



CAMTC Board of Directors Meeting

April 15, 2014

Radisson Hotel at Los Angeles Airport
Laguna Room
6225 W. Century Blvd., Los Angeles, CA 90045

OPEN SESSION MINUTES

Directors Present: Mike Callagy, Judi Calvert, Mark Dixon, Guy Fuson, Keith Grant, Michael Marylander, Arthur Miller, Christian Pezza, Jean Robinson, Roberta Rolnick, Marcy Schaubeck, Joe Bob Smith, Caroline Tseng, Deb Tuck, Dixie Wall

Directors Absent: William Armour, Ben Drillings, Elna Leonardo, Michael Sinel

Staff: Ahmos Netanel, CEO; Sheryl LaFlamme, Operations Manager; Beverly May, Director of Governmental Affairs; Rick McElroy, Director of PSD

General Counsel: Jill England

Special Counsel: Alison Siegel

Guests: Billie Shea, Sally Hacking, William Jones, Lisa Kranitz, Paul Pogue, Min Yang, Daniel Andrews, Laurie Andrews, Angel Andrews

1. Call to Order

Chairman Dixon called the meeting to order at 9:32am and established a quorum

2. Election of Officers

Motion 41514:1 Fuson/Smith – Move to re-elect the current officers:

Mark Dixon as Chair

Keith Grant as Vice Chair

Michael Marylander as Treasurer

Roberta Rolnick as Secretary

15-0 MOTION PASSES

3. Approval of Minutes

Motion 41514:2 Grant/Fuson - Move to approve the December 5, 2013, January 7, 2014, and January 28, 2014 open session minutes with corrections.

15-0 MOTION PASSES

4. Sunset Review

Mr. Netanel stated that in response to CAMTC's Sunset Report, the committee issued a "Background Paper for the California Massage Therapy Council" which identified 20 issues that they would like CAMTC to address.

Issue 1 – Should CAMTC be required by statute to maintain a specific monetary reserve, such as 3 to 6 months?

Staff Recommendation: CAMTC should not be required by statute to maintain a minimum monetary reserve.

Motion 41514:3 Pezza/Wall – Move to accept staff recommendation on Issue #1.
15-0 MOTION PASSES

Issue 2 – Should the fee for certification and recertification be capped in statute?

Staff Recommendation: The fees should not be capped in statute.

Motion 41514:4 Fuson/Smith – Move to accept staff recommendation on Issue #2.
15-0 MOTION PASSES

Issue 3 – Should CAMTC continue the practice of granting fee waivers for oral hearings and considerations of written statements? Is it appropriate to charge a fee for hearings?

Staff Recommendation: Continue these practices.

Motion 41514:5 Robinson/Tseng – Move to accept staff recommendation on Issue #3.
15-0 MOTION PASSES

Issue 4, part 1 – Should the CMP tier be phased out?

Staff Recommendation: No action needs to be taken on this issue as the Board has already voted to phase out the CMP tier.

NO ACTION NEEDED

Issue 4, part 2 – Should a 100-hour core curriculum requirement such as is currently applied to CMP's also be imposed on CMTs?

Staff Recommendation: Yes

Motion 41514:6 Smith/Robinson – Move to accept staff recommendation on Issue #4, part 2.
15-0 MOTION PASSES

Issue 4, part 3 – Should the statute be changed to require that all 500 hours of education for a CMT take place at only CAMTC approved schools, or should the current practice of allowing 250 hours at one or more approved schools and 250 hours in continuing education be preserved?

Staff Recommendation: Staff recommends that the Board take another look at this issue.

Motion 41514:7 Robinson/Marylander – Move to reject staff recommendation on Issue #4, part 3 and keeps things as they are – preserving the current practice of 250 hours at one or more approved schools and 250 hours in continuing education to quality as CMT.

2-12-1 Abstain (Schaubeck)

MOTION FAILS

Motion 41514:8 Pezza/Tuck – Move to require that all 500 hours of education for CMT take place at only CAMTC approved schools effective 1/1/2015.

12-1-2 Abstain (Schaubeck/Marylander)

MOTION PASSES

Issue 4, part 4 – Should education grandfathering provisions be reinstated?

Staff Recommendation: No

Motion 41514:9 Fuson/Robinson – Move to accept staff recommendation on Issue #4, part 4.

15-0 MOTION PASSES

Issue 5 – Should CAMTC be required to query applicants on the National Practitioner Data Bank as part of the certification process?

Staff Recommendation: No

Motion 41514:10 Robinson/Smith – Move to accept staff recommendation on Issue #5.

14-0-1 Abstain (Fuson)

MOTION PASSES

Issue 6/7 – Should CAMTC provide for the voluntary registration of establishments and non-certified owners? Board already voted on this.

Issue 8 – Should current penalties for forgery for fraud of certificates and ID cards be increased?

Staff Recommendation: We are not seeing issues with forgery or fraud of certificates or ID cards and therefore don't believe such a change is necessary, but staff would not oppose an increase in penalties, if the Committee chooses to propose such an amendment.

Motion 41514:11 Pezza/Grant – Move to accept staff recommendation on Issue #8.

15-0 MOTION PASSES

Issue 9 – Clarification to the Committee on policies and procedures for reviewing criminal and background issues and criteria for denial or discipline. Informational only.

Issue 10 – Should CAMTC’s statute be amended to improve information sharing by local government agencies with CAMTC?

Staff Recommendation: Committee staff has recommended that CAMTC’s statute be amended to require local agencies to share information with CAMTC. Staff would not oppose statutory changes that would result in additional sharing of information by local government agencies with CAMTC.

Motion 41514:12 Fuson/Pezza – Move to accept staff recommendation on Issue #10.

15-0 MOTION PASSES

Issue 11, part 1 – Should enforcement timelines be added to CAMTC’s statute?

Staff Recommendation: No

Motion 41514:13 Fuson/Robinson – Move to accept staff recommendation on Issue #11, part 1.

12-2-1 Abstain (Callagy)
MOTION PASSES

Issue 11, part 2 – Should the statutory definition of unprofessional conduct be changed to include gender discrimination?

Staff Recommendation: No

Motion 41514:14 Marylander/Callagy – Move to accept staff recommendation on Issue #11, part 2.

14-1 MOTION PASSES

Issue 11, part 3 – Should CAMTC be added to the DOJ Authorized Agency List?

Staff Recommendation: Yes, if possible, though this is a defunct list.

Motion 41514:15 Rolnick/Pezza – Move to accept staff recommendation on Issue #11, part 3.

14-0-1 Abstain (Miller)
MOTION PASSES

Issue 11, part 4 – Should the definition of unprofessional conduct be expanded to include engaging in sexual activity on the premises of a massage establishment (residence excluded), engaging in sexual activity while providing massage for compensation, engaging in sexually suggestive advertising related to massage, or advertising in any adult form of media for massage services?

Staff Recommendation: Yes to all.

Robinson – to separate question into the following:

- 1- Should the definition of unprofessional conduct be expanded to include engaging in sexual activity on the premises of a massage establishment (residence excluded) and engaging in sexual activity while providing massage for compensation?
- 2- Should the definition of unprofessional conduct be expanded to include engaging in sexually suggestive advertising related to massage, or advertising in any adult form of media for massage services?

Motion 41514:16 Robinson/Tseng – Move to accept staff recommendation on Issue #11, part 4, question 1 – Yes, the definition of unprofessional conduct be expanded to include engaging in sexual activity on the premises of a massage establishment (residence excluded) and engaging in sexual activity while providing massage for compensation.

14-0-1 Abstain (Callagy)
MOTION PASSES

Motion 41514:17 Robinson/Tseng – Move that the definition of unprofessional conduct be expanded to include engaging in sexually suggestive advertising related to massage, or advertising in any adult form of media for massage services if the advertising is intentional.

13-2
MOTION PASSES

Issue 12 – Should additional operational procedures and bios for Board members be added to the website?

Staff Recommendation: Yes

Motion 41514:18 Robinson/Callagy – Move to accept staff recommendation on Issue #12.

15-0 MOTION PASSES

Issue 13 – Should CAMTC webcast or record its Board meetings?

Staff Recommendation: The cost to webcast meetings is prohibitive, so staff does not recommend it.

Motion 41514:19 Rolnick/Calvert – Move to accept staff recommendation on Issue #13.

5-7-3 Abstain (Dixon, Grant, Wall)

MOTION FAILS

Motion 41514:20 Schaubeck/Grant – Move for CAMTC to audio record its board meetings.

13-2 MOTION PASSES

Issues 14/15 - Customer surveys and salary standards. Informational only.

Issue 16 – Should CAMTC actively approve massage schools?

Staff Recommendation: Staff recommends that CAMTC create a program to actively approve massage schools. Staff further recommends that if the Board agrees with this suggestion, it should direct staff to look into the issue and report back to the Board at the June meeting with a detailed suggestion on how to implement this new program.

Motion 41514:21 Wall/Tseng – Move to accept staff recommendation on Issue #16.

11-3-1 Abstain (Schaubeck)

MOTION PASSES

Issue 17, part 1 – Should the total number of Board members be reduced? Should the appointment powers for the Board be placed with the Governor, Speaker of the Assembly, the Speaker Pro Tempore or the Senate Rules Committee? Should the Board be required to be comprised of a substantial number or even majority of public members?

Staff Recommendation: Staff does not recommend that any changes to the Board structure or appointments be made in statute.

Motion 41514:22 Pezza/Marylander – Move to accept staff recommendation on Issue #17, part 1.

15-0 MOTION PASSES

Issue 17, part 2 – Should rigorous Board member training be required?

Staff Recommendation: This is for information purposes only.

Motion 41514:23 Fuson/Grant – Move to accept staff recommendation on Issue #17, part 2.

15-0 MOTION PASSES

Issue 17, part 3 – Should a representative of local government and a representative of law enforcement be required on the Board?

Staff Recommendation: Staff does not believe that additional Board member appointments need to be added to the statute. Staff does recommend that the Board vote to create a local government and law

enforcement agency advisory committee to improve communication with representative of local government and law enforcement.

Motion 41514:24 Robinson/Pezza = Move to accept staff recommendation on Issue #17, part 3.

Callagy – Friendly Amendment – Add position for California Police Chiefs Association

Robinson/Pezza Accept Friendly Amendment

15-0 MOTION PASSES

Issue 17, part 4 – Should a California Residency requirement be imposed?

Staff Recommendation: Staff has no recommendations on this issue, and leaves this matter up to the Board.

Motion 41514:25 Fuson/Marylander – Move to not impose a residency requirement.

8-5-2 Abstain (Calvert, Robinson)

MOTION PASSES

Legislation:

Motion 41514:26 Callagy/Grant – Move to send a letter to the legislature which encourages them to create legislation that cities and counties have the authority to require a local revocable registration of massage businesses with reasonable time, cost and restriction caps.

15-0 MOTION PASSES

Issue 18 – Data collecting and reporting. Informational only.

Issue 19 – Should the pre-emption of local control contained in Bus. & Prof Code section 4612 for businesses that use only CAMTC certified professionals be modified to provide a better balance between fairness for certified massage professionals and control by local government?

Staff Recommendation: Yes

Motion 41514:27 Pezza/Calvert – Move to accept staff recommendation on Issue #19.

12-0-1 Abstain (Marylander)

Fuson – no vote

MOTION PASSES

Issue 20, part 1 – Should CAMTC be dissolved and reformed as a state licensing board, should the industry be completely de-regulated, or should CAMTC continue to operate in its current form?

Staff Recommendation: The Board already voted to maintain its current structure, so no vote is required on this issue.

NO VOTE REQUIRED

Issue 20, part 2 – Should the continuation of CAMTC be done with a two-year Sunset date?

Staff Recommendation: CAMTC is always happy to come in front of the Committee whenever they want to discuss its current status, but believes the Committee should consider the limitations inherent in such a short time frame.

Motion 41514:28 Rolnick/Wall – Move to recommend a 2019 Sunset date.

13-0-1 Abstain (Miller)

MOTION PASSES

5. Legislation

Ms. May gave the Board a quick overview of pending legislation including AB 1147, AB 1747, AB1904 and AB 2739.

6. Massage School Presentation

Napa Valley School of Massage gave a 20-minute presentation.

The Board went into Closed Session with CAMTC Legal Counsel Pursuant to California Government Code Section 11126(e) at 2:35pm and returned to open session at 4:10pm.

7. CEO Report

Mr. Netanel gave a 2013 year in review summarizing the implementation of the six strategic priorities set by the Board:

1. Sunset
2. Management
3. Legitimacy of Certificate Holders
4. Relationship with Law Enforcement
5. Establishments
6. PSD's Backlog

Mr. Netanel stated that CAMTC operations are running smoothly, with customer service maintaining an excellent level of professionalism and responsiveness. Mr. Netanel stated that staff is in the process of restructuring the weekly reports to better reflect activity data and will resume issuing these reports as soon as the new format is complete.

Mr. Netanel states that as of March 31, 2014, CAMTC exceeded expectations on the balance sheet and on the statement of functional activity.

8. Treasurer's Report

Mr. Marylander stated that CAMTC received approximately 11,994 new applications for the year ending December 31, 2013 and has received a total of 63,025 applications since the start of operations on July 27, 2009. Mr. Marylander stated that while the number of new applications is up from previous years, billed re-certifications fell 12.8% from 2012.

9. Budget

Motion 41514:29 Rolnick/Pezza – Move to approve the 2014 proposed budget

13-0

MOTION PASSES

10. Director of Governmental Affairs and Special Projects' Report

Ms. May stated that there are currently 91 jurisdictions requiring certification under municipal or county codes and another 9 that require certification by policy. Ms. May also stated that 12 other jurisdictions are in the process of requiring certification.

11. Policy on citations and arrests for practicing without a permit or certification

Ms. May stated that currently CAMTC policy is that we do not hold it against an applicant that they have been working without a local massage permit. The reason for this policy, continued May, was that when the law went into effect there were a tremendous number of legitimate massage therapists working without proper local permits. Ms. May stated that staff is proposing that the Board reconsider and update this policy of leniency as it has been almost five years since the first certifications were issued.

Motion 41514:30 Grant/Rolnick – Move to authorize staff to consider prior citation for operating/practicing with a permit in processing applications.

11-0 MOTION PASSES

12. BOD – Standard operating procedures

The Chair tabled this item to the next meeting.

Chairman Dixon adjourned the meeting at 5:15p.m.

Minutes Approved: June 25, 2014

Roberta Rolnick, Secretary