetings	43	43	43	43	43	43	43	43	43	43	43	43	516
63	Equipment	10	10	10	10	10	10	10	10	10	10	10	10	120
64	Legal Attorneys - Denials/Litigation	36,400	36,400	36,400	36,400	36,400	36,400	36,400	36,400	36,400	36,400	36,400	36,400	436,800
65	Legal - In - House (salary & benefit allowance)	16,632	16,632	23,799	23,799	23,799	24,632	24,632	24,632	24,632	24,632	24,632	24,632	277,085
66	Investigations (SSA)	367	367	367	367	367	367	367	367	367	367	367	367	4,404
67	Court Record Fees	99	99	99	99	99	99	99	99	99	99	99	99	1,188
68	Appeals+ Denials Printing/Supplies/Mailing	125	125	125	125	125	125	125	125	125	125	125	125	1,500
69	Miscellaneous	178	178	178	178	178	178	178	178	178	178	178	178	2,136
70	<b>Total Professional Standards Division</b>	<b>\$ 118,414</b>	<b>\$ 118,414</b>	<b>\$ 125,581</b>	<b>\$ 126,033</b>	<b>\$ 126,039</b>	<b>\$ 127,369</b>	<b>\$ 127,536</b>	<b>\$ 127,702</b>	<b>\$ 127,869</b>	<b>\$ 128,218</b>	<b>\$ 128,427</b>	<b>\$ 128,785</b>	<b>\$ 1,510,383</b>
	<b>Educational Standards Division</b>													
71	Management	\$7,417	\$7,417	\$7,417	\$7,417	\$7,417	\$7,417	\$7,417	\$7,417	\$7,417	\$7,417	\$7,417	\$7,413	\$ 89,000
72	Clerical	2,917	2,917	2,917	2,917	2,917	2,917	2,917	2,917	2,917	2,917	2,917	2,913	35,000
73	Field Investigators	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	66,000
74	Employee Benefits Allowance	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	15,000
75	PTO Expense	-	-	-	-	-	-	-	-	-	-	-	-	-
76	Supplies	100	100	100	100	100	100	100	100	100	100	100	100	1,200
77	Cell Phones/Landlines	250	250	250	250	250	250	250	250	250	250	250	250	3,000
78	Travel	2,595	2,595	2,595	2,595	2,595	2,595	2,595	2,595	2,595	2,595	2,595	2,595	31,140
79	Conference Calls	300	300	300	300	300	300	300	300	300	300	300	300	3,600
80	Mailings	313	313	313	313	313	313	313	313	313	313	313	307	3,750
81	Miscellaneous	100	100	100	100	100	100	100	100	100	100	100	100	1,200
82	<b>Total Professional Standards Division</b>	<b>\$ 20,742</b>	<b>\$ 20,728</b>	<b>\$ 248,890</b>										
	<b>Staff General Expenses</b>													
83	Insurance (Workers' Comp)	\$ -	\$ -	\$ 8,934	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,934	\$ 17,868
84	Payroll Taxes (Exec Staff and PSD)	8,209	8,209	8,209	8,209	8,209	8,209	8,209	8,209	8,209	8,209	8,209	8,209	98,508
85	Payroll Services (all staff)	147	147	147	147	147	147	147	147	147	147	147	147	1,764
86	<b>Total Staff General Expenses</b>	<b>\$ 8,356</b>	<b>\$ 8,356</b>	<b>\$ 17,290</b>	<b>\$ 8,356</b>	<b>\$ 17,290</b>	<b>\$ 118,140</b>							
	<b>Professional Services</b>													
87	Accounting/Audit	923	923	923	923	923	923	923	923	923	923	923	923	\$ 11,076
88	Application Processing	86,333	86,333	86,333	86,333	86,333	86,333	86,333	86,333	86,333	86,333	86,333	86,333	1,035,996
89	Consulting	-	-	-	-	-	-	-	-	-	-	-	-	-
90	Legal general counsel & routine	5,899	5,899	5,899	5,899	5,899	5,899	5,899	5,899	5,899	5,899	5,899	5,899	70,788
91	<b>Total Professional Services</b>	<b>\$ 93,155</b>	<b>\$ 1,117,860</b>											
92	<b>Sub-total Operating Expenses</b>	<b>\$ 320,762</b>	<b>\$ 321,362</b>	<b>\$ 336,863</b>	<b>\$ 346,360</b>	<b>\$ 346,688</b>	<b>\$ 348,018</b>	<b>\$ 348,185</b>	<b>\$ 348,951</b>	<b>\$ 348,518</b>	<b>\$ 348,867</b>	<b>\$ 349,076</b>	<b>\$ 358,354</b>	<b>\$ 4,122,000</b>

New attorney @ 80,000 starts March 20

Joe Bob Smith

93	Miscellaneous Contingency	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 48,000	
94	<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 324,762</b>	<b>\$ 325,362</b>	<b>\$ 340,863</b>	<b>\$ 350,360</b>	<b>\$ 350,688</b>	<b>\$ 352,018</b>	<b>\$ 352,185</b>	<b>\$ 352,951</b>	<b>\$ 352,518</b>	<b>\$ 352,867</b>	<b>\$ 353,076</b>	<b>\$ 362,354</b>	<b>\$ 4,170,000</b>	
95	<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>\$ 12,325</b>	<b>\$ (49,163)</b>	<b>\$ (15,213)</b>	<b>\$ (30,646)</b>	<b>\$ (17,479)</b>	<b>\$ (32,436)</b>	<b>\$ 1,453</b>	<b>\$ 10,639</b>	<b>\$ 8,161</b>	<b>\$ 97,842</b>	<b>\$ 11,043</b>	<b>\$ 7,993</b>	<b>\$ 4,520</b>	
	<i>OPERATING SURPLUS / (DEFICIT) YTD</i>	<i>\$ 12,325</i>	<i>\$ (36,837)</i>	<i>\$ (52,050)</i>	<i>\$ (82,696)</i>	<i>\$ (100,174)</i>	<i>\$ (132,611)</i>	<i>\$ (131,158)</i>	<i>\$ (120,519)</i>	<i>\$ (112,358)</i>	<i>\$ (14,516)</i>	<i>\$ (3,473)</i>	<i>\$ 4,520</i>	<i>\$ 4,520</i>	
<b>CASH FLOW PROJECTIONS - 2014</b>															
<i>Cash Flow from Operations</i>														<b>Annual</b>	
	Cash Received	\$ 343,400	\$ 279,800	\$ 355,700	\$ 374,750	\$ 357,200	\$ 332,900	\$ 370,850	\$ 382,850	\$ 378,800	\$ 485,450	\$ 383,450	\$ 391,550	\$ 4,436,700	
	Cash Expenses	\$ (324,762)	\$ (325,362)	\$ (340,863)	\$ (350,360)	\$ (350,688)	\$ (352,018)	\$ (352,185)	\$ (352,951)	\$ (352,518)	\$ (352,867)	\$ (353,076)	\$ (362,354)	\$ (4,170,000)	
	<b>Total Cash Flow from Operations</b>	<b>\$ 18,638</b>	<b>\$ (45,562)</b>	<b>\$ 14,837</b>	<b>\$ 24,390</b>	<b>\$ 6,512</b>	<b>\$ (19,118)</b>	<b>\$ 18,665</b>	<b>\$ 29,899</b>	<b>\$ 26,282</b>	<b>\$ 132,583</b>	<b>\$ 30,374</b>	<b>\$ 29,196</b>	<b>\$ 266,700</b>	
<i>Cash Flow from Financing</i>															
	Other													\$ -	\$ -
	<b>Total Cash Flow from Financing</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>Starting Cash</b>	<b>\$ 2,944,830</b>	\$ 2,963,468	\$ 2,917,907	\$ 2,932,744	\$ 2,957,134	\$ 2,963,647	\$ 2,944,529	\$ 2,963,194	\$ 2,993,094	\$ 3,019,376	\$ 3,151,959	\$ 3,182,334	\$ 2,944,830	
	<b>Ending Cash</b>	<b>\$ 2,963,468</b>	\$ 2,917,907	\$ 2,932,744	\$ 2,957,134	\$ 2,963,647	\$ 2,944,529	\$ 2,963,194	\$ 2,993,094	\$ 3,019,376	\$ 3,151,959	\$ 3,182,334	<b>\$ 3,211,530</b>	<b>\$ 3,211,530</b>	

DRAFT 12/4/14



## 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 must meet minimum standards for training and curriculum.

### 1. Eligibility for approval.

In order to receive and maintain CAMTC approval, a massage school, and any satellite location(s), must meet ALL of the following requirements:

- A. The school offers a program clearly identified as a professional massage program that grants students a certificate, diploma, or degree in massage. Other professional education programs that include massage as a component of their programs are not eligible.
- B. Massage program(s) provides an organized plan of study of massage and related subjects for a minimum of 500 supervised clock hours (or credit unit equivalent) containing, at minimum, 100 hours of instruction addressing subjects specified by the Law and CAMTC, including but not limited to: anatomy and physiology; contraindications; health and hygiene; and business and ethics. The massage program(s) shall also incorporate appropriate school assessment of student knowledge and skills. CAMTC does not accept online or distance learning hours including, but not limited to, externships, homework, and self-study or credits through challenge examinations, achievement tests, or experiential learning.
- C. The school and/or massage program is not currently unapproved by CAMTC.
- D. The school and corresponding massage program(s) must also meet at least one of the following requirements:
  - a. Approved by the California Bureau for Private Postsecondary Education (BPPE).
  - b. Approved by the California Department of Consumer Affairs.
  - c. Accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western

Association of Schools and Colleges and that is one of the following:

- (1) A public school.
  - (2) A school incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.
  - (3) A for-profit school.
  - (4) A school that does not meet all of the criteria in subparagraph (2) that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit.
- d. A college or university of the state higher education system, as defined in Section 100850 of the Education Code.
  - e. A school requiring equal or greater training than what is required pursuant to this chapter and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

## 2. Approval Process.

- A. Complete the application packet entirely and submit all requested documents.
- B. Pay the application fee. If approved, this non-refundable fee provides for two (2) full years of CAMTC approval, so long as the school maintains the requirements for approval set forth herein and is not in violation of CAMTC's Procedures for Un-Approval of Schools.
- C. Host a scheduled site visit from a CAMTC representative who will verify information submitted in the application packet.
- D. Within 90 days of the site visit, CAMTC will send a letter to the school notifying it of CAMTC's decision to approve the school, propose to un-approve the school or propose to otherwise act against the school in accordance with CAMTC's Procedures for Un-Approval of Schools, or notify the school that corrective action is needed in accordance with the procedures set forth herein.
  - a. Request for Corrective Action. CAMTC, in its sole discretion, may determine that specific corrective action is needed. If CAMTC determines that corrective action is needed, it will send a letter to the school notifying it of the specific corrective action requested, and specify a time period for the school to take the requested corrective action and provide proof to CAMTC that the requested corrective action has been taken. Within 90 days of the school's deadline to provide proof that it has taken the specific corrective action requested pursuant to this section, CAMTC will send a

letter to the school notifying it of CAMTC's proposed decision to approve the school, un-approve the school, or otherwise act against the school in accordance with CAMTC's Procedures for Un-Approval of Schools.

### 3. Important Dates.

- A. July 1, 2016. As of this date, CAMTC will accept, for purposes of certifying individuals who received massage education in California, only those hours from schools approved by CAMTC pursuant to these procedures.
- B. April 20, 2015. To ensure a site visit and approval by July 1, 2016, a school must apply by this date. Schools applying after this date or schools sent a letter requesting corrective action, proposed for un-approval or proposed to be otherwise acted against may not be approved by July 1, 2016.
- C. All schools sent an official letter from CAMTC on or before July 1, 2016 notifying them that the school has been approved, will have an effective approval date of two years starting on July 1, 2016. Schools that have received official written notice of approval from CAMTC may not verify or represent to others in any manner whatsoever that they are CAMTC approved until on or after January 1, 2016.
- D. Schools approved after July 1, 2016, will have an effective date of two years starting on the date of approval.

### 4. Application Packet.

A School Approval Code issued by CAMTC is for a single location and specific owner(s) and may not be used for any other locations, schools, or owners. Therefore, for each location or school, a separate application, fee, and requested materials must be submitted in a three-ring binder in which the following shall be labeled, with its own divider, in this order and in electronic pdf format on a flash drive:

#### A. Application

- a. There shall be two different applications for approval: one for schools that have been accredited by an entity that has been accepted by CAMTC pursuant to Business and Professions Code section 4615 (accredited application), and one for schools that have not been accredited by an entity accepted by CAMTC pursuant to Business and Professions Code section 4615 (non-accredited application).
- b. The appropriate application as designated for accredited and non-accredited schools must be completed in its entirety, typed, signed, dated, and accompanied by a non-refundable application fee of \$750.00 (application fee waived for a public college or university of the state higher education system, as defined in Section 100850 of the Education Code).

## B. Approvals

- a. Documented proof of current approval or accreditation by an agency accepted by CAMTC pursuant to Business and Professions Code section 4615. Schools with more than one approval or accreditation shall submit proof of all.
- b. Accredited schools must submit a copy of the school's latest massage program accreditation report. CAMTC, in its sole discretion, may use this report in lieu of an initial site visit, though CAMTC reserves the right to visit any approved school or school applying for approval during regular business hours with or without notice at any time whatsoever and for any reason.

## C. Management

- a. Organizational chart showing owners and all 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, and administrative personnel.
- b. Ownership worksheet with affidavits (included with application) and copy of a current valid government issued photographic identification for all owners of the school.
- c. Copy of property tax bill or lease agreement proving that the owner(s) either own or lease the property where the school is located.
- d. Copy of the local business license and fictitious business name filing (if any).
- e. 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.

## D. Transcripts

- a. Sample transcript with no additional markings.
- b. Sample transcript 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.
- b. Enrollment agreement checklist (included with application).

#### F. Course Catalog

- a. Current course catalog.
- b. Course catalog checklist (included with application).

#### G. Curriculum

- a. Program hour requirement worksheet (included with application).
- b. Calendar for each program noting program beginning and end dates and the courses and hours taught each day.
- c. Syllabi detailing all massage courses.
- d. List of textbooks, educational materials, and classroom equipment used.
- e. Policies for creating, reviewing, and updating curriculum.

#### H. Faculty

- a. Faculty list worksheet (included with application).
- b. Resumes for all faculty (including visiting teachers, volunteers, and all those who will be teaching on a part-time or temporary basis).
- c. Policies and procedures for hiring, training, reviewing, and disciplining staff.
- d. Faculty in-service and/or continuing education training policy and attendance records.
- e. Student to teacher ratios.

#### 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) Classrooms.

(4) All areas utilized for student clinic.

J. Advertising

- a. Copies of all online and print advertisements and marketing materials within the last six months.

5. Requirements for Approval.

To achieve and maintain approval, schools must fulfill the requirements of all other approving and/or accrediting agencies through which they are accredited or approved, including the BPPE, and comply with all of the following provisions:

A. Administration

- a. Continuously maintain all eligibility requirements.
- b. Include CAMTC School Approval Code in any and all 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 must match the records of all other approving and/or accrediting agencies that have approved or accredited the school.
- 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 must match the records of all other approving and/or accrediting agencies that have approved or accredited the school.
- f. Teach all classes and conduct business only at address(es) matching CAMTC records, which must match the records of all other approving and/or accrediting agencies that have approved or accredited the school. Stand alone, site-specific classes including, but not limited to, First Aid/CPR Certification, cadaver labs, and spa field trips accounting for no more than 20 total hours of the 500 required hours may be taught at an appropriate off-site location under supervision of a qualified faculty member.
- 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 BPPE (or other appropriate approval or

accrediting agency), 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.

## B. Transcripts

a. Transcripts must, at minimum, contain the following information:

(1) School name, address, phone, website, and CAMTC School Approval Code, which must exactly match information on file at CAMTC.

(2) Heading entitled "Official Transcript."

(3) Student's full legal name and date of birth.

(4) Date student started program and date student graduated or, for programs longer than 500 hours, completed CAMTC requirements.

(5) Breakdown of courses completed with total number of supervised clock hours attended and passing grades for each course. Courses must match those listed in the provided syllabi and program hour requirement worksheet (included with application).

(6) Total number of supervised clock hours attended for massage program.

(7) At least one authorized signature with printed name, title, and date of signature.

(8) Official school seal affixed to transcript.

(9) Sufficient security measures.

b. Only sealed transcripts sent directly from the school in an envelope matching the sample submitted to CAMTC will be considered for CAMTC certification purposes.

c. CAMTC staff must clearly be able to discern whether a student has completed the required hours without having to interpret any information.

d. Clearly identify or DO NOT include unsupervised clock hours.

e. Clearly identify or DO NOT include courses or hours considered incomplete by the school.

f. Only transfer hours from other CAMTC approved schools will be considered. Transcripts must clearly identify transfer hours including, but not limited to, name, CAMTC Approval Code, address, telephone, and website of other school(s); number of hours transferred; class requirements met by transfer hours; reason(s) for transfer; and attached copy of transcript(s) from other school(s). Transfer hours

may not make up more than 50% of the 500 hours required for certification. CAMTC reserves the right in its sole discretion to not accept transfer hours.

- g. Schools must 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.
- h. 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.
- i. The school must 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 agreement, payment ledger, attendance rosters, coursework, and grades.
- j. Transcript information must be securely kept permanently. If a school closes, it must designate a custodian of records for that school and notify CAMTC of the name, address, email address, and telephone number of its designated custodian of records 30 days before the date of the school's closure.

#### C. Student/Graduate Eligibility List

- a. Transmit the names of all CAMTC eligible students or graduates to CAMTC within 10 business days of their eligibility, using the Approved Massage School Eligibility List template.
- b. Eligibility is defined as successfully completing a minimum of 500 hours of supervised massage instruction (with a minimum of 100 hours of instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics or as further specified by CAMTC) that satisfies the school's coursework and appropriate school assessment of student knowledge and skills.
- c. Applications and accompanying transcripts submitted for certification will be reviewed against these lists. Any discrepancies or omissions may result in applicant delays, school investigation, or un-approval of the school.

#### D. Enrollment Agreement

- a. School name, address, additional addresses where classes will be held, telephone number, website, and CAMTC School Approval Code (once approved).
- b. Student's full legal name, date of birth, contact information, and signature.
- c. Copy of a current valid government issued photographic identification.

- d. Title of massage program and total number of supervised hours received upon completion.
- e. Program schedule with start date and projected end date.
- f. All 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.
- g. Payment terms.
- h. 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 must meet all requirements as listed in California Business and Professions Code sections 4600 et. seq.”
- i. Statement directing students to CAMTC for unanswered questions and for filing a complaint: “A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at: One Capitol Mall, Suite 320, Sacramento, CA 95814, [www.camtc.org](http://www.camtc.org), phone (916) 669-5336, or fax (916) 669-5337.”

#### E. Course Catalog

- 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 supervised hours received upon completion.
- d. All 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.
- e. Program prerequisites including, but not limited to, admission requirements, previous training, and language comprehension skills.
- f. Completion and graduation requirements including, but not limited to, clock hours to attend, assessments to pass, and assignments to complete.
- g. Transfer credit policy.
- h. Attendance and leave of absence policies, including:

- (1) Notice that applicants for CAMTC certification must 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 miss and how they make up any additional hours.
  - (3) Length, terms, and allowances for leaves of absence.
- i. Hygiene, dress code, and draping policies.
  - j. 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.
  - k. A summary of the legal requirements for CAMTC certification:
    - (1) Pursuant to California Business and Professions Code section 4604, in order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the California Massage Therapy Council with satisfactory evidence that he or she meets all of the following requirements:
      - (a) The applicant is 18 years of age or older.
      - (b) The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours that incorporates appropriate school assessment of student knowledge and skills.
      - (c) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.
      - (d) All of the 500 hours shall be from schools approved by the council.
      - (e) 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.
      - (f) The applicant has successfully passed a background investigation pursuant to section 4606 and has not violated any of the provisions of the Massage Therapy Act.

- (g) All fees required by the council have been paid.
- (2) 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.
- l. 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 must meet all requirements as listed in California Business and Professions Code section 4600 et. seq.”
- m. Statement directing students to CAMTC for unanswered questions and for filing a complaint: “A student or any member of the public with questions that have not been satisfactorily answered by the school or who would like to file a complaint about this school may contact the California Massage Therapy Council at One Capitol Mall, Suite 320, Sacramento, CA 95814, [www.camtc.org](http://www.camtc.org), phone (916) 669-5336, or fax (916) 669-5337.”

## F. Curriculum

- 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.
  - (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 laws 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.
- c. Student clinic hours may count for no more than 50 of the required 500 supervised clock hours and must demonstrate educational purpose by meeting the following conditions:
  - (1) Operate under faculty supervision at all times.
  - (2) Maintain detailed lesson plans, learning objectives, policies and procedures, attendance records, and grade requirements.
  - (3) Include a client intake form that, among other things, informs client that the practitioner is a student.
  - (4) Encourages written client feedback.
- d. Maintain current syllabi including the following information for each course and/or subject:
  - (1) Name of course.
  - (2) Detailed description.
  - (3) Learning objectives.
  - (4) Prerequisites.
  - (5) Total number of hours.
  - (6) Instructional material to be used.
  - (7) Required assessments and assignments for successful completion.
- e. Maintain policies for creating, reviewing, and updating curriculum.

#### G. Faculty

- a. Instructors of practical (hands-on) courses must hold a current CAMTC certification and have at least two years of professional experience in the practice of massage.

- b. Instructors of science and adjunctive courses must be either CAMTC certified massage therapists with at least two years of professional experience in the practice of massage or have certification or higher education in the specific subject(s) they teach.
- c. Student-teacher ratios for practical (hands-on) classes may not exceed twenty-five (25) total students to one (1) teacher.
- d. Maintain policies for hiring, training, reviewing, and disciplining faculty.
- e. Maintain policies and attendance for faculty in-service and/or continuing education training.
- f. Hold regular staff/faculty meetings including minutes and attendance.

#### H. Student/Graduate Passage Rates on CAMTC Approved Exams

Beginning with graduate passage rates on CAMTC approved exams for calendar year 2015, an approved school's graduate passage rates on CAMTC approved exams must 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 must 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 two consecutive calendar years or show significant improvement, CAMTC may revoke approval or take other disciplinary action against the school.

#### I. Site Visits

- a. CAMTC may conduct scheduled or unscheduled visits anytime during regular business hours at any approved school or school seeking approval for any reason whatsoever.

#### 6. Reasons for Denying or Revoking Approval.

Schools may be denied approval or may have their school approval revoked, suspended, or otherwise acted against for failing to meet or maintain the requirements for approval set forth herein or in CAMTC's Procedures for Un-Approval of Schools.

If CAMTC decides to deny approval or revoke approval or otherwise act against a school in relation to its approval status, it will do so in accordance with the procedures set forth in CAMTC's Procedures for Un-Approval of Schools.



## PROCEDURES FOR UN-APPROVAL OF SCHOOLS

Pursuant to California Business and Professions Code ~~sSections~~ 4600 ~~and 4601 et. seq.~~, the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the denial, un-approval, or action against ~~of~~ schools and the requirement to provide additional proof of adequate education (beyond merely a transcript), ~~pursuant to California Business and Professions Code Sections 4600 et seq. (hereinafter the "Law"):~~

1. Reasons for denial of CAMTC application for school approval, un-approval, or action against a school.

Schools may be denied CAMTC approval, un-approved, or otherwise acted against for any of the following reasons:

- a. Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school.
- b. Failure to require students to attend all of the classes listed on the transcript.
- c. Failure to require students to attend all of the hours listed on the transcript.
- d. Engaging in fraudulent practices, including but not limited to, the creation of fake documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices.
- e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of law or any rule or bylaw of CAMTC.
- f. Denial, suspension, revocation, or otherwise being acted against by National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code.

- g. Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts.
- h. Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts.
- i. A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in these sections 1. a. - h.
- j. Failure of a school that has requested CAMTC approval to meet or maintain the requirements for approval set forth in CAMTC's Policies and Procedures for Approval of Schools.

2. Investigations.

Section 461501(g) of the Law Business and Professions Code provides:

(a1) The council<sup>1</sup> shall have the responsibility to determine that whether the school or schools from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.

(1) If the council has any reason to question \_\_\_\_\_ whether or not the applicant received the education that is required \_\_\_\_\_ by this chapter from the school or schools that the applicant is \_\_\_\_\_ claiming, the organization-council shall investigate the facts to determine \_\_\_\_\_ that the applicant received the required education prior to issuing a \_\_\_\_\_ certificate.

\_\_\_\_\_ (2) For purposes of this section paragraph (1) and any other provision of this \_\_\_\_\_ chapter for which that authorizes the council is authorized to receive factual \_\_\_\_\_ information as a condition of taking any action, the council may \_\_\_\_\_ shall have the authority to conduct oral interviews of the applicant

<sup>1</sup> "Council" as used in the Law means CAMTC.

and others or conduct to make any investigation deemed necessary to  
establish that the information received is accurate and satisfies the any  
criteria established by this chapter.  
~~criteria established by this chapter.~~

If CAMTC receives information that a school has violated a provision of section 1 of these procedures, it will make a determination (in its sole discretion based on the nature of the information received) whether to investigate that claim or not. If CAMTC decides to investigate the claim and, after investigation, has credible evidence that a violation of a provision of section 1 of these procedures has occurred, CAMTC will then make a determination whether or not to propose denial of an application to become a CAMTC approved school, un-approval of a school, or propose to otherwise take action against the school. If CAMTC decides to propose un-approval of a school, denial, un-approval, or action against a school, the procedures listed in section 3 below shall be followed.

Any school about which there is a concern will be evaluated and investigated on a case-by-case basis. CAMTC will consider all of the evidence before it when making a proposed or a final decision.

With respect to investigations and/or actions against schools, including but not limited to final decisions about denial, un-approval, or action against a school, CAMTC may delegate its authority under these procedures to a committee or to staff, in CAMTC's sole discretion.

### 3. Procedure for Notifying School of Concern and Chance to Respond.

Once the initial investigation is completed and CAMTC has made a decision to propose denial, un-approval, or action against of a school, it shall notify the school of its intent to take such action, including placing it on the un-approved list. Additionally, if the school is seeking CAMTC approval or is already a CAMTC approved school, CAMTC shall also notify the school of its proposed decision to deny the school's application for approval or revoke or otherwise act against the school in relation to its status as a CAMTC approved school. It shall also take all of the following steps:

a. Send the school a letter notifying it of CAMTC's proposed decision to deny the application for approval, place the school on its un-approved list, un-approve the school, or take action against the school and identifying the reasons for that decision (this letter shall be called a "Proposed Un-Approval Letter" regardless of the action proposed to be taken);

b. Notify the school that it will be given 30 days from the date of the Proposed Un-approval Letter to respond in writing, including submission of any documents, evidence, and written statements, and/or to request the opportunity to make an oral statement before the CAMTC Board of not more than 20 minutes;

- c. Notify the school that if an oral statement is timely requested, the school will have the opportunity to make that statement to the Board before its matter is considered;
- d. Notify the school of the outcome in writing within 90 days after the Board renders its decision; -and
- e. Inform the school that all applications submitted with transcripts from their school that cannot be otherwise certified will be placed on hold until a final decision as to whether to deny, list un-approve, or otherwise take action against the school is made.

#### 4. Action Against a School.

If CAMTC makes a final determination that a school has engaged in any of the conduct identified in paragraph 1 of these procedures, it may take any or all of the following actions, in its sole discretion:

- a. For schools that are seeking CAMTC approval or have been approved by CAMTC: Deny the application for approval, un-approve the school, or otherwise take action against the school, including but not limited to revoking its CAMTC approved school code or imposing probationary conditions.
- b. Un-approve the school and list the school as an un-approved school. If the school is listed as un-approved, a 90-day grace period will follow. During this 90-day grace period, the school's students who apply, and all of those whose application was 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 who apply after the 90-day grace period has expired will be told that, unless they have also supplied evidence of completion of required hours of massage education from one or more approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged;
- b. List the school as a school for which students will have to provide additional proof of education beyond just a transcript, rather than listing the school as "un-approved";
- c. Place the school on probation, with the specific probationary terms and conditions identified in the final decision letter, including but not limited to further inspection of school premises and documents.

If the school submits no information in response to the Proposed Un-approval Letter, the school will become un-approved and it will be listed on CAMTC's website as an un-approved school after the time for response to the Proposed Un-approval Letter has expired.

## 5. Rehabilitation.

### A. Consideration of Rehabilitative Factors

Consideration of a school's rehabilitation will be evaluated on a case-by-case basis. CAMTC will consider all available information, including the totality, weight, and reliability of the evidence when making a determination.

Factors that will be considered when determining whether a school has been rehabilitated may include, but are not necessarily limited to, the following:

- a. The seriousness of the conduct that resulted in CAMTC action against the school;
  - b. The number and nature of complaints CAMTC has received about the school, both before and after CAMTC action against the school;
  - c. The length of time between complaints against the school;
  - d. The number and nature of disciplinary action by CAMTC or other organizations against the school;
  - e. The length of time the school has been operating and approved by one of the organizations listed in 4600(a)(1)-(5);
  - f. The effect CAMTC action against the school has had on the school;
  - g. Safeguards instituted by the school to prevent recurrence;
  - h. Actual knowledge by current school owners of the bad acts engaged in at the time the conduct that led to CAMTC action against the school occurred;
  - i. Change in status with other agencies that regulate schools, such as NCBTMB (e.g. restoration of a school's NCBTMB "school code" after suspension or revocation or change from suspension to revocation);
  - j. Approval or re-approval of the school by the Bureau for Private Postsecondary Education (BPPE);
  - k. Ongoing rehabilitation efforts by the school and how realistic such efforts are;
- and
- l. All other relevant information related to rehabilitation.

### B. Procedures

When a school requests that it be taken off the list of un-approved schools or the list of schools from which students have to provide additional proof of education beyond just a transcript (collectively "the list"), CAMTC will make the decision, in its sole discretion, based on its consideration of rehabilitative factors as described in Section A.

All such requests by schools must be:

1. in writing, and
2. sent to the CAMTC offices at One Capital Mall, Suite 320, Sacramento, CA 95814 OR via email to [camtcreview@amgroup.us](mailto:camtcreview@amgroup.us).

CAMTC will review the information presented by the school and has the authority to investigate the evidence, including but not limited to oral interviews with a school's

management, staff, students and graduates and any other relevant witnesses, whether affiliated with the school or with other organizations.

If CAMTC determines that a school should be removed from the un-approved list (or may be eligible to be removed from the list), CAMTC may impose conditions on the school, including but not necessarily limited to the following:

- a. Requiring a school to submit periodic written progress reports identifying steps being taken to correct the unacceptable issues.
- b. Requiring a school to submit to unannounced CAMTC staff visits to the school for inspection, including but not limited to inspection of facilities, personnel, classes, and records, and to monitor the school's activities.

Once a final decision is made by CAMTC, the school will be notified in writing of that decision.

Any school that has been denied CAMTC approval, has been un-approved, or has been placed on the list for selling or offering to sell transcripts, failing to require students to attend all of the classes listed on the transcript, failure to require students to attend the school for all of the hours listed on the transcript, or engaging in fraudulent practices may not request CAMTC approval or removal from the list of un-approved schools for a period of five (5) years from the date the school was denied, un-approved, or added to the list. All other schools may request CAMTC approval or removal from the list after a period of two (2) years from the date the school was denied, un-approved, or added to the list.

The burden of proof is on the school to prove that it has been sufficiently rehabilitated to allow removal from the list or re-application to CAMTC as an approved school. Whether a school that claims rehabilitation and requests removal from the list will be removed from the list is in CAMTC's sole discretion.



## DRAFT 12/3/14

Approved by the CAMTC Board 3/15/11

Amended 11/5/12

Amended 2/13/13

Amended \_\_\_/\_\_\_/14 – Effective 1/1/15

### PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCAION

Pursuant to California Business and Professions Code ~~sSections~~ 4600 ~~et. seq. 3-4~~, the California Massage Therapy Council (the "Council" ~~or "CAMTC"~~) hereby adopts the following procedures relative to the denial of certification or the discipline/revocation of a certificate issued pursuant to California Business and Professions Code ~~sSections~~ 4600 ~~et. seq.~~ (hereinafter the "Law"):

~~±1.~~ 1. ~~Reasons for denial or discipline/revocation.~~ Certification may be denied or revoked, or an existing certificate holder may be disciplined, for reasons reasonably related to protecting the public safety, including the following:

- a. Failure to meet and/or maintain the criteria for certification listed in ~~sSections~~ 4601 ~~or~~ 4604, 4604.1, or 4604.2.
- b. Failure to obtain a positive fitness determination after fingerprinting pursuant to ~~sSection~~ 4606-3.
- c. Unprofessional conduct, including, but not limited to, ~~denial of licensure, revocation, suspension, restriction, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, or judgment shall be conclusive evidence of these actions.~~ any of the following:
  1. Engaging in sexually suggestive advertising related to massage services;
  2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence;
  3. Engaging in sexual activity while providing massage services for compensation;
  4. Practicing massage on a suspended CAMTC certificate or practicing outside of the conditions of a restricted CAMTC certificate;
  5. Providing massage of the genitals or anal region; or

6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

- d. Procuring or attempting to procure a certificate by fraud, misrepresentation, or mistake.
- e. Violating or attempting to violate, directly or indirectly, or assisting in or ~~\_\_\_\_\_~~abetting the violation of, or conspiring to violate, any provision of the Massage Therapy Act or ~~term of \_\_\_\_\_ the Law or~~ any rule or bylaw adopted by the Council.
- f. Conviction of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act; that is substantially related to the qualifications, functions, or duties of a certificate holder; ~~in which event the~~ record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
- g. ~~\_\_\_\_\_~~Impersonating an applicant or acting as a proxy for an applicant in any ~~\_\_\_\_\_~~examination referred to under in the Law Massage Therapy Act for the issuance of a certificate.
- h. ~~\_\_\_\_\_~~Impersonating a certificated practitioner or therapist holder; or permitting or allowing ~~\_\_\_\_\_~~a non-n-uncertified person to use a certificate.
- i. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.
- j. ~~\_\_\_\_\_~~Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.
- k. Failure to fully disclose all information requested on the application.
- l. Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.
- m. Dressing, while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:
  - 1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.

2. Swim attire, if not providing a water-based massage modality approved by the Council.
3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
4. A manner that constitutes a violation of section 314 (indecent exposure) of the Penal Code.
5. A manner that is otherwise deemed by the Council to constitute unprofessional attire based on the custom and practice of the profession in California.

n. Failure to comply with Business and Professions Code section 4607, which provides that the Council may "discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter for the conduct of all individuals providing massage for compensation on the business premises."

o. Failure to meet the requirements in Business and Professions Code section 4608:

1. Failing to display an original CAMTC certificate wherever he or she provides massage for compensation.
2. Failing to have his or her CAMTC identification card in his or her possession while providing massage services for compensation.
3. Failing to provide his or her full name and certificate number upon the request of a member of the public, the Council, or a member of law enforcement or a local government agency that is responsible for regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
4. Failing to include the name under which he or she is certified and certificate number in any and all advertising of massage for compensation.
5. Failing to notify CAMTC within 30 days of any change in home address, address of massage establishment or other location where he or she provides massage for compensation (excluding those locations where massage is provided only on an out-call basis).
6. Failing to notify CAMTC of primary email address, if any, or failure to notify CAMTC within 30 days of a change in primary email address.

p. Engaging in an unfair business practice as defined in Business and Professions Code section 4611:

1. Holding oneself out or using the title of "certified massage therapist" or "certified massage practitioner" or any other term, such as "licensed," "certified," "CMT," or "CMP" in any manner whatsoever that implies or suggests that the person is CAMTC certified when he or she does not currently hold an active and valid CAMTC certificate.

2. Falsely stating, or advertising, or putting out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or practitioner.

2. Investigations. Section 4615 of the Business and Professions Code provides:

“(a) The council shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.

(1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

2.(2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant and others or conduct -any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter.”

Section 4601(g) of the Law provides:

~~\_\_\_\_\_ (1) The council shall have the responsibility to determine  
\_\_\_\_\_ that the school or schools from which an applicant has obtained the  
\_\_\_\_\_ education required by this chapter meet the requirements of this  
\_\_\_\_\_ chapter. If the council has any reason to question whether or not  
the~~

~~\_\_\_\_\_ applicant received the education that is required by this chapter  
\_\_\_\_\_ from the school or schools that the applicant is claiming, the  
\_\_\_\_\_ council shall investigate the facts to determine that the applicant  
\_\_\_\_\_ received the required education prior to issuing a certificate.~~

~~\_\_\_\_\_ (2) For purposes of paragraph (1) and any other provision of this  
\_\_\_\_\_ chapter for which the council is authorized to receive factual  
\_\_\_\_\_ information as a condition of taking any action, the council shall  
\_\_\_\_\_ have the authority to conduct oral interviews of the applicant and  
\_\_\_\_\_ others or to make any investigation deemed necessary to  
establish~~

~~\_\_\_\_\_ that the information received is accurate and satisfies any criteria  
\_\_\_\_\_ established by this chapter.~~

If an applicant or certificate holder has been convicted of a felony, ~~or~~ misdemeanor, infraction, or municipal code violation, whether expunged or not, CAMTC will conduct an investigation and review all ~~prior~~ convictions substantially related to the qualifications, functions or duties of a certified massage professional. Each application or certificate holder will be evaluated on a case-by-case basis. CAMTC will consider the factors identified in the Council's nature, severity, and timing (how recent) of the offense(s), as well as rehabilitation and other factors Criteria for Proof of -Rehabilitation

when making a certification or disciplinary determination. CAMTC will make the determination for approval or denial of certification or discipline of a certificate holder by evaluating the entire application, ~~and~~ all supporting documentation, and all other evidence and information in its possession.

3.3. Actions relative to applicants for certification. The Council may:

- a.a. Deny an application for certification based on the reasons listed in paragraph 1 above or on any other grounds which are deemed reasonably necessary to protect the public safety.
- b.b. Issue an initial certificate on probation, with specific terms and conditions, including a period of suspension, based on the reasons listed in paragraph 1 above or on any other grounds that are deemed reasonably necessary to protect the public safety.

4.4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:

- a.a. Placing the certificate holder on probation, which may include limitations or conditions on practice.
- b.b. Suspending the certificate and the rights conferred by the Law-Massage Therapy Act on a certificate holder for a period not to exceed one year.
- c.c. Revoking the certificate.
- d.d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.
- e.e. Taking other action as the Council, or a person appointed by the Council, deems proper, as authorized by the Massage Therapy Act or policies, procedures, rules, or bylaws adopted by the Board.
- f.f. ~~\_\_\_\_\_~~ Notwithstanding any other ~~provision of~~ law, if the Council receives notice that a ~~certificate holder~~ has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of ~~s~~Section 647 of the Penal Code or any offense described in ~~paragraph section~~ 1.j. above, the Council shall take all of the following actions:

~~(1)~~1. Immediately suspend, on an interim basis, the certificate of that \_\_\_\_\_ certificate holder.

~~(2)~~2. Notify the certificate holder within 10 business days, at the address last \_\_\_\_\_ filed with the Council, that the certificate has been suspended, \_\_\_\_\_ and the reasons s for the suspension.

~~(3)3.~~ Notify by email any business establishment or employer within 10 days that the Council has in its \_\_\_\_\_ records as employing ~~or contracting with~~ the certificate holder, that the certificate has been suspended, within 10 business days.

4. Notify by email the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the Council's records, that the certificate has been suspended, within 10 business days.

\_\_\_\_\_ Upon notice to the Council that the charges described above in this \_\_\_\_\_ subparagraph f. have resulted in a conviction, the ~~suspended certificate shall become subject to permanent revocation~~ Council shall permanently revoke the suspended certificate. The Council shall provide notice to the certificate holder, at the address last filed with the Council, by a method providing delivering confirmation, within 10 business days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days from the date of the Council's mailing of the letter that the conviction is either invalid or that the information is otherwise erroneous. If a certificate is permanently revoked pursuant to this provision, the certificate holder shall not be allowed to re-apply for certification.

Upon notice that the charges described above in this subparagraph f. have resulted in an acquittal, ~~or~~ have otherwise been dismissed prior to conviction, or the certificate holder has been convicted of an offense other than 647(b) or an offense described in section 1.j. above, the certificate shall be immediately reinstated and the certificate holder and any business establishment or employer that received notice pursuant to these procedures shall be notified of the reinstatement within 10 business days.

- g. Notwithstanding any other ~~provision of~~ law, if the Council ~~receives clear and convincing evidence~~ determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder, the Council may immediately suspend the certificate of that certificate holder. A ~~decision-determination~~ to immediately suspend a certificate pursuant to this subdivision shall be based on ~~clear and convincing~~ the preponderance of the evidence and the Council shall also consider any available credible mitigating evidence before making a ~~decision to suspend a certificate.~~ Written statements by any person shall not be considered by the Council when determining whether to immediately suspend a certificate unless made under penalty of perjury. If the Council suspends ~~the certificate of~~ a certificate ~~holder~~ in accordance with this subdivision, the Council shall take all of the following additional actions:

1. ~~(1)~~ Notify the certificate holder, at the address last filed with the Council, within 10 business days by a method providing delivery

confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph 3 below(3).

2. (2) Notify by electronic mail or any other means consistent with the notice requirements of this chapter, within 10 business days, any business or employer that the Council has in its records as employing or contracting with the certificate holder for massage services, and the California city or county permitting authority that has jurisdiction over any business that establishment or employer that the Council has in its records as employing or contracting with the certificate holder, that the certificate has been suspended.

3. (3) A certificate holder whose certificate is suspended pursuant to this provision shall have the right to request, in writing, a hearing to challenge the factual basis for the suspension. If the holder of the suspended certificate requests a hearing on the suspension, the hearing shall be held within 30 days after receipt of the request. A certificate holder whose certificate is suspended based on this provision shall be subject to revocation or other discipline in accordance with paragraph 1 of these Denial Procedures.

~~5. An owner or operator of a massage business or establishment who is certified pursuant to this chapter shall be responsible for the conduct of all employees or independent contractors working on the premises of the business. Failure to comply with this chapter may result in revocation of the owner's or operator's certificate in accordance with paragraph 1 of these Denial Procedures.~~

~~6. A certificate holder shall include the name under which he or she is certified and his or her certificate number in any and all advertising and shall display his or her original certificate at his or her place of business. A certificate holder shall have his or her CAMTC identification card in his or her possession while providing massage services.~~

5. Procedure for denial, suspension, ~~or~~ revocation, or discipline of a certificate. Any denial or disciplinary decision shall be decided upon and imposed in good faith and in a fair and reasonable manner. Denial and disciplinary decisions shall be based on a preponderance of the evidence. In determining the basis for denial or discipline, the Council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.

All denials, suspensions, revocations, and other discipline required or allowed by the Massage Therapy Act and these Procedures shall be carried out by an employee of the Council known as the Division Director of the Professional Standards Division (hereinafter the "Division Director"). The Division Director shall be assisted by Council staff and such other employees as shall be determined necessary by the Division Director. The Division Director, along with any staff/employees under his/her supervision, shall be collectively known as the Professional Standards Division (the "PSD").

If Council staff determines that grounds appear to exist for denial of an application for certification or discipline of an existing certificate holder, staff shall forward the matter to the Division Director, or a PSD employee designated by the Division Director to receive such information, and the procedures set forth below shall be followed (except in cases where the specific procedures in [paragraph section 4.f. above](#) apply):

- [a.a.](#) The PSD shall be responsible for reviewing and making determinations regarding denials and discipline. The PSD shall ensure that the PSD employees making denial and discipline decisions do not have a conflict of interest relative to the affected applicant or certificate holder subject to denial or discipline.
- [b.b.](#) If ~~aff~~ter reviewing the matter, the PSD determines that action should be taken, the applicant or certificate holder shall be provided at least 15 days prior notice of the proposed denial or discipline and the reasons for the proposed denial or discipline. Notice shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- [c.c.](#) \_\_\_\_\_ The applicant or certificate holder shall be given an opportunity to be heard, either orally or in writing, at least five (5) days before the effective date of the proposed denial or discipline. The hearing shall be held, or the written statement considered, by the Division Director (or his or her designee) and at least one other PSD employee ([Hearing Officers](#)), who together are authorized to determine whether the denial of certification or proposed discipline should occur. The decision of the Division Director/PSD/[Hearing Officers](#) shall be final.
- [d.](#) Notice of the PSD's final decision shall be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last known address of the applicant or certificate holder shown on the Council's records.
- [d.e.](#) Any action in superior court challenging a denial of certification or discipline of an existing certificate holder, including a claim alleging defective notice, shall be commenced within one year after the [effective](#) date of the certificate denial or certificate holder discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.
- [e.f.](#) An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to [section 4](#) of these procedures, [except for permanent revocations as described in section 4.f. above](#), shall not be allowed to re-apply for certification until two years after the effective date of the certificate denial or certificate revocation ~~pursuant to section 4~~.

**CALIFORNIA MASSAGE THERAPY COUNCIL  
CRITERIA FOR PROOF OF REHABILITATION**

Effective January 1, 2015

Pursuant to California Business and Professions Code ~~s~~Sections 480(b), 482, and 46~~1003.4~~, the California Massage Therapy Council (the "Council") hereby adopts the following criteria for applicants and certificate holders to prove rehabilitation ~~after proposed denial of certification~~ under California Business and Professions Code ~~s~~Sections 4600 et. seq.

The Council evaluates each application or disciplinary action against a certificate holder on a case-by-case basis considering the totality, weight, and ~~competency-reliability~~ of the evidence provided and uses the following criteria to determine satisfactory rehabilitation:

1. The nature and severity of the act(s) or crime(s);
2. Additional subsequent act(s) or crime(s);
3. The number of act(s) or crime(s);
4. How recent the act(s) or crime(s) were;
5. Compliance with terms of parole, probation, restitution, or other sanctions;
6. Credibility of the applicant or certificate holder;
7. Assessment of the overall propensity of the applicant or certificate holder to engage in the conduct again;
8. Applicant or certificate holder's acceptance of responsibility for the conduct;
9. Applicant or certificate holder's demonstrated remorse for the conduct;
- ~~5-~~10. Identification of changes made by the applicant or certificate holder to ensure that the conduct will not occur again; and
- ~~6-~~11. Other eEvidence of rehabilitation submitted by the applicant or certificate holder.

The burden of proof lies with the applicant or certificate holder to provide sufficient evidence of rehabilitation ~~in relation to an act or crime that is substantially related to the qualifications, functions, or duties of a certificate holder~~ to allow for certification. The Council shall take into account all ~~competent-reliable~~ evidence of rehabilitation furnished by the applicant or certificate holder.



## CEO Report

December 11, 2014

### Operations

In the past two months our staff in Sacramento has been extremely busy. We are receiving large deliveries of transcripts from schools on a daily basis. So far, staff has managed the surge in activity well. We are actively preparing all aspects of our operations such as forms, website, processing protocols, and announcements, to fully implement AB1147. Last week we held a two-day staff training at the office to that end.

Joe Bob Smith, CAMTC's new Educational Standards Division (ESD) Director, hit the ground running. His report and proposal are in this packet. Everyone on staff is excited (and relieved) to have a full-time massage education expert on our team. 2015 will be a challenging and busy year for ESD. Our goal is to inspect, by January 1, 2016, all massage schools in California that apply for CAMTC's approval.

### Finance

As of October 31, 2014 CAMTC exceeded expectations on the balance sheet and the statement of functional activity.

Cash in the bank:

Budgeted- \$2,227,514

Actual - \$3,129,406

Excess revenue over expenses:

Budgeted - \$ 497,415

Actual - \$1,073,877

Currently, CAMTC's funds are deposited in nine different FDIC insured banks. More than half of the deposits are in CDs paying more than 1% in interest.

## Outreach

Over the past two months CAMTC participated in various events and meetings in which we were able to engage a wide variety of stakeholders, such as:

- The national and California leadership of AMTA
- The leadership of the International Spa Association (ISPA)
- City managers
- City attorneys, county counsels and DA's
- CA Municipal Revenue and Tax Association
- Police departments
- Legislators
- Anti human trafficking organizations

CAMTC is participating as a Gold Sponsor in the 2015 City Manager's Department conference of the League of California Cities to be held in San Francisco January 28-30.

## Treasurer's Report 2014 Through October 31 Board Meeting: December 11, 2014

### Applications Received and Re-Certifications Billed

#### New Applications

Through November 15, 2014 CAMTC has received 71,155 applications since the start of operations on July 27, 2009. Just under eleven thousand (10,927) have been received so far this year for an average of 238 per week.

This number of applications is particularly encouraging for two reasons: it is meaningfully above the averages for both 2013 and 2012 and this gain is in addition to the large number of re-certifications that are taking place.

The re-certification process began in July, 2011. Re-certifications billed averaged 298 per week in 2012 and declined to 260 per week in 2013. However, through November 15, 2014, the weekly average has been 510. As previously noted, a major factor in explaining this jump is that it is time for those certified in 2010 and 2012 to renew again.

Year	New Applications Received Per Week	Re-Certifications Billed Per Week
2014**	238	510
2013	219	260
2012	207	298
2011	264	54
2010	259	0
** Through Nov. 15		

New applications through October 31, 2014 exceed budget substantially, by 22%. Renewals Applied was up 3% from budget.

The absolute number of renewals billed through October, 2014 is substantially ahead of a 2012 and 2013 -- through October of 2014, renewals billed are 54% greater than 2012 and 98% greater than 2013.

CAMTC now has almost three years of history on the percent of renewals billed that are paid. There is a fairly consistent pattern, about three-quarters of those who are billed renew their certification. This figure may be a reasonable approximation of the churn in the industry; roughly 1-in-4 therapists is no longer active or no longer practices in California every 24 months.

As previously discussed, CAMTC has two markets, new applicants and re-certifiers. As would be expected, revenue from re-certifications is now substantially greater. This certainly does not mean that the smaller new applications segment should be ignored. In the massage therapy category – where churn is high – the long term success of CAMTC depends on reaching new therapists. In developing marketing and communication strategies, thought needs to be given to whether those two segments need different motivations.

For both 2012 and 2013 there was a seasonal pattern in renewals, with the low points in April through July. This pattern is less pronounced in 2014.

Period	2012		2013		2014 Thru October	
	Renewals Billed*	Renewals Paid	Renewals Billed*	Renewals Paid	Renewals Billed	Renewals Paid
January	1336	76%	1430	74%	1863	80%
February	1757	76%	910	71%	2338	80%
March	2202	77%	910	76%	2807	82%
April	891	79%	690	76%	1783	78%
May	693	70%	640	71%	1715	76%
June	916	73%	890	71%	1616	76%
July	990	69%	920	72%	1764	77%
August	1757	71%	1050	71%	2419	75%
September	1485	61%	1060	73%	2153	74%
October	1237	66%	1790	79%	1943	66%
November	990	64%	1450	80%		
December	1222	58%	1835	79%		
<b>Total</b>	<b>15368</b>	<b>76%</b>	<b>12952</b>	<b>76%</b>	<b>21933</b>	<b>75%</b>
*Renewals billed monthly for 2012 and 2013 estimated from bar chart and may not add exactly to total						

## Financial Statements

### Statement of Functional Activities (Income Statement)

#### Overview

The revised revenue allocation procedure recognizes 37% of the \$150 initial application and renewal fees when the application is received (up from 27%), 39% when the certificate is issued (up from 38%) and the balance, 24% (down from 35%), over 24 months.

Revenues for 2014 through October 31 exceeded the budgeted amount by 8%, while expenses were 9% below budget. The net effect is that revenues exceed expenses by 115% or \$576,462. There continues to be a pattern of surplus revenues and lower expenses relative to budget.

No single source accounted for the 7% excess in revenues over the budgeted amounts; most sources were up over the planned amounts. However, Applications Received accounted for the largest absolute increase. Three relatively minor sources of revenue, all related to problem applications, were down. Those three sources were: Denied Applications; Purged/Revoked/Suspended Applications; and Hearing Fees. Assuming that CAMTC's quality controls remain unchanged, this decline continues to suggest that "problem" therapists are less likely to apply for certification than in the past.

Through October 31, Renewals, Applied and Approved, accounted for close to half, 48% of revenues. This is substantially above the 28% for this revenue source in 2013. Applications Received and Issued accounted for 29%, down from 38% in fiscal 2013. Current and Prior Year Deferrals accounted for 17%, down from 27% in 2013. (Numbers in the table below show slightly different figures due to rounding.) These figures reinforce the obvious: renewals will continue to be of growing importance; however, obtaining initial applications will continue to be an important role for CAMTC.

Source	2014 Though 10/31	2013	2012	% of 2014 Revenue through 10/31	Actual as a % of Budget
Applications Received	\$629,532	\$662,892	\$505,116	16%	122%
Certificates Issued	\$517,257	\$700,325	\$672,201	13%	109%
Renewals - Applied	\$1,003,536	\$662,538	\$443,961	25%	103%
Renewals - Approved	\$929,691	\$616,896	\$610,584	23%	106%
Current Year Deferrals	\$129,764	\$129,023	\$295,236	3%	145%
Prior Year Deferrals	\$561,357	\$851,174	\$559,483	14%	100%
Denied Applications	\$15,215	\$37,422	\$124,063	0%	40%
Purged/Revoked Applications	\$5,953	\$22,018	\$25,842	0%	39%
Hearing Fees	\$21,350	\$30,490	\$43,320	1%	91%
Misc. Fees	\$77,328	\$82,176	\$45,453	2%	120%
Recertification Late Fees	\$100,438	\$73,035	\$82,475	3%	148%
Interest Income/Misc.	\$1,192	\$839	\$517	0%	228%
<b>Total</b>	<b>\$3,992,612</b>	<b>\$3,868,828</b>	<b>\$3,408,251</b>	<b>100%</b>	<b>108%</b>

Performance Relative to Budget by Major Expense Categories.

It might be recalled that expenses were 9% below budget.

Listed below are the major expense categories, in the order shown on the Statement of Functional Activities, and the variance from the budget for 2014 year-to-date. In every category, except for Board & Committee, actual is below budget.

<b>Comparison of Expenses Through October 31, 2014, Actual and Budget</b>				
<b>Item</b>	<b>Actual</b>	<b>Budgeted</b>	<b>Variance (negative numbers mean actual exceeded budget)</b>	<b>Actual as a % of Budget</b>
Board & Committee	\$41,270	\$41,270	\$0	100%
Outreach marketing	\$48,826	\$96,073	\$47,247	51%
General Administrative	\$307,550	\$326,668	\$19,118	94%
Executive Staff	\$380,965	\$397,020	\$16,055	96%
Professional Standards	\$1,150,739	\$1,270,650	\$119,911	91%
General Staffing	\$92,586	\$119,826	\$27,240	77%
Professional Services	\$896,798	913,632	\$16,834	98%
Other	\$0	\$35,523	\$35,523	0%
<b>TOTAL</b>	<b>\$2,918,735</b>	<b>\$3,200,662</b>	<b>\$281,927</b>	<b>91%</b>

### Statement of Financial Position (Balance Sheet)

#### Overview

Total equity was up substantially on October 31, 2014 from the year-ago period. On October 31, 2014, Equity was \$1,945,449, almost triple the \$631,971 on October 31, 2013.

The increase in Equity is explained by the substantial increase in Assets with offset only moderately by an increase in Liabilities:

- Assets, at \$3,295,464 are up by \$1,469,310 from \$1,826,154 a year ago.. While some of this gain is explained by the recognition of a larger share of Application and Renewal fees at the time they are received, the fees from both Applications and Renewals are greater than budgeted. Almost all the Assets are in the form of cash or cash equivalents.

- Liabilities, at \$1,350,515 are up only moderately from the \$1,104,233 on October 31, 2013. CAMTC liabilities are, for the most part, deferred income.

## **Conclusions**

Conclusions are little changed from the report discussing financial information at the end of August:

- Renewals clearly account for the major portion of revenue and there is no reason why that pattern will not continue. However, because of churn in the industry, the importance of Applications cannot be ignored.
- A pattern of Renewals billed to Renewals paid is becoming apparent. The rate appears to be approximately 75%. Some effort might be made to determine whether those who do not renew have dropped out of the category or are not renewing for some other reason.
- Given that CAMTC should have among its goals building awareness and a favorable image among both New Applicants and Renewals, the dollars spent on Outreach Marketing should be viewed as important to the long term success in staying in touch with the market. As of October 31, only 1.7% of the \$2,918,735 in expenses have been devoted to that activity.

Respectfully submitted by Michael Marylander,  
Treasurer  
December 3, 2014



**CALIFORNIA**  
 MASSAGE THERAPY COUNCIL

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December 4, 2014

### **Local Government Update:**

There are currently 110 jurisdictions that require certification. In ten of these the city or county simply stopped issuing local massage permits and by policy require certification to practice massage. Los Angeles city is in the early stages of amending the massage and zoning ordinances, including requiring certification. In 2016 they will no longer issue police permits for massage technicians. Four counties require certification with at least two others likely to follow in 2015. A number of other cities are in some stage of drafting a new ordinance. CAMTC remains neutral on local mandates for certification.

Ten cities have passed moratoria on new massage businesses, despite the not meeting the criteria to impose moratoria that is in the current state law. It is uncertain whether these will be considered illegal under the new law. Moratoria have varying impacts – in at least some of the cities that have imposed them, a massage business is prohibited from replacing staff. This can be devastating to a business. In one city, an established massage therapist with a practice focusing on new mothers, was in the process of moving her business to a new location and was told that she could not do so under the moratorium.

Another issue that will come up is outcall, or “off-premises” massage. A number of cities already ban these, despite in most cases being non-compliant with the existing law. In 2015, Fresno city will allow off premises massage only by physician or chiropractic prescription or if authorized by the Police Chief, for occasions such as the Asparagus Festival. There are differences of opinion on whether these prohibitions and restrictions will be compliant with state law in 2015.

Many local ordinances already require conditional use permits, prohibit massage as a home occupation, or ban massage unless it is ancillary to another business (comprising no more than one third to one half of the floor-space or revenue). Other provisions prohibit massage near schools, residences, churches or other massage businesses. Since 2012 these restrictions have not applied to businesses in which everyone providing massage is certified. In 2015, some of these provisions will be applicable to all massage businesses, unless they are part of “adult entertainment” zoning. In other cities, zoning ordinances are being amended to once again impose restrictions such as these. We cannot say at this time what the majority of cities and counties will do nor do we know the impact these changes will have on either new massage businesses or those that have opened in the last three years.

One of the concerns with the current law is that CAMTC had no authority over owners or operators who were not certified. Most if not all massage ordinances hold the owner/operator responsible for all behavior in the business, and CAMTC law has always held the certified

owner responsible. Initially there was a lot of interest in CAMTC having authority to certify non-massage providing owners and operators. This, along with voluntary certification of establishments, was in one version of AB117. Once the certification of establishments provisions were removed, CAMTC asked to take out the owner/operator certification, as it would have been part of an entire program of certifying establishments. Without that authority, gathering information for owner/operator certification would have been less effective.

Instead at least one city is already considering requiring that the owner/operator be certified as a massage therapist, while another city has already been requiring that the manager be certified. These requirements are not prohibited under the new law. If other cities pass similar requirements it may have profound effects on the many spas and other businesses whose owners and managers do not provide massage..

A couple of surprising provisions have been passed in the last month - San Diego city will not require an establishment permit if everyone in the business is certified. San Bernardino, the 4<sup>th</sup> county to require certification, exempts solo providers from requirements to obtain massage establishment permits (which they respectfully refer to as "massage clinics"). This is something that a great number of massage therapists had sought in the legislation, as obtaining and paying for an establishment permit is frequently an unnecessary burden to the sole provider. If a sole provider who is certified violates the law CAMTC has authority to consider disciplinary action including revocation of their certification, effectively closing that business.

I continue to meet monthly with the "massage Parlor Taskforce" in Stanislaus county, hosted by the Deputy District Attorney. The meetings include law enforcement from throughout the county and nearby cities, city attorneys, finance staff, an investigator from Homeland Security and leaders of several human trafficking advocacy groups.

Recently a special meeting was organized for the city managers and attorneys, county counsel, and finance staff to discuss the law and potential amendments of local code with CAMTC Special Counsel Alison Siegel and myself. The District Attorney herself took time to thank us for the work that CAMTC does, and the attorneys were most grateful to discuss legal interpretations of the law and possibilities for amendments to massage codes.

We have been interacting with the League of California Cities. Ahmos and I will be attending the 2015 City Manager department meeting in January. In early November, Ahmos, Mike Callagy and I met with the Leagues' Legislative Director Dan Carigg and Kirsten Kolpitke, Legislative Representative.

At the last Board meeting I distributed a summary of AB 1147 for the Board. We have also been communicating with the League of California Cities on the FAQs on AB 1147 that is now posted on the Leagues website. CAMTC has significant concerns about this document, which has been formally endorsed by Assembly members Bonilla, Gomez and Holden, the three authors of the bill. Several of the responses clearly advise cities in an inaccurate interpretation with the law. Notable amongst these is the League's belief that a city or county can require a background check and other authorities of certified sole providers. That would mean that multiple independent contractors can be required to have conditional use permits, health inspections and establishment permits for use of the same room that they each use part time, despite the owner of the establishment, who is responsible for all behavior on the

premises, having undergone all of these for the establishment. In addition, each contractor can be required to submit to livescans and other background checks and may be prohibited from working in the city despite being certified.

PSD had a two day training, one day of which I attended. The next day I attended a Bay area conference on Human Trafficking. The Alameda District Attorney, Nancy O-Malley, has been at the forefront of human trafficking programs in California, with her "H.E.A.T Watch" program serving as a blueprint throughout the state. Several assistant district attorneys made a point of thanking me for the support of CAMTC in their criminal cases against illicit operators. I learned quite a lot about the direction that Human Trafficking programs are moving in.

For the remainder of the year, much of the focus will be gearing up for the changes in the law. We are working on a major overhaul of the public website, updating almost all sections. Applications need to be revised and new policies approved by the Board before the years end need to be uploaded.

I have also begun the process of gathering information and proposals on development of a new comprehensive database system. In early 2015 we will meet with the top contenders and begin the process of creating a new system. Having a new system will offer capabilities that we don't currently have, saving staff time and maximizing accuracy of all data.

Beverly May  
Director of Governmental Affairs and Special Projects

**Board Report – December 11, 2014****Director of Educational Standards Division**

Greetings from the other side! With a few weeks under my belt, I have a new appreciation for the day-to-day operations and all the excellent work performed by the many staff members at CAMTC.

My initial focus has been on developing the enclosed Policies and Procedures for Approval of Schools that will guide our new Educational Standards Division. I began by reviewing the feedback regarding school approvals that CAMTC gathered from the public, including ten schools, two associations, and three individuals. I then combed through hundreds of pages of documentation from BPPE, COMTA, accrediting agencies, ELAP, and numerous other state boards (most helpfully: Alabama, Arkansas, Florida, Kentucky, Mississippi, New Mexico, and Washington). I also reviewed our Procedures for Un-Approval of Schools, previously unapproved schools, and current school investigations.

We heard from many schools that they lack the financial and personnel resources to handle additional regulatory oversight. We've kept this in mind in developing policies and procedures that accomplish CAMTC's priorities and legal mandate while not excessively burdening schools.

The result, with much staff teamwork, is a new Policies and Procedures for Approval of Schools and a revised Procedures for Un-Approval of Schools that the staff is recommending for Board approval. The new school approval process piggybacks requirements already set forth by BPPE and most accrediting agencies while highlighting primary areas of interest for CAMTC and adding requirements specific to CAMTC.

We have proposed a preliminary application fee of \$750 per school or location, which covers the first two years of approval. State colleges and universities would be exempt from this fee. At \$375/year, we believe this would not create a financial burden for schools. This fee may need to be adjusted in the future.

Once the Board approves the new Policies and Procedures for Approval of Schools and revised Procedures for Un-Approval of Schools, the public and schools will be given an opportunity to respond. Should that feedback result in suggested changes, a revised draft will be resubmitted to the Board for re-approval. Once final, the documents and their accompanying forms will be released to the schools for implementation. The initial Approved Schools list will be published July 1, 2016. In order to give schools a fair opportunity to apply, be inspected, and approved by this date, a deadline of April 20, 2015, will be established by which schools that have submitted an application will be inspected by the end of 2015.

In addition to working on these documents, I have joined PSD school investigation calls, the PSD training in Sacramento, and the first ever CAMTC Holiday Party.

As work on these documents wanes, I am turning my focus on school relations and preparing to hire additional ESD staff after the first of the year.



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December 4, 2014

**Memo:** To CAMTC Board of Directors

**From:** Staff

### **Report on approval of examinations for certification**

The current Massage Therapy Act (California Business and Professions Code Section 4600 et seq) does not require applicants to pass an independent exam. Since 2013, the law provided that an applicant who has at least 250 hours of education but less than 500 hours may qualify for certification as a Certified Massage Therapist by passing an approved exam.

In 2015, all new applicants as well as those applying to upgrade will be required to pass an approved exam.

Both existing law and the Massage Therapy Act, as amended by AB 1147, require that any examination used to qualify for certification must be “a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council.”

There are three examinations that are now recognized by the CAMTC Board that also meet these qualifications. The first is the Massage and Bodywork Licensing Exam (MBLEx), developed by the Federation of State Massage Therapy Boards (FSMTB). The MBLEx is used by 39 states, D.C., Puerto Rico and the U.S. Virgin Islands. The other two, the National Certification Exam for Therapeutic Massage and Bodywork (NCETMB) and National Certification Exam for Therapeutic Massage (NCETM) were developed by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

All of these exams are administered and scored by Pearson Vue.

On February 1, 2015, the NCBTMB will cease offering their exams for regulatory purposes. After that, they will offer only one exam, which, along with other requirements, will qualify an applicant for Board Certification in Therapeutic Massage and Bodywork (BCTMB).

Since the national certification exams will not be available as of February of 2015, staff recommends that as of that date CAMTC recognize only the MBLEx as a requirement for all those applying to certify or upgrade.

Staff expects that CAMTC will continue to receive a certain number of applications from individuals who have previously passed the NCETMB and the NCETM. They may have taken one of the exams voluntary, as a requirement for a massage permit from one of the California cities that chose these exams, or as the exam offered for licensing in another state. It is recommended that the CAMTC Board allow applicants who have passed one of these exams prior to February 1, 2015 not be required to pass the MBLEx.



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December 4, 2014

**Memo:** To CAMTC Board of Directors

**From:** Staff

### **Report on switching certificate holder address to their primary work address**

In 2009, when the CAMTC Board was developing the policies for the certification program a decision was made to use the home address for certificate holders rather than work address. The rationale for this was that it is quite common for massage therapists to work at multiple locations. Additionally they may change work location more often than home.

Staff believes that it is time to re-visit this policy.

When the public uses the Search function on the CAMTC website, they cannot search to see who works in the city in which they want to locate a massage therapist. The search fields are Certificate Number; City of Residence, Last Name, First Name. Not only does the public not obtain a work city but they cannot see a work address. Instead, they see city in which the certificate holder lives which is irrelevant to the consumer. It can be confusing if the person has a common name and works in a city that is a long commute from home, or if the consumer does not have the full name or correct spelling.

When city or county staff search on the secure site, they too only find out home address. It is possible to do a search on this site by city of employment, but it takes more steps and is less accurate. This is a handicap for city staff to know who is working in their city, and to verify whether all self employed massage therapists (including independent contractors) have business licenses. When city or county staff inspect, they cannot easily pull up a list of the certificate holders in the city.

Other professions, such as chiropractors, are listed by their work address. A search by city will result in full name, license type, number, status, and work address. By clicking on a name the user will also get initial issue date. In fact, a chiropractor who has several offices would have one primary and the others as satellites. The only time that the work address would not be displayed is in a home office if the chiropractor requests it. Physical certificates are listed as "Primary Office" or "Satellite Office".

To make the information on certificate holders more relevant to the public and more useful to local government staff, the Board should consider listing the certificate holder address on both the public and secure sites as the address of primary work.

Certificate holder ID cards would list the city of primary work location, and may also list additional work cities. These would not need to be re-issued with each change in address but only with re-certification every two years.



**December 4, 2014**

**From:** CAMTC Staff

**To:** CAMTC Board

**Re:** Agenda Item No. 24 - Treating schools as closed if the school was closed due to denial or revocation of BPPE approval, which was not disciplinary in nature

Effective January 1, 2015, applicants for certification by CAMTC as a massage therapist must have received a minimum of 500 hours of education from “schools approved by the council” [Business and Professions Code section 4604(a)(2)(B)]. As such, the Board has the authority to determine whether a school is “approved by the council”. Therefore, the Board may determine that it will treat a school that has lost its BPPE approval for a non-disciplinary reason as a closed school.