



**Sent and Posted: Friday February 1, 2013**

NOTICE OF PUBLIC MEETING

February 13, 2013, 9:30 a.m.  
Radisson Hotel at Los Angeles Airport  
Laguna Room  
6225 W. Century Blvd., Los Angeles, CA 90045

AGENDA

1. OPEN SESSION - Call to order and establish quorum
2. Presentation of CAMTC Legislator of the Year Award to Senator Price
3. Re-appointment of representatives of three associations to the Board
4. Re-appointment of expiring board-appointed director position
5. Elections of officers
6. Approval of Minutes- November 5, 2012 and December 14, 2012 Board Meetings
7. Chair's Comments
8. Chief Executive Officer's Report
  - a. State of CAMTC
  - b. Review of 2012 objectives and priorities
  - c. Operations, Administration & IT
  - d. Finance
  - e. Outreach
  - f. Review of 2013 objectives and priorities
9. Treasurer's Report
10. Audit of 2012 financial statements- engagement and committee

11. Director of Governmental Affairs and Special Projects' Report
  - a. Local compliance and implementation of the law
  - b. Other relationships
  - c. Sunset
  - d. Other bills – position on “sex crimes” bill
12. Director of PSD's Report
13. Proposed revisions to procedures for denial and discipline of applicants and certificate holders
14. Implementation of second PSD track
15. Approval of updated 2013 budget
16. Staff presentation of establishments regulations in other states
17. Presentation and preliminary approval of CAMTC-sponsored 2013 legislation
18. Review and recommendations regarding CEO compensation
19. Schools policies and procedures
20. Disbandment of schools committee and staff's responsibilities
21. Closed Session with CAMTC Legal Counsel Pursuant to California Government Code Section 11126(e).
22. Update on new Staff Attorney
23. Special request for a certification refund because of a disabling injury
24. Report from the Federation of Associations of Regulatory Boards (FARB) annual forum
25. Evaluation of new dimensions of certificates to enable display by large operators
26. Closed Session regarding the appointment, employment, evaluation of performance, or dismissal of an employee pursuant to California Government Code Section 11126(a)
27. Return to open session and announce action taken in closed session, if any, under item 26
28. Future agenda items and scheduling next meeting
29. 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>.



February 6, 2013

Ahmos Netanel, CEO  
California Massage Therapy Council  
One Capitol Mall, Suite 320  
Sacramento, CA 95814

Dear Mr. Netanel:

AMC hereby appoints Dixie Wall and Caroline Tseng to serve on the CAMTC Board of Directors for the new term beginning in 2013. AMC is qualified for two seats under CAMTC's statute to appoint board members. To qualify as an appointing entity, AMC is a professional association comprised of massage therapists. Additionally, AMC has had at least 1,000 dues-paying members in California for the last three years, and has bylaws that require its members to comply with a code of ethics. AMC is willing to allow CAMTC to audit AMC's books for verification in the same manner as CAMTC has done in the past.

I hereby attest, under penalty of perjury, to the foregoing qualifications and certify that the foregoing declarations are true and correct.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Stump".

Philip Stump  
President

Date: January 21, 2013

To: CAMTC Board of Directors

The Hands On Trade Association has had at least 1,000 dues-paying members in California for the last three years.

We are re-appointing Judi Calvert President of the Hands On Trade Association and Christian Pezza, Executive Director of the Shiatsu Massage School of California as the second representative to qualify for the two seats on the CAMTC Board of Directors for the next term.

Judi Calvert

CEO/President

Hands On Trade Association

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I am writing to confirm our intention of reappointing Keith Grant to the Board of Directors of CAMTC on behalf of IMSAC.

IMSAC (Independent Massage School Association of California) is recognized in CA as a non profit #322455

We have gathered the enrollment numbers from the listed schools below. I do have signed documentation from each school reporting these enrollment numbers. Our efforts show our membership schools exceed the base number of graduates needed. I am happy to provide any further documentation needed to complete this request.

Thank you,

Selena Lee  
IMSAC Treasurer  
McKinnon BTC Owner  
[selena@mckinnonmassage.com](mailto:selena@mckinnonmassage.com)  
510-684-1088

IMSAC Membership Numbers	2009	2010	2011
1School of Shiatsu & Massage	12	24	37
2Massage Therapy Institute	101	79	87
3Fair Oaks Massage Institute	75	100	89
4Hendrickson Method Institute	16	14	17
5Monterey Institute of Touch	32	31	32
6CA Institute of Massage Services	43	25	34
7SF School of Massage	129	112	147
8Jupiter Hollow	10	10	15
9McKinnon BTC	106	133	155
10World School of Massage	136	76	56
11Healing Arts Institute	163	257	218
12Diamond Light	40	32	33
13Acupressure Institute			
14Sebastopol Massage Center	40	62	49
15Chico Therapy Wellness Center			
16Calistoga Massage Therapy School	39	33	34
17Arcata School of Massage	5		
18Makoto Kai Healing Arts	12	10	9
19A2Z Health Net	39	50	55
20Loving Hands Institute	48	24	38
	1046	1072	1105

11.5.12 and 12.14.12 Draft Minutes will be sent separately  
to the Board



## CEO Report

February 6, 2013

### State of CAMTC

CAMTC is emerging as a dynamic and resilient organization. As a relatively young entity, we continue to face multiple, serious challenges. In January we hit the ground running with our preparations for the sunset review. We are well underway with our initiatives to eliminate the Professional Standards Division's (PSD) backlog.

### CAMTC Year in Review

2012 was another busy year for CAMTC. We expanded our staff and increased our efficiency to optimize the quality of our service to massage professionals, consumers, local government, schools and employers. On December 12, 2011 the Board adopted the CEO's 2012 strategic priorities recommendations. The following is a review of these objectives:

1. **Operations: improve applicants and certificate holders' experience.** Our first priority was to improve responsiveness. We divided into two channels, phone and email. The CEO set up a specific standard for phone communication - all calls must be answered by a team member within four rings, no voicemail (in the past, as many as 200 calls per day would have to go to voice mail). With the exception of few instances, this goal was achieved by year-end. We recently invested in a new phone system that will enable us to monitor and measure customer service performance. The Board also established the goal of all inquiries receiving an accurate and friendly response within two business days. Since the end of the year, we have been providing such responses within one business day.

The Board set up the objective to slash the new applications' turnaround time from 90 days to 45 days for applications without any background or educational issues (from the time applications are completed). By the end of 2012 we were able to do that in 16 calendar days. As for applications with educational and background issues, the average turnaround time was

125 days, with more than half of those certified in less than 72 days. In 2011 the same process took 10 months.

**2. Work toward a resolution to the challenge of fraudulent schools.** We have established improved policies and protocols to better manage applications from schools unapproved by CAMTC. We increased our investigation's budget and staff. As a result of CAMTC's firm commitment to uncover fraudulent activity by massage schools, we are continuously seeing the reluctance of schools to "cut corners" and/or issue fraudulent diplomas. We have met with the new director of DCA and established a close working relationship with BPPE. While improved protocols have resulted in significant improvements in this area, the combination of the high incentives to cheat and the limited capacity of BPPE is still keeping us from finding a permanent solution to this problem. In the CEO's opinion, a long-term solution will continue elude us without additional changes to our law.

**3. Initiate cleanup legislation with full cooperation of all stakeholders.**

Clean-up legislation SB 1238 was prepared and successfully became law, effective January 2013. This bill traveled a long and winding road to passage. It was initially to be a "committee bill" of the Senate Business and Professions Committee, namely, SB 1575. However, as the language evolved, the Republican Consultant expressed concern over the protocol of having a substantive committee bill. The proposed language was divided, with the substantive amendments held for SB 122, an omnibus Healthcare bill. Three professional associations had concern about some of the language, which did get resolved, but by then, committee staff decided to hold all of the massage provisions until 2013. At that time, the Republican Consultant came to our aid and helped get the bill back on track as a Business & Professions committee bill, SB 1238, but not as a clean-up bill (which would not be heard in committee public hearings). At the last minute, the ACLU expressed opposition – we compromised on one concern but the other would have required something that no professional board provides. In the end, we prevailed with a bill that makes it easier for longtime therapists to be certified, and at the same time, protects the public, helps cities and provides more effective means of denying, suspending and revoking certification of the "bad apples".

Briefly, the 15 provisions in the bill can be summarized as: defines "operator" as owner or operator of a massage business; limits business license fees and applications to those applied to other professions; allows for the local background check of a non-certified owner to date back 10 years and include a live scan; relevant background issues will pre-empt any exemption from local establishment regulation; clarifies that local government can restrict the opening of a massage business where another has been closed for criminal activity; allows applicants for CMP to submit transcripts from more than one approved school; allows applicants with 250 hours to qualify for CMT by passing an approved exam; recognizes "hours" and "credit units" issued by schools; requires that an original certificate be on display at each work location; requires that the ID card be carried on the person while at work; requires a certificate holder to provide their full name and certificate number upon request; holds the certified owner responsible for all conduct within the business; requires that the certificate and ID card be surrendered upon suspension or revocation; allows local government entities to share information with CAMTC upon request; allows for suspension of a certificate upon clear and convincing evidence of a sexually related crime or felony substantially related to the practice of massage; and adds relevant infractions, municipal code violations and administrative citations to the grounds for denial and discipline

The other notable bill was SB 1193 (Steinberg) – a human trafficking bill that is now law. It would have required all massage businesses to post notices that will be required at truck

stops, immigration centers and certain other businesses related to human trafficking. As passed, businesses are exempt in which everyone providing massage is certified.

- 4. Viability- meet budgetary milestones.** The approved budget was for a deficit (\$71,839). We delivered an Excess Revenue Over Expenses of \$623,935 – better than budgeted by \$707,019. The year-end cash position was \$1,643,701, which is equal to seven months of our operating budget, exceeding our long-term goal of six months' operating budget. Methodically implementing entrepreneurial disciplines, driving revenues to exceed the budget and holding down spending, were instrumental in accomplishing these numbers. CAMTC is consistently managed as a lean and fiscally responsible organization. This is one of the reasons why legislators and their staff (not only from California) routinely seek our advice as to the establishment of new professional regulatory boards. Many of them view the CAMTC model as an alternative to the bureaucratic bloated state Boards. As an example, last year's California Board of Chiropractic Examiners annual operating cost per licensee stood at \$300. CAMTC's annual operating cost per certified professional was \$79. For another perspective, we looked at the bottom line of the American Massage Therapy Association (AMTA), a mature nonprofit organization in our field and compared it to CAMTC's. In the last fiscal year, AMTA's Excess Revenue Over Expenses was 3% of Gross Revenue while CAMTC's was 18%. While numerous Boards increased their fees in the past three years, CAMTC did not and in the CEO's opinion, will not need to do so in the foreseeable future, if at all.
- 5. Local government - assure implementation of our law by all cities and counties.** Overall this has gone well with approximately 70 cities or counties requiring certification and our involvement in virtually all the drafting. At least another 40 jurisdictions are in some stage of the process with our assistance. Many city attorneys support the certification of individuals. The lack of state regulation of establishments and clear authority for local regulation is a tremendous source of frustration. As this Board was cautioned as early as the meeting one year ago, February 2012, the issue of how to help cities and counties close illicit businesses is huge and has the potential to blow up with public outcry. We see this happening now. This is why staff has recommended addressing this now rather than at Sunset, and why legislative staff is in support.

## Review of 2013 Objectives and Priorities

On September 12, 2012 the Board discussed future strategic priorities. Since no final document of 2013 objectives was produced, the CEO summarized a list of priorities based on the minutes of that meeting. The CEO is requesting the Board to review the list of objectives as it guides staff activities and deployment of resources.

1. **Sunset-** Move forward with the Sunset Process with the proposal that CAMTC continues, post-sunset, as a voluntary certification body.
2. **Management team-** Move, as a long-range senior management plan, to continue with the current management structure, now through the end of Sunset. An interim period will be conducted to train the replacement and assess what the best persons would be to fill that role.
3. **AMG-** Subject to continued performance improvements by our outside management company to the satisfaction of our CEO, our current intention is to adopt a long range plan. Between now and sunset, it would not be CAMTC's intention to bring all current functions in-house, but instead, to consider the CEO's specific proposals concerning certain functions that would be better handled in-house without prejudice toward the CEO to come back and change it.

4. **Certificate holders in illicit establishments-** Implement plan to ensure the legitimacy of certificate holders by enforcing Board's policy regarding unprofessional conduct when possible and by legislative initiative in 2013 upon Board's approval.
5. **Relationships with law enforcement-** Adopt a long-range goal to establish a plan to contact every law enforcement agency in California in order to set up a cooperative relationship with them. Plan would entail law enforcement to report to CAMTC as to which massage professionals have been arrested or prosecuted for prostitution, what school they attended and to work together in a cooperative manner with massage establishments. Plan to be in place by the end of 2013.
6. **Establishments-** Investigate as many aspects as possible of the establishment issues as they relate to illicit behavior and come back with a proposed plan of action which addresses the broad issues of curtailing illicit establishments. Subject to legal review.
7. **PSD's backlog-** Adopt the long-range goal of reducing the backlog of disciplinary hearings, revocations and denials, to within 30 days of statutory minimums by the end of 2013.

## Treasurer's Report Board Meeting: February 13, 2013

### Applications Received and Re-Certifications Billed 2013 & 2012

#### New Applications

For the year ended December 31, 2012, approximately 11,004 new applications were received. This number continues the slight decline observed when 2011 is compared with 2010.

This decline is certainly not a surprise and is more than offset by the approximately 15,475 re-certifications billed in 2012. The fact, that so many new applications continue to be received almost certainly reflects both the growth in the number of massage therapists and the churn in the industry.

The recertification process began in July, 2011; approximately 2,800 re-certifications were billed that year.

Year	New Applications Received	Re-Certifications Billed
2012	11,004	15,475*
2011	12,428	2,800
2010	13,572	0
* estimated from bar chart		

New applications for 2012 exceed budget by 12% and re-certifications applied were up 3%.

CAMTC will have two markets, both of substantial importance, over the coming years: new applicants and re-certifiers. In developing marketing and communication strategies, thought needs to be given to whether those two segments need different motivations.

Although most of the numbers in the financials are favorable, there is a somewhat puzzling pattern for re-certifications. The percent of those who were billed and paid was lower than in 2011 and trended down during the latter part of 2012. One hypothesis is that those who were the first to become certified originally would be the most likely to recertify.

<b>Period</b>	<b>Renewals Billed*</b>	<b>Renewals Paid</b>
<b>Total 2011</b>	<b>2800</b>	<b>80%</b>
January 2012	1336	76%
February 2012	1757	76%
March 2012	2202	77%
April 2012	891	79%
May 2012	693	70%
June 2012	916	73%
July 2012	990	69%
August 2012	1757	71%
September 2012	1485	61%
October 2012	1237	66%
November 2012	990	64%
December 2012	1222	58%
<b>Total 2012</b>	<b>15475</b>	<b>71%</b>
*estimated, in part, from bar chart		

## **Financial Statements\* and Year-to-Year Comparison (2012 & 2011**

### Statement of Functional Activities (Income Statement)

#### Overview 2012

The revenue allocation procedure recognizes 27% of the \$150 initial application and renewal fees when the application is received, 38% when the certificate is issued and the balance, 35%, over 24 months.

Revenues for 2012 exceeded budget by 20% and expenses were 5% below the budget amount. The net effect is an excess of revenues over expenses of \$623,935 compared with a budgeted deficit of \$71,839.

Actual revenue in 2012 of 3,408,251 was substantially above the \$2,409,031 in 2011 and far in excess of the \$1,787,411 in 2010. The increase in revenues from 2011 was

41%. As would be expected, renewals applied and renewals approved accounted for the gain. Changes in other revenue sources were not major factors in the increases

Renewals, applied and approved, accounted for 31% of revenues in 2012. However, in the future, as deferrals from this source are recognized, renewals will account for an increasing share.

<b>Revenue by Source</b>				
<b>Source</b>	<b>2012</b>	<b>2011</b>	<b>2012 minus 2011</b>	<b>% of 2012 Revenue</b>
Applications Received	\$505,116	\$503,698	\$1,418	15%
Certificates Issued	\$672,201	\$612,351	\$59,850	20%
Renewals - Applied	\$443,961	\$97,322	\$346,639	13%
Renewals - Approved	\$610,584	\$135,261	\$475,323	18%
Current Year Deferrals	\$295,236	\$151,401	\$143,835	9%
Prior Year Deferrals	\$559,483	\$725,369	-\$165,886	16%
Denied Applications	\$124,063	\$109,828	\$14,235	4%
Purged/Revoked Applications	\$25,842	\$38,982	-\$13,140	1%
Hearing Fees	\$43,320	\$0	\$43,320	1%
Misc. Fees	\$45,453	\$33,806	\$11,647	1%
Recertification Late Fees	\$82,475	\$0	\$82,475	2%
Interest Income	\$517	\$1,013	-\$496	0%
<b>Total</b>	<b>\$3,408,251</b>	<b>\$2,409,031</b>	<b>\$999,220</b>	<b>100%</b>

Expenses in 2012 were up 10% from 2011, \$2,784,316 versus \$2,519,854. While expenses were up 10%, revenues were up 41% -- resulting in the strong year-to-year gains. (2011 expenses were up 18% from 2010 while revenues increased 35%.)

The following table shows expenses by category for the two years; 2012 and 2011. Most of the absolute change was in two categories, Professional Services and Professional Standards Division. The Outreach Marketing expense was the only one to show a decline in 2012. Given that CAMT will be dealing with two important categories in the future, new applications and renewals marketing expenditures may be increasingly important.

<b>Comparison of Expenses, 2012 and 2011</b>			
<b>Category</b>	<b>2012</b>	<b>2011</b>	<b>Difference (2012 minus 2011)</b>
Board & Committee	\$28,597	\$24,689	\$3,908
Outreach/Marketing	\$31,901	67,998	<b>(\$36,097)</b>
General Administrative	\$356,398	310,359	\$46,039
Executive Staff	\$401,519	399,368	\$2,151
Professional Standards Division	\$964,998	871,391	\$93,607
General Staffing	\$66,885	53,678	\$13,207
Professional Services	\$916,018	792,371	\$123,647
<b>Total</b>	<b>\$2,784,316</b>	<b>2,519,854</b>	<b>\$264,462</b>

Performance Relative to Budget by Major Expense Categories.

Listed below are the major expense categories, in the order shown on the Statement of Functional Activities and the variance from the budget for 2012. In every category, except for Professional Standards, actual is below budget.

<b>Comparison of Expenses 2012, Actual and Budget</b>			
<b>Item</b>	<b>Actual</b>	<b>Budgeted</b>	<b>Variance (negative numbers mean actual exceeded budget)</b>
Board & Committee	\$28,597	\$35,854	\$7,257
Outreach marketing	\$31,901	\$65,209	\$33,308
General Administrative	\$356,398	\$358,845	\$2,447
Executive Staff	\$401,519	\$430,143	\$28,624
Professional Standards	\$964,998	\$949,869	(\$15,129)
General Staffing	\$66,885	\$76,260	\$9,375
Professional Services	\$916,018	927,263	\$11,245
Other	\$18,000	\$76,299	\$58,299
<b>TOTAL</b>	<b>\$2,784,316</b>	<b>\$2,919,742</b>	<b>\$135,426</b>

### Statement of Financial Position (Balance Sheet)

Overview Reflecting the strong gains in revenues The CAMTC balance sheet on December 31, 2012 is much improved over the comparable time in 2011::

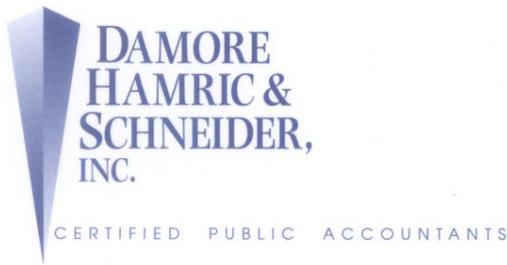
- Total assets in 2012 are \$1,693,789, up from \$784,734 at year end 2011.
- Liabilities are also up, to \$1,422,485 from \$1,137,366 in 2011. However, most of these liabilities are deferred income so, in a real sense, this is a positive change.
- Net worth at the end of 2012 is \$271,304 up substantially from (\$352,632) December 31, 2011.

### **Conclusions**

- CAMTC has two major market segments – New Applicants and Renewals. Both of this segments will be major revenue sources in the next few years. Understanding that these may be groups with different needs, thoughtful examination of marketing efforts directed to New Applicants and Renewals is warranted

- Given that CAMT should have among its goals building awareness and a favorable image among both New Applicants and Renewals, the dollars spent on Outreach Marketing might be increased. Further, the moderate decline in paid renewals during the last few months of the year argues for such consideration.
- CAMTC has done well this year both in absolute terms and relative to budget. Without taking away from recognition of this strong performance, the budget for 2013 should take into account that the organization is capable of achieving more than might have been anticipated in the past.

Respectfully submitted by Michael Marylander,  
Treasurer  
February 9, 2013



January 25, 2013

Board of Directors  
California Massage Therapy Council  
Sacramento, California

We are engaged to audit the financial statements of California Massage Therapy Council for the year ended December 31, 2012. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

#### Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated November 26, 2012, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

#### Planned Scope and Timing of the Audit

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the Council and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the Council. We will communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

California Massage Therapy Council

January 25, 2013

Page 2

We will begin our audit on February 7, 2013 and issue our report to you by May 31, 2013.

This information is intended solely for the use of the Board of Directors and management of California Massage Therapy Council and is not intended to be, and should not be, used by anyone other than these specified parties.

Sincerely,

A handwritten signature in cursive script that reads "Damore, Hamric + Schneider Inc".

DAMORE, HAMRIC & SCHNEIDER, INC.

Certified Public Accountants



## **Governmental Relations and Special Projects Report February 6, 2013**

Beverly May

### **Local Implementation of and Compliance with the law**

There are currently 73 cities or counties that require certification- two in policy only, and two so far that are scheduled for council approval later this month. So many others are close to completion that it is expected that dozens more will be introduced this winter or spring. I believe that inertia holds back many of the larger cities and counties from change – it takes a lot to amend an ordinance in a large city or almost any county due to the scale of other issues they confront. This is causing some major problems in certain jurisdictions that are not using the tools in our law effectively. (See attached Chart – Cities and counties that require certification as of 2.6.13).

Two other ordinances are close to being introduced that do not require certification – El Cento is in the final edits and Hanford, which I have asked to be pulled from first reading on February 5<sup>th</sup> due to provisions that violate the state law. This is one of the rare cities in which I have not been involved in the process of drafting the ordinance. (See attached Chart – City and County Ordinance Status as of 2.3.13)

At least 55 cities or counties are in some stage of drafting a new ordinance. Most are looking to require certification, as cities feel more confident that CAMTC is capable of handling the certification of individuals better than most local jurisdictions, especially considering their financial struggles and staff cutbacks. The main reasons for postponing new ordinances are of course lack of staff resources, lack of political direction, and concern about how to regulate establishments under the current CAMTC law. Notable exceptions to requiring certification in new ordinances are Palo Alto, El Centro and Hanford. Petaluma's first attempt at an ordinance, its' first ordinance ever, was to be optional. However, the local massage community, not used to the typical requirements in most cities prior to CAMTC, were horrified to see provisions considered demeaning. The result is that the next version made certification mandatory. Despite three public hearings with city staff, enough confused and upset massage therapists attended this last city council meeting, on February 4<sup>th</sup>, that the council spent over two hours on the

item, including asking me questions for almost a half hour. As a result staff has been instructed to revise it with a provision to allow long time therapists in the city to be exempt from either permit or certification after a background check. For those who never plan to work outside of Petaluma, this may be an attractive option. Only Visalia has enacted such a provision.

Jurisdictions are all looking for a means to close businesses for serious violations, especially if everyone providing massage is, or the city is told, are certified. Some rely on CAMTC to revoke the owners' certification for illicit activities. The problem with this approach is that generally another "owner" will take over, or the owner will just claim to not do massage. A few cities are authorized to revoke business licenses, but not many are "regulatory". More and more use the approach taken by Redwood City, which is to issue a no-fee revocable registration upon receiving evidence that everyone providing massage is certified, and conducting a background check if the owner is not certified. As stated in previous reports, this is a creative "stretch" of state law and we have not challenged cities that take this approach. Redwood City, Lafayette and San Mateo County have used these registrations to close some longstanding problem establishments without needing costly nuisance abatement. With its' recent new ordinance Redondo Beach staff prepared a very well articulated discussion of the "Goldilocks and the three bears" of establishment regulation - Monterey Park, which can only refuse to renew the non-certified owners permit to obtain a business license – too little; Costa Mesa, which has an onerous registration scheme - too much (and is in process of revision); and Redwood City – just about right, but subject to a legal challenge that they may lose. Numerous smaller cities are waiting in hopes that CAMTC or another stakeholder will introduce legislation that will clearly permit these registrations.

A common concern expressed too frequently by cities, mostly in the media is "the State took over control". The problem with this is that CAMTC, which of course is not a state agency, has not been granted authority over establishments. SB731 and AB 619 limited some of the most effective provisions used by local governments to reduce the number and locations of massage businesses. While such provisions as restrictive zoning, high establishment fees, required showers and expensive conditional use permits (CUPs) did tend to keep some illicit businesses out of town, they mostly drove the legitimate therapists underground or prevented them from opening their own independent offices. Without a city "gatekeeper" both legitimate and illicit businesses are opening up in many previously restricted neighborhoods in every city. Many times illicit businesses open with a business license on the basis that they will only employ certified massage therapists. Once found in violation, they rotate out the uncertified staff. Most city ordinances do not have a means to close them down as they, for the moment, appear to be eligible for the exemption from an establishment permit under the state law.

A continuing problem is the rotating door of illicit businesses with new owners taking over a place closed – SB 1238 permitted cities to prohibit new businesses from opening in the same location where one was closed for criminal activity, but this would take an ordinance change, not likely in a city unless it is already in process or planning. And law enforcement has long been aware of the challenge of how to deal with “everyone is a visitor or cleaning person”. One recent ordinance prohibits anyone but the owner or massage therapist from being in any room beyond the reception area, forgetting about clients. Presumably they will not cite the client on the table.

Other than establishment regulation, the other most common complaint is over the zoning change in AB 619, which specifies that businesses in which everyone is certified be zoned as are other professions. Professions are defined quite broadly in the law, resulting in massage businesses in which everyone is certified being able to open in almost any location where any professional or personal service can open. One city attorney pointed out that while his city is fine with less restrictive zoning, most cities zone personal services differently than professional and in fact may zone various professions, and even various medical practices, differently from others. The massage law seems to give rights to businesses in which everyone is certified that other professions and services don't have. We understand that this may need review.

Eagle Rock Neighborhood Organization –this group has now passed a resolution to restore massage and establishment permitting to the local jurisdiction. This community organization, which functions as an arm of the city council, is now exerting serious pressure on their state legislators to co-author legislation to do just that. The expectation that such a crisis would emerge is why staff has asked our board to support legislation again this session, and why Bill Gage submitted a bill, which still needs an author, for us to allow significant changes in the law prior to Sunset.

A similar crisis was for the moment averted in S. Pasadena where Senator Lui is also getting community pressure. We will meet with her and the community in the next few weeks.

Today, February 6<sup>th</sup>, Rick McElroy, Elaine Meckler (of PSD) and I met with a county wide meeting of law enforcement, I.C.E (immigration), EDD (employment development), city attorneys and the D.A. to discuss how we all can work together. There were over 25 attendees and, in contrast to Eagle Rock, we were much appreciated. There will be a follow-up meeting in March and if this joint venture works well, it could be a model for other regions. However, Stanislaus County in N. CA is not Los Angeles and whether such a system can be mimicked in the larger urban areas is unknown.

Other challenges – There remain quite a few cities out of compliance in one way or another. Little by little most of these get resolved with persistence and contact with the appropriate city staff member. A few cities have been quite resistant to implementing provisions of the law. We are sending letters from our attorney to those that are in

violation of clear provisions in the law that make it impossible for certified therapists to do business. To help her, I summarize the issues, research and cite the relevant sections of the ordinance and send with it with the background for Alison to finalize and send from her office. However, with her backlog on other projects we currently can only utilize this approach on some of the most onerous violations.

A letter to Pasadena resulted in the city no longer requiring an establishment permit or restrictive zoning, Glendora no longer prohibits out calls or limits massage to ancillary use. We are waiting to hear from Encinitas which requires a \$6,000 conditional use permit. Other cities, such as Long Beach, that prohibit massage only businesses (ancillary use) and San Bernardino, zoning all massage businesses as "adult entertainment", will be next.

### **Summary of Noteworthy Meetings:**

**Department of Consumer Affairs CA/BPPE** – DCA and BPPE Directors, Investigation and Enforcement Directors, and Legal team met with Rick, Ahmos and I. They all want CAMTC to have greater statutory authority over schools and to be able to share more information on investigations. BPPE Director Laura Metune and Sarah Mason, consultant in Senate Business and Professions Committee, co-wrote the BPPE law and are drafting language for possible use in a bill we sponsor. Currently schools are being required to state to students if CAMTC will not accept their transcripts if the school is in a city or county that requires certification. I prepared a list for BPPE of these jurisdictions so that BPPE can require more explicit disclosures in catalogs.

**California Municipal Tax and Revenue Association (CMTRA) Division III meeting in Buena Park-** Ahmos and Beverly attended the quarterly meeting.

**LA County Division of the League of CA Cities Holiday event** with the CA Contract Cities Association, Independent Cities Association and LA County Business Federation. Ahmos and Beverly attended this event at the invitation of Bruce Barrows of Cerritos City Council. They invited us to speak at a regular meeting in 2013.

**League of California Cities** meeting at their headquarters in Sacramento. This meeting was a follow-up to one last summer between me, Rick and Mina Layba, who is Legislative Analyst for Thousand Oaks and also is a member of the Public Safety Committee of the League. I organized this and invited Ahmos, Rick, Guy Fuson, Mike Callagy and two contract city attorneys. Mina attended with Thousand Oaks assistant city attorney Patrick Hehir. The meeting was hosted by Kirsten Kolpitke, Land Use consultant for the League who is currently also filling the recently vacated position of Public Safety consultant. Most of the discussion was over land use issues. Kirsten and Patrick will draft proposed language for CAMTC to review for possible legislation. The intent is for a bill supported or co-sponsored by both the League and CAMTC.

**San Diego District Attorney meeting** - The Assistant DA for San Diego County asked to meet with us regarding a bill that they plan to introduce this session. Ahmos, Guy and

I met with Gail Stewart-Brockman, Legislative Liaison for the DA and Rachel Cano, Assistant Chief Deputy DA, sex crimes division. The bill will allow sexual assault by a therapist during a massage to be charged as a felony as well as close the loophole that allowed a massage therapist convicted of sexual assault to have the decision overturned. They would like our support or co-sponsorship. Alison has no concerns with the proposed legislation and the Board should consider a motion to support it.

**Cerritos** – Meeting with Cerritos city: Director of Community Development, City attorney, Mayor and Mayor Pro Tem, Council member. Attending for CAMTC were Ahmos, Mark Dixon and myself. The topic of discussion was zoning, in particular for the Town Center.

**Tustin**- We were invited to participate in a city taskforce to address illicit businesses within the city. Eight senior city staff members attended ranging from finance, planning, community development, police and the assistant county fire marshal. Attending for CAMTC were Tim Chambers (PSD), Mark Dixon and I. We discussed Declarations and how the city and CAMTC can work together to maximize effectiveness.

**Los Angeles** – We were invited to meet with Brian Sottile and Carlos De La Guerra, Police Commission attorneys, William Jones, Police Commission and two representatives of the Commission Investigation Division CID. Attending for CAMTC was Ahmos, Rick, Mark Dixon and I. We discussed the new provisions in the law that become effective Jan 1<sup>st</sup> that will clearly allow cities to share information with CAMTC. As a result, Los Angeles will now allow Officer Declarations for use by PSD. They would like additional information to be shared by CAMTC and we discussed protocols and point persons for sharing information. This is a huge step towards being able to deny or discipline applicants and certificate holders in that major city.

**Modesto meeting with law enforcement.** Micaela from our Professional Standards Division and I met with city law enforcement to discuss “front end” solutions such as ordinance changes and “back end” solutions such as Officer Declarations. I followed up by providing their records officer with the section of the law, as amended by SB 1238 that allows them to send us reports and Declarations.

**Stanislaus County meeting on massage.** This was discussed previously in this report.

**Los Angeles Regional meeting of the League of Cities with LA and state representatives,** attended by Ahmos and me.

**FARB (Federation of State Regulatory Boards) this conference** focused on issues of interest across states and professions, from medical to accountants. Ahmos, Dixie and I attended (Dixie on behalf of the FSMTB).

**Other relationships:** The State public health dept asked for an in-depth orientation on our law. In site visits to physical therapy and occupation therapy clinics they now require that non medical providers of massage be certified, even in areas with no massage regulation.

**Sunset** - The Joint Committee on Business, Professions and Economic Development has been disbanded. Sunset Reviews are now heard in the Senate Business and Professions Committee. We already maintain a close relationship with Bill Gage, Chief Consultant for this Committee, to make sure we implement the law as effectively as possible. Bill will send us the questions by this April and help us identify which are relevant for our structure as a private non-profit certification organization. He will advise us as needed in responding.

The Sunset Review must be turned in to the committee by October or November, after CAMTC Board approval. Bill is responsible for evaluating the Sunset Review. In January of 2014 he will begin to prepare his report and background paper identifying what CAMTC needs to fix via policy or a statutory solution in the Sunset legislation. In mid-March of 2014 the resulting bill to continue CAMTC (and whatever other Boards are up for review) will be heard in committee and any amendments will be made the following month. If stakeholders and legislators cannot agree on the need for CAMTC or what solutions are needed, our law will Sunset effective January 1, 2015. We expect a new law to continue our program, with needed improvements.

While fairly rare, Boards and agencies do get Sunsetting. We all know the disastrous results of the Sunset of BPPVE, which left private vocational schools unregulated by this state for several years before new legislation could be agreed upon. Last year the nursing board was Sunsetting. It took an urgency bill to restore it, during which time no new nurses could be licensed and no disciplinary actions taken.

**Other Activities:** I also assist AMG with evaluating applications when they need assistance with curriculum or compelling evidence or core curriculum, and help long time therapists navigate the system to be able to qualify, especially in cities with first ever ordinances requiring certification. Lastly, I interface with PSD almost daily for a variety of reasons.

## CITIES AND COUNTIES THAT REQUIRE CERTIFICATION

Jurisdiction	Require certification?
Agoura Hills	yes
American Canyon	yes, in policy
Banning	yes
Brea	yes
Calabasas	yes
Camarillo	yes
Campbell	yes
Chino Hills	yes
Clovis	yes
Commerce	yes
Costa Mesa	yes
Cotati	yes
Cupertino	yes
Del Mar	yes
Delano	yes
El Monte	yes
El Segundo	yes
Emeryville	yes
Escondido	yes
Folsom	yes
Fontana	yes
Gardena	yes
Glendale	yes
Hawaiian Gardens	yes
Huntington Beach	yes
Irvine	yes
Irwindale	yes
La Mirada	yes
La Verne	yes
Lafayette	yes
Laguna Beach	yes -
Menifee	yes
Modesto	yes
Monrovia	yes
Monterey City	yes
Moorpark	yes
Morgan Hill	yes

Oxnard	yes
Paso Robles	postponed introduction
Petaluma	first reading 2.4.13
Pinole	yes
Placentia	yes
Placerville	drafting
Pleasant Hill	yes
Port Hueneme	yes
Rancho Palos Verdes	yes - 2nd reading 2.5.13
Redlands	yes
Redondo Beach	yes
Redwood City	yes
Rosemead	yes
Salinas	yes
San Carlos	yes
San Clemente	yes
San Diego County	yes
San Gabriel	yes
San Mateo County	yes
San Rafael	yes
Santa Clarita	yes
Santa Rosa	yes
Sierra Madres	first reading 2.26.13
Simi Valley	yes
Solvang	yes
South El Monte	yes (in policy - no ordinance)
Suisun City	yes
Thousand Oaks	yes
Torrance	yes
Tustin	yes
Upland	yes
Vacaville	yes
Ventura City	yes
Visalia	yes
Vista	yes
Whittier	yes

## STATUS OF LOCAL COMPLIANCE ISSUES

Jurisdiction	Code	Status	Issue	Date reported	Date resolved
Agoura Hills	328-000	resolved	CUP	Aug-11	
Agoura Hills	328-000	resolved-	establishment permit,	Aug-11	
Alameda city	146-000	in progress	drafting ordinance	Jan-12	
Alameda city	146-000	resolved	requires city permit,	Sep-09	
Alameda County	008-000	in progress	drafting ordinance	Jun-11	
Alameda County	008-000	resolved	moratorium	Jun-11	
Alameda county	008-000	resolved	livescan and county permit	Jul-12	
Albany	362-000	in queue	restrictive zoning	Oct-10	
Anaheim	030-000	in queue	establishment permit	Jun-11	
Arcadia	192-000	in progress	limited to 33% of businesss	May-11	
Arcadia	192-000	in progress	only in med, chiro offices - 2mts max	May-11	
Arcadia	192-000	in queue	\$1200 CUP	8/1/2012	
Arcadia	192-000	resolved	\$10 registration fee W-2 employees	5/1/2011	Oct-12
Arcadia	192-000	early stage	drafting ordinance	12/1/2012	
Artesia	357-000	resolved	employee business license	Jan-11	
Auburn	393-000	in queue	no outcalls	Oct-10	
Azusa	219-000	resolved	moratorium	May-11	
Bakersfield	032-000	in progress	drafting ordinance	Sep-11	
Bakersfield	032-000	resolved	permit required	Oct-10	
Baldwin Park	135-000	passed	drafting zoning ordinance	Apr-12	
Baldwin Park	135-000	resolved	no new massage businesses	Mar-12	
Banning	291-000	resolved	moratorium	unknown	
Bellflower	141-000	in queue	permit required	Oct-10	
Bellflower	141-000	in queue	possible employee business license	Aug-11	
Bellflower	141-000	in queue	no outcall, hours restrictions	Mar-12	
Bellflower	141-000	in queue	zoning restrictions	Mar-12	
Belmont	305-000	in queue	business license fee \$2000	2000	
Belmont	305-000	in queue	establishment fee \$3422	2000	
Berkeley	094-000	resolved	city application	Jan-11	
Berkeley	094-000	resolved	CUP	Apr-11	
Berkeley	094-000	resolved	establishment permit	Apr-11	
Berkeley	094-000	resolved	wants permit of sound healer	Jan-12	
Beverly Hills	263-000	not enforced	no cross gender massage	long ago	
Beverly Hills	263-000	resolved	fees, massage work permit and livescan	8/1/2011	
Beverly Hills	263-000	in progress	drafting ordinance	11/1/2012	
Big Bear Lake	467-000	in progress	drafting ordinance	11/1/2012	
Big Bear Lake	467-000	in progress	accessory use only	11/1/2012	

Big Bear Lake	467-000	in progree	max 2 massage therapists/location	11/1/2012	
Brea	442-000	in queue	establishment permit	11/1/2012	
Brentwood	207-000	resolved	city permit (registration by employee?)	Nov-11	
Buena Park	130-000	resolved	establishment permit \$300	Sep-12	Dec-12
Buena Park	130-000	in queue	accessory use only	Feb-12	
Burbank	092-000	resolved	registration/permit?	Jun-11	
Burbank	092-000	resolved	establishment permit for mobile at Warner Bro	Jan-12	
Burbank	092-000	resolved	shower/tub/	Mar-12	
Burbank	092-000	resolved	establishment permit and fees	Mar-12	
Burbank	092-000	resolved	home inspection to make sure no home occ	May-12	
Burbank	092-000	in progress	drafting ordinance	Nov-12	
Calabasas	325-000	passed	drafting ordinance	Apr-12	
Calabasas	325-000	resolved	permit required	Oct-10	
Calexico	246-000	resolved	live scan even if certified	Dec-12	Dec-12
Calimesa	449-000	in queue	requires permit	Oct-10	
Camarillo	163-000	resolved	city permit and medical exam	Sep-11	
Camarillo	163-000	resolved	no home or outcall massage	Jul-11	
Camarillo	163-000	resolved	2 business license fees - one specific only to massage	Oct-11	
Campbell	241-000	resolved	registration fee	Jun-11	
Campbell	241-000	resolved	\$471 establishment fee	Sep-11	
Campbell	241-000	resolved	additional business license for massage	Nov-11	
Carlsbad	095-000	resolved	city permit?	Jun-12	
Carpinteria	378-000	stalled	not permitting cmp to do outcall -	May-11	
Cathedral City	203-000	in queue	permit required	2011	
Cerritos	198-000	in queue	CUP and Town Center limitation	May-11	
Chino	128-000	in queue	establishment issues	Oct-10	
Chino	128-000	in queue	requires permit	Oct-10	
Chino	128-000	postponed, soon	plan to draft massage/zoning ord.	Apr-11	
Chino Hills	137-000	resolved	establishment permit	Oct-10	
Chino Hills	137-000	passed	drafting new ordinance	Apr-11	
Chino Hills	137-000	resolved	no outcalls	Aug-11	
Chino Hills	137-000	resolved	Conditional use permit	Jan-11	
Chula Vista	039-000	resolved	requires city permit	Oct-11	
Cloverdale	438-000	resolved	\$250 livescan/background	Sep-12	Oct-12
Clovis	111-000	resolved	requires background check	Feb-12	Oct-12
Commerce	392-000	passed	drafting ordinance	Oct-12	Nov-12
Commerce	392-000	stalled	establishment permits	Oct-12	
Compton	105-000	in queue	medical exam	Sep-12	
Compton	105-000	in queue	required NCTMB	Sep-12	
Concord	082-000	resolved	did not recognize certification	Aug-11	
Corona	068-000	in queue	refuses to renew business license unless large employer	Dec-10	

Coronado	324-000	in queue	restrictive zoning	Oct-10	
Corte Madera	428-000	in queue	background check,	Oct-10	
Corte Madera	428-000	in queue	restrictive zoning	Oct-10	
Costa Mesa	086-000	ongoing	amending new ordinance	Jul-11	
Costa Mesa	086-000	ongoing	no hotel massage	Jul-11	
Costa Mesa	086-000	resolved	establishment permit	Jul-11	
Costa Mesa	086-000	resolved	moratorium	Jul-09	
Costa Mesa	086-000	stalled	zoning restrictions	May-12	
Covina	218-000	in queue	moratorium	early 2011	
covina	218-000	in queue	no mobile - needs planning	Jan-12	
Culver City	242-000	in queue-	high fee	Aug-11	
Culver City	242-000	resolved	establishment and technician permit	Aug-11	
Cupertino	193-000	in queue	outcall permit required	Mar-12	
Cupertino	193-000	passed	drafting ordinance	Mar-12	
Cypress	216-000	resolved	CUP	Apr-12	
Dana Point	255-000	in queue	restrictive zoning	Aug-11	
Danville	232-000	in queue	background checks	May-11	
Danville	232-000	in queue	moratorium	May-11	
Danville	232-000	in queue	sheriff background checks	May-11	
Del Mar	486-000	in queue	showers for clients and staff	Jul-11	
Delano	199-000	in progress	drafting ordinance	Nov-11	
Delano	199-000	resolved	cup	Nov-11	
Desert Hot Springs	304-000	in progress	"house fee" \$200 + biz license fee	Feb-12	
Desert Hot Springs	304-000	in queue	permit required	Oct-10	
Diamond Bar	180-000	resolved	CUP - resolved	May-11	
Downey	088-000	in progress	drafting ordinance	Nov-11	
Downey	088-000	resolved	restrictive zoning/ cup	Jun-11	
Downey	088-000	resolved	\$833 establishment permit	Oct-11	
Dublin	220-000	in queue	no outcalls	May-11	
Dublin	220-000	resolved	background check,	May-11	
Dublin	220-000	resolved	moratorium	May-11	
Eastvale	537-000	in progress	drafting ordinance	Jun-12	
El Centro	226-000	in progress	medical and background check	Aug-12	
El Centro	226-000	final draft	drafting ordinance	Aug-12	
El Centro	226-000	resolved	city will not recognize certification	May-12	
El Dorado	052-000	resolved	requiring permit	Apr-11	
El Monte	080-000	in progress	drafting ordinance	Jul-12	
El Monte	080-000	resolved	establishment permit fee and zoning	Nov-11	
El Monte	080-000	in progress	no outcall	Dec-12	
El Segundo	361-000	resolved	possible permit required	unknown	9/17/2012
El Segundo	361-000	passed	drafting ordinance	Jul-12	

Elk Grove	072-000	unverified	massage permit required	early 2011	
Emeryville	424-000	resolved	livescan and 500 hours	Sep-11	
Emeryville	424-000	resolved	requiring permit	Oct-10	
Emeryville	424-000	in progress	drafting ordinance	Nov-12	
Encinitis	170-000	in progress	\$6000 for new business planning fee	Jan-12	
Encinitis	170-000	in progress	background check	Jan-13	
Escalon	457-000	in progress	required CE's	Oct-11	
Escalon	457-000	in queue	high fee permit	Oct-10	
Escalon	457-000	resolved	required permit	Oct-10	
Escondido	070-000	resolved	will not approve any zoning for massage	Sep-12	Nov-12
Escondido	070-000	resolved	new ordinance	Jun-11	
Escondido	070-000	resolved	establishment zoning restriction	Apr-12	
Eureka	309-000	resolved	city permit fee	Dec-11	
Farmerville	416-000	in progress	drafting ordinance	Oct-12	
Folsom	152-000	passed	drafting ordinance	Oct-11	
Folsom	152-000	resolved	employee business license reqd	Jun-12	
Foster City	281-000	in queue	background check	Aug-11	
Fountain Valley	183-000	in queue	establishment permit, CUP	oct 2011 & oct 2011	
Fountain Valley	183-000	in queue	permit required/another report contradicts	Oct-10	
Fountain Valley	183-000	in queue	extra restrooms	Aug-11	
Fremont	041-000	resolved	CUP? \$4100	Aug-11	Dec-12
Fremont	041-000	resolved	livescan & full application	Oct-12	Nov-12
Fremont	041-000	resolved	establishment permit	Nov-12	Nov-12
Fremont	041-000	in progress	drafting ordinances, massage & zoning	Nov-12	
Fresno city	020-000	resolved	background checks	Mar-11	
Fresno city	020-000	resolved	city permit/background checks again	May-12	
Fresno county	013-000	unconfirmed	background checks	Dec-10	
Gilroy	211-000	resolved	background check/police permit	Jan-12	
Glendale	045-000	resolved	CUP	unknown	
Glendora	204-000	resolved	no outcall	Mar-12	Jan-13
Glendora	204-000	resolved	accessory use only	Apr-12	Jan-13
Glendora	204-000	resolved	CUP	April 3 2012	Jan-13
Glendora	204-000	in progress	amending ordinance	Jan-13	
Goleta	279-000	in queue	registration fee	Oct-10	
Half Moon Bay	396-000	in queue	possible permit required	Oct-10	
Hanford	201-000	in queue	establishment permit	Feb-13	
Hawaiin Gardens	370-000	passed	drafting ordinance	Mar-12	
Highland	206-000	in queue	difficult to get business license	Aug-11	
Huntington Beach	046-000	in queue	no outcalls	early 2010	
Huntington Beach	046-000	resolved	max 30 massage businesses in city	May-12	
Irvine	042-000	passed	drafting ordinance	Feb? 2011	

Irvine	042-000	resolved	no massage in hotel room	Aug-11	
La Habra	177-000	in progress- positive	requires showers	Jan-12	
La Habra	177-000	resolved	requires city exam	Jan-12	
La Mesa	186-000	resolved	required permit	Feb-12	
La Mirada	215-000	resolved	CUP, also of holistic health businesses	Oct-11	
La Mirada	215-000	resolved	new ordinance	Oct-11	
La Mirada	215-000	in queue	establishment permit	Nov-12	
La Puente	234-000	in queue	ignores law	Jan-12	
La Puente	234-000	resolved	proposed moratorium	Aug-12	Aug-12
La Verne	269-000	resolved	requires city permit - no fee	unknown	
Lafayette	320-000	passed	first ordinance	Feb-12	
Laguna Beach	318-000	passed	new ordinance	Jan-12	
Laguna Hills	272-000	in queue	permit required	May-11	
Lake Elsinore	214-000	in queue	certified owner background check	Dec-11	
Lake Forest	139-000	resolved	technician permit	Nov-11	
Lake Forest	139-000	resolved	establishment permit	Nov-11	
Lakewood	132-000	in queue	background check of certified owner	Feb-11	
Lancaster	071-000	in queue	compliance certificate and fee	Mar-10	
Lancaster	071-000	in queue	establishment permit	May-10	
Lancaster	071-000	in queue	higher biz lic fee if certified	Oct-12	
Lancaster	071-000	passed 5/10 w. problems	drafting ordinance	Mar-10	
Lancaster	071-000	resolved	compliance permit required	May-10	
Lawndale	271-000	resolved	\$500 special permit fee	Oct-12	Dec-12
Lawndale	271-000	in progress	drafting ordinance	Oct-12	
Lincoln	240-000	in queue	no outcalls	Jun-11	
Lincoln	240-000	resolved	no home occupation specific to masaage	Mar-12	
Lindsay	407-000	passed	new ordinance- favorable zoning	Oct-11	
Livermore	127-000	resolved	does not recognize CMP	Apr-12	
Livermore	127-000	in progress	no outcalls	Jan-13	
Livermore	127-000	confirming	possible no home occupation massage only	Jan-13	
Lodi	176-000	resolved	massage permit and background check	Sep-12	Sep-12
Lodi	176-000	resolved	establishment permit and fee	Sep-12	Sep-12
Lodi	176-000	resolved	no massage in shared healthcare office	Sep-12	Sep-12
Lomita	341-000	in progress	massage permit	Nov-11	
Long Beach	021-000	in queue	accessory use only	Dec-10	
Long Beach	021-000	in queue	no mobile massage	Oct-12	
Long Beach	021-000	ongoing	drafting ordinance	Jul-11	
Long Beach	021-000	resolved	business license fees	Jun-11	
Long Beach	021-000	resolved	employee zoning	Jun-11	
Long Beach	021-000	resolved	establishment fee for gym based massage	Aug-11	
Los Alamitos	403-000	in progress	permit fee	Sep-12	

Los Alamitos	403-000	in progress	refused business license	Feb-11	
Los Alamitos	403-000	in progress	establishment permit	Sep-12	
Los Alamitos	403-000	resolved	seem to have no exemption	Apr-12	
Los Altos	290-000	resolved	background, permit high fees & medical exams	Aug-11	
Los Angeles City	002-000	resolved	business license/employee outcall	Oct-10	
Los Angeles City	002-000	resolved	establishment permit and CUP	May-11	
Los Angeles City	002-000	resolved- until next time	permit required- citations issued	May-11	
Los Angeles County	001-000	resolved	background checks/ permit	May-11	
Los Angeles County	001-000	resolved	establishment permit and fees	Apr-11	
Los Angeles County	001-000	resolved-	still requires medical exam	May-11	
Los Angeles County	001-000	stalled	drafting ordinance	May-11	
Los Banos	262-000	in progress	drafting ordinance	Dec-11	
Los Gatos	280-000	in queue	variance/CUP	Oct-10	
Los Gatos	280-000	resolved	employee business licenses	May-11	
Malibu	390-000	ongoing	no home or outcall massage	Aug-11	
Manhattan Beach	260-000	resolved	full application	Dec-12	Dec-12
Marysville	398-000	passed	amended ordinance	Feb-12	
Merced - city	136-000	in queue	no home occ or mobile-massage only	Feb-12	
Merced -city	136-000	in queue	background check	Feb-12	
Merced county	037-000	resolved	establishment permit - \$500	Dec-12	Jan-13
Merced County	037-000	resolved	background check	Dec-12	Jan-13
Millbrae	333-000	in progress	new ordinance	Jun-11	
Milpitas	151-000	in progress	new ordinance	Jun-12	
Milpitas	151-000	resolved	background checks	Sep-11	
Milpitas	151-000	resolved	CUP	Apr-12	
Mission Viejo	103-000	in queue	no outcalls	Jun-12	
Mission Viejo	103-000	in queue	establishment permit	Oct-10	
Mission Viejo	103-000	in queue	\$800 establishment fee	Oct-10	
Mission Viejo	103-000	in the queue	CUP	Oct-10	
Modesto	043-000	in queue	owner and manager need certification	Apr-10	
Monrovia	247-000	in queue	restrictive zoning	May-11	
Monrovia	247-000	in queue	certified owner background check/\$1300	Jul-11	
Monrovia	247-000	in queue	moratorium	May-11	
Monrovia	247-000	in progress	amending ordinance	Nov-12	
Montclair	254-000	in queue	Cup	May-12	
Montebello	167-000	in queue	no massage businesses allowed	May-11	
Monterey City	286-000	resolved	est permit required -non cert owner	Feb-12	Nov-12
Monterey City	286-000	resolved	fingerprints, application process	Nov-12	Nov-12
Monterey City	286-000	resolved	establishment permit	Nov-12	Nov-12
Monterey County	027-000	resolved	background check	Nov-10	
Monterey Park	171-000	complete	new ordinance	Oct-11	

Monterey Park	171-000	resolved	restrictive zoning	Mar-11	
Monterey Park	171-000	resolved	CUP	Mar-11	
Monterey Park	171-000	resolved	background check of certified owner	Oct 2010	
Monterey Park	171-000	resolved	certified owner background check	Oct-11	
Morgan Hill	245-000	resolved	moratorium	unknown	
MountainView	144-000	resolved	background check	Feb-11	Aug-12
Mountainview	144-000	resolved	establishment permit & fees	Feb-11	Aug-12
MountainView	144-000	resolved	police application	Apr-12	Sep-12
MountainView	144-000	resolved	medical exam	Aug-12	Sep-12
MountainView	144-000	resolved	no outcall to homes	Aug-12	Sep-12
Murietta	102-000	in progress	drafting ordinance	Oct-12	
Murrieta	102-000	in queue	no couples massage	Apr-12	
Murrieta	102-000	resolved	permit required	Oct-10	
Murrietta	102-000	resolved	medical exam	Oct-12	Oct-12
Newark	230-000	in queue	no massage home occupation	Oct-10	
Newark	230-000	resolved	city permit	Dec-12	Dec-12
Newport Beach	126-000	in queue	drafting ordinance	unknown	
Newport Beach	126-000	in queue	no outcalls	Jun-12	
Newport Beach	126-000	resolved	CUP -	early 2011	
Newport Beach	126-000	resolved	city exam	Aug-11	
Norwalk	091-000	resolved	CUP	8/1/2011	
Novato	200-000	in queue	higher business license fee	Aug-11	
Novato	200-000	in queue	restrictive zoning	Oct-10	
Novato	200-000	resolved	permit required	Oct-10	
Oakland	025-000	resolved	special permit	Mar-12	
Oceanside	051-000	in queue	no home occ (permits only massage)	Aug-11	
Oceanside	051-000	in queue	background checks	Mar-12	
Oceanside	051-000	in queue	multiple business licenses	May-12	
Orange - city of	073-000	in queue	establishment permit	Apr-12	
Orange - city of	073-000	in queue	ancially use only 20%	Apr-12	
Orange - city of	073-000	resolved	W-2 employee biz license	Aug-11	
Orange- county	004-000	in queue	cannot prosecute ord against certife holder	Jul-12	
Oxnard	048-000	approved	drafting ordinance	Dec-11	
Pacific Grove	373-000	resolved	city permit	Jan-12	
Pacifica	243-000	Resolved	medical exam	Feb-11	
Pacifica	243-000	resolved	police permits	Mar-11	
Pacifica	243-000	resolved	cup \$3700	Oct-11	
Pacifica	243-000	resolved	dressing room and laundry facility or service	Feb-12	
Pacifica	243-000	resolved	CUP	Feb-12	
Palm Desert	209-000	in progress	drafting ordinance	Aug-12	
Palm Desert	209-000	resolved	restricted zoning	Mar-12	

Palm Desert	209-000	resolved	permit required	Dec-10	
Palm Desert	209-000	resolved	accessory use	May-11	
Palm Desert	209-000	resolved	CMT's not getting business licenses	Sep-12	Sep-12
Palm Springs	222-000	in progress	zoning	Oct-10	
Palm Springs	222-000	in progress	accessory use only	Jan-12	
Palm Springs	222-000	resolved	establishment permit	Oct-10	
Palm Springs	222-000	resolved	dual business license fees	Sep-11	
Palm Springs	222-000	resolved	city permit	Nov-11	
Palm Springs	222-000	resolved	medical exam	Dec-11	
Palm Springs	222-000	in progress	drafting ordinance	Sep-12	
Palmdale	065-000	in queue	will amend ordinance	Jun-11	
Palmdale	065-000	resolved	possible establishment, owner must be member of assn	Aug-11	
Palmdale	065-000	resolved	requiring business certification of ME new location	Aug-11	
Palo Alto	168-000	passed	drafting ordinance	May-11	Aug-12
Palo Alto	168-000	resolved	permit required	May-11	
Pasadena	067-000	resolved	\$407 zoning determination ltr/massage only	Aug-12	Dec-12
Pasadena	067-000	resolved	CUP	May-10	Oct-12
Pasadena	067-000	resolved	background check of certified owner	Dec-10	Oct-12
Pasadena	067-000	stalled	drafting ordinance,	Jul-11	
Paso Robles	283-000	in progress	drafting first ordinance	May-12	Sep-12
Paso Robles	283-000	resolved	higher business license fee	Sep-12	Oct-12
Perris	197-000	in queue	variance	early 2011	
Petaluma	184-000	1st reading 2.4.13	drafting ordinance	Jul-12	
Pinole	345-000	in queue	owner must be certified	Aug-12	
Pinole	345-000	in queue	cert owner livescan and background check	Aug-12	
Pinole	345-000	resolved	no outcalls	unknown	
Pinole	345-000	resolved	permit required- city interview	Oct-10	
Pittsburg	172-000	in progress	drafting ordinance	Jan-13	
Placentia	208-000	ongoing	CUP	Oct-10	
Placentia	208-000	ongoing	manager must be certified	Jun-11	
Placentia	208-000	ongoing	accessory or medical only	Aug-11	
Placentia	208-000	resolved	no independent contractors	Aug-11	
Placentia	208-000	resolved	exam	Oct-10	
Placerville	422-000	in progress	drafting ordinance	Apr-12	
Pleasant Hill	270-000	resolved	permit required	Oct-10	
Pleasant Hill	270-000	resolved	establishment permit	Dec-11	
Pleasanton	154-000	resolved	does not recognize CMP	Apr-12	
Pleasanton	154-000	resolved	city livescan and license fees	Aug-11	
Pomona	059-000	in progress	drafting ordinance?	Apr-12	
Pomona	059-000	in queue	accessory use only	Apr-12	
Port Hueneme	334-000	in queue	notarized landlord letter	Sep-12	

Rancho Cordova	178-000	in queue	background check	Feb-13	
Rancho Cordova	178-000	in queue	owner must be certified	Feb-13	
Rancho Cucamonga	053-000	in queue	\$2600 CUP	Dec-10	
Rancho Cucamonga	053-000	resolved	establishment permit required	Dec-10	
Rancho Cucamonga	053-000	resolved	health inspection & fee	Sep-12	Sep-12
Rancho Mirage	363-000	resolved	business license for hospital volunteer	Aug-11	
Rancho Palos Verde	238-000	resolved	permit required	May-11	
Rancho Palos Verde	238-000	2nd reading 2.5.13	drafting ordinance	Nov-12	Jan-13
Rancho Palos Verde	238-000	resolved	prohibited outcalls	Nov-12	Nov-12
Redlands	150-000	passed	drafting ordinance	Feb-12	Oct-12
Redlands	150-000	resolved	CUP and fee	Oct-09	Oct-12
Redlands	150-000	resolved	permit required	Oct-09	Oct-12
Redlands	150-000	resolved	restrictive zoning	Aug-11	Oct-12
Redondo Beach	160-000	passed	drafting ordinance	early 2011	
Redondo Beach	160-000	resolved	plans to require a CUP	Nov-11	Nov-12
Redwood City	140-000	resolved	Cup, high fee	Jan-11	
Redwood City	140-000	passed	drafting ordinance	Jul-11	
Redwood City	140-000	resolved	draft to deny CCMP's ability to work	Oct-11	
Redwood City	140000	resolved	no outcalls in draft	Oct-11	
Rialto	104-000	resolved	CUP -	Dec-10	
Rialto	104-000	resolved	medical certificate	Dec-10	
Rialto	104-000	resolved	city permit	Apr-12	
Rialto	104-000	resolved	possibly high business license fee	May-12	
Richmond	098-000	in queue	CUP, establishment permit	Aug-11	
Richmond	098-000	resolved	background check and massage permit	Sep-11	
Ridgecrest	292-000	resolved	establishment permit	Feb-12	
Rio Vista	439-000	in queue	live scan even if certified	Apr-12	
Riverside City	033-000	in queue	background check for certified owner (only if hire non-cert	Oct-11	
Riverside City	033-000	in queue	showers required/extra bathroom	Dec-11	
Riverside City	033-000	in queue	chair massage	Dec-11	
Riverside City	033-000	resolved	over \$811 for establishment permit	Dec-10	
Riverside City	033-000	resolved	high establishment fee	Jun-11	
Riverside City	033-000	resolved	same -estab permits req	Jun-12	
Riverside County	005-000	in queue	no outcalls	Feb-13	
Rocklin	194-000	in queue	establishment permit	Mar-11	
Rohnert Park	233-000	resolved	did not recognize certification	unknown	
Roseville	087-000	in progress	drafting ordinance	Nov-11	
Roseville	087-000	in queue	background check of certified owner	Aug-12	
Roseville	087-000	in queue	medical exam	Aug-12	
Roseville	087-000	resolved	no locked doors	Apr-12	
Sacramento city	023-000	in queue	no home occupation (not confirmed if massage specific	Oct-11	

Sacramento city	023-000	in queue	wants somatic practitioner permit	Dec-11	
Salinas	061-000	in progress	drafting ordinance	Aug-12	
Salinas	061-000	resolved	proposed establishment/therapist permits	Oct-12	Oct-12
San Bernardino City	044-000	in progress	adult entertainment zoning	Dec-12	
San Bernardino County	006-000	resolved	use permit -	Nov-11	
San Bernardino County	006-000	resolved	health inspection & fee	Sep-12	
San Bernardino County	006-000	resolved - all medical	proposed moratorium, new zoning w/CUP	May-11	
San Carlos	288-000	passed	new ordinance	Jul-11	May-12
San Clemente	159-000	in queue	restrictive zoning	Aug-11	
San Clemente	159-000	in queue	no home occupation for massage	Aug-11	
San Clemente	159-000	passed	drafting ordinance	early 2011	
San Diego	003-000	in queue	oppressive dress code	Jul-11	
San Diego City	010-000	in process	drafting ordinance	Oct-11	
San Diego city	010-000	resolved	permit required	Apr-11	
San Diego city	010-000	resolved	establishment permit	Apr-11	
San Diego city	010-000	resolved	restrictive zoning	Sep-11	
San Diego city	010-000	resolved-	background check of certified owner	Apr-11	
San Diego city	010-000	resolved -	showers required	Apr-11	
San Diego County	003-000	resolved	Mueller school says needs background check	Dec-10	
San Diego County	003-000	resolved	background checks/ permit	Dec-10	
San Diego County	003-000	resolved -	establishment permits	Dec-10	
San Diego County	003-000	stalled	drafting ordinance	Nov-11	
San Diego County	003-000	stalled	\$398 "compliance review and fee"	Oct-12	
San Dimas	258-000	resolved -	accessory use only	Feb-12	
San Fernando city	317-000	resolved	certified owner background check/\$1300	Oct-11	
San Francisco	016-000	resolved	showers required	Dec-10	
San Francisco	016-000	resolved	outcall permit required	Dec-10	
San Francisco	016-000	resolved	estab.fees	Dec-10	
San Francisco	016-000	resolved -	estab permit	Dec-10	
San Gabriel	237-000	passed	drafting new ordinance	May-11	completed
San Gabriel	237-000	resolved	permit required for certified owner	May-11	
San Gabriel	237-000	resolved	CUP	May 2011	
San Gabriel	237-000	resolved -	Moratorium	May-11	
San Gabriel	237-000	resolved -	high fee/background check CMT	May-12	
San Joaquin	018-000	resolved	permit background check, establishment	Jan-12	
San Jose	012-000	resolved	no outcalls	Jun-11	
San Jose	012-000	stalled	drafting new ordinance	Jun-11	
San Juan Capistrano	257-000	resolved	establishment permit	May-11	
San Juan Capistrano	257-000	resolved -	restrictive zoning	May-11	
San Juan Capistrano	257-000	resolved -	"business" permit required of employees	May-11	
san leandro	133-000	resolved	possible permit required	Oct-10	

San Luis Obispo	228-000	resolved	police permits	Mar-12	
San Luis Obispo	228-000	resolved -	TB test required	Nov-11	
san marcos	129-000	passed	drafting ordinance	Oct-11	
san marcos	129-000	resolved	establishment permit	Oct-10	
san marcos	129-000	resolved	employee business licenses	8/1/2011	3/1/2012
San Mateo County	017-000	passed	drafting ordinance	Apr-10	
San Mateo County	017-000	resolved	no notice of new requirements	Jul-12	
San Mateo County	017-000	within law	\$420 annual "medical waste" fee	Nov-11	
San Ramon	173-000	resolved	incidental use; limited zoning	8/6/2011	
San Ramon	173-00	resolved	establishment permit	4.3.12	
San Ramon	173-000	resolved	photo id card	4/1/2012	
San Ramon	173-000	resolved -	police permits	4/1/2012	
San Ramon	173-000	resolved -	employee business license	April 3 2012	
San Ramon	173-000	resolved	permits again	12.19.12	12.19.12
Santa Ana	029-000	resolved	restricted from professional zoning	3/1/2012	
Santa Ana	029-000	resolved -	\$300 permit & \$150 med exam	1/1/2012	
Santa Ana	029-000	resolved -	establishment fee \$700	4/1/2012	
Santa Barbara	117-000	resolved -	no chair massage	11.1.11	
Santa Barbara	117-000	resolved -	establishment permit	11.1.11	
Santa Barbara	117-000	resolved	employee business license	10.2.12	10.2.12
Santa Clara City	081-000	resolved	establishment permit	Oct-10	
Santa Clara City	081-000	resolved	background check	Oct-10	
Santa Clara County	007-000	resolved	county reqd permit	Dec-11	
Santa Clara County	007-000	resolved -	msidemeanor citations for not registering certified staff	Sep-11	
Santa Clara County	007-000	resolved -	estab permit \$1200 new, \$980 renew	Oct-11	
Santa Clara County	007-000	resolved -paige	no home occupation for massage	Dec-11	
Santa Clarita/ LA county	055-000	resolved	showers required	Oct-10	
Santa Clarita/ LA county	055-000	resolved -	background check	Oct-10	
Santa Clarita/ LA county	055-000	resolved -	\$2100 establishment permit	Sep-11	
Santa Fe Springs	353-000	resolved -	new ordinance	Oct-11	
santa monica	115-000	resolved	restrictive zoning	Aug-11	
Santa Monica	115-000	resolved -	owner exam on city code	Aug-11	
Santa Rosa	060-000	resolved -	owner needs to be certified	Jul-12	
Saratoga	277-000	resolved -	non-cert. owner estab permit	Jun-11	
Scotts Valley	406-000	resolved -	possible permit required	Oct-10	
Sierra Madre	414-000	resolved	CUP, fee	May-11	
Sierra Madre	414-000	in progress	drafting ordinance	Dec-12	
Simi Valley	079-000	passed	drafting ordinance	Nov-11	
Simi Valley	079-000	resolved -	moratorium	Nov-10	
Solvang	475-000	in queue	limits # of employees in a business - 10	Oct-12	
South El Monte	331-000	resolved -	Proposed moratorium,	Jul-12	

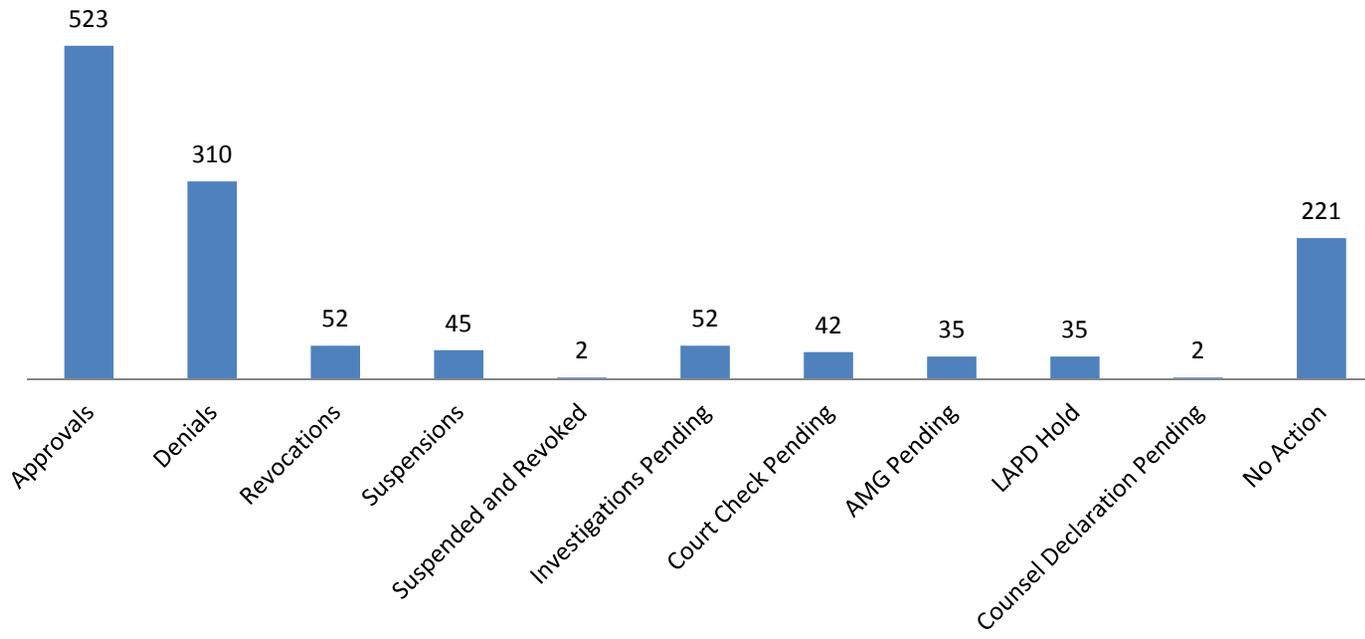
South El Monte	331-000	resolved -	revising regulations	Jul-12	
South Pasadena	312-000	resolved	\$300 zoning fee for contractor for each location	Aug-11	
South Pasadena	312-000	resolved	proposed moratorium, new zoning w/CUP	Jun-11	
South Pasadena	312-000	resolved -	Fee for ID badges	Jun-11	
South Pasadena	312-000	in progress	attempt to legislate repeal of 4612b4	Dec-12	
Stanislaus County`	019-000	resolved	permits, even of instructors	Jun-11	
Stanislaus County`	019-000	resolved	medical exams and livescans	Feb-13	Feb-13
Stanton	248-000	resolved	inspection fee	Feb-12	
Stanton	248-000	resolved	permit required	Oct-10	
Stockton	034-000	resolved	city permit required	Jun-12	
Sunnyvale	074-000	resolved	background check and city permit	Aug-11	
Sunnyvale	074-000	resolved	establishment permit	Aug-11	
Sunnyvale	074-000	resolved	fees for establishment	Apr-12	
Taft	430-000	resolved -	city permit required	Sep-11	
Taft	430-000	resolved -	establishment permit	Sep-11	
Temecula	099-000	resolved	restrictive zoning	May-12	
Temecula	099-000	resolved -	city permit	Mar-11	
Temecula	099-000	resolved -	no outcalls	Mar-11	
Temple City	264-000	resolved -	refused information	May-11	
Temple City	264-000	resolved -	citation for not renewing establishment pemrit	Aug-11	
Temple City	264-000	in progress	drafting ordinance	Jan-13	
Thousand Oaks	078-000	passed	drafting ordinance	Oct-11	
Thousand Oaks	078-000	resolved -	establishment permit-citations	May-11	
Torrance	069-000	stalled	drafting ordinance	Jun-11	
Torrance	069-000	resolved -	moratorium	Sep-10	
Torrance	069-000	resolved -	required class on ordinance	Mar-12	
Torrance	069-000	resolved -	not allowing independent business	May-12	
Turlock	153-000	resolved	background check/ police permit	Nov-11	
Turlock	153-000	resolved -	establishment	Dec-09	
Tustin	145-000	resolved	establishment permit	Jun-12	
Tustin	145-000	resolved	\$100 establishment fee	Jul-12	
Twentynine Palms	282-000	resolved	city therapist permit	Aug-11	
Union City	147-000	resolved -	restrictive zoning	Aug-11	
upland	142-000	resolved	establishment permit	Mar-12	
Upland	142-000	resolved -	forbids full massage in reflexology business	Nov-11	
Upland	142-000	resolved -	accessory use only	Feb-12	
upland	142-000	in progress	drafting ordinance	Jan-13	
Vacaville	110-000	resolved	establishment "supplemental" license	Aug-11	
Vallejo	083-000	resolved	police permits	Jan-12	
Vallejo	083-000	resolved	CUP	Jan-12	
Ventura	096-000	resolved	taking permit fees	Dec-10	

Ventura	096-000	resolved	high "inspection" fee	Jun-12	
Victorville	090-000	resolved	city permit required	Mar-12	
Victorville	090-000	resolved -	CUP	Oct-11	
Visalia	081-000	passed	drafting ordinance	Jan-12	
Vista	109-000	resolved	employee business license	Feb-11	
Vista	109-000	resolved -	compliance fees	Feb-11	
Walnut	274-000	resolved -	moratorium	Jul-11	
Walnut Creek	164-000	resolved	city permit required`	Aug-11	
Walnut Creek	164-000	resolved	police permits	Jun-12	
Walnut Creek	164-000	resolved -	establishment regulation	Aug-12	
Wasco	315-000	resolved -	CUP if not in spa	Jan-12	
West Covina	089-000	resolved	permit required	Nov-10	
Westlake Village	434-000	resolved	restricted to within medical office	Oct-12	Oct-12
Westlake Village	434-000	in progress	drafting ordinance	Oct-12	
Westminster	113-000	resolved	permit required	May-10	
Westminster	113-000	resolved -	police approval for business license as I.C.	May-10	
Westminster	113-000	resolved -	must work under a chiropractor	Apr-12	
Whittier	125-000	in progress	no outcalls	Dec-12	
Wildomar	278-000	resolved -	drafting ordinance	Apr-12	
Windsor	303-000	in progress	requires CUP - \$1200	Oct-12	
Yorba Linda	156-000	resolved	showers required	Nov-11	
Yorba Linda	156-000	again	establishment permit	Dec-11	
Yorba Linda	156-000	resolved	massage permits	May-12	
Yucaipa	213-000	resolved -	permit required	May-11	
Yucaipa	213-000	in progress	establishment permit required	Nov-12	
Yucca Valley	338-000	resolved -	establishment license	Jul-12	

## PSD Data January 1, 2012 to December 31, 2012 (non-duplicative)

Total # of files reviewed	1319
Applicants	962
Certificate Holders	357
Approvals	523
Denials	310
Revocations	52
Suspensions	45
Suspended and Revoked	2
Investigations Pending	52
Court Check Pending	42
AMG Pending	35
LAPD Hold	35
Counsel Declaration Pending	2
No Action	221

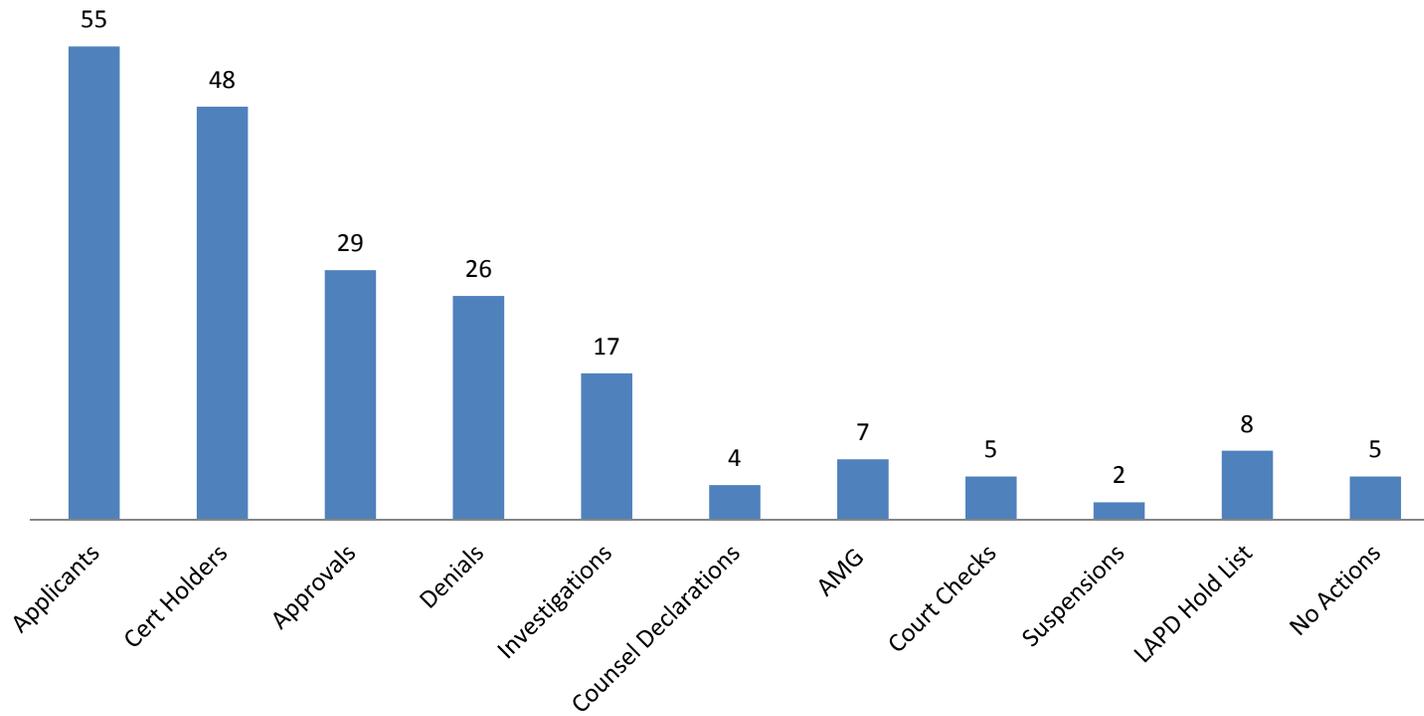
## PSD Files Reviewed 2012



Totals from January 1, 2013 to January 31, 2013

Applicants	55
Cert Holders	48
Approvals	29
Denials	26
Investigations	17
Counsel Declarations	4
AMG	7
Court Checks	5
Suspensions	2
LAPD Hold List	8
No Actions	5

## PSD Data January 1 to 31, 2013





Approved by the CAMTC Board 3/15/11

Amended 11/5/12

Proposed additional amendments prepared 1/8/13

## PROCEDURES FOR DENIAL OF CERTIFICATION OR DISCIPLINE/REVOCAION

Pursuant to California Business and Professions Code Section 4603.1, the California Massage Therapy Council (the "Council") 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 Sections 4600 et seq. (hereinafter the "Law"):

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 Section 4601 or 4604.
  - b. Failure to obtain a positive fitness determination after fingerprinting pursuant to Section 4601.3.
  - 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.
  - 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 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 liability in an administrative or civil action, 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 shall be conclusive evidence of the crime or liability. ~~Conviction of any felony, or conviction of a misdemeanor that is~~ substantially related to the qualifications, functions, or

~~duties of a certificate holder, in which event the record of the conviction shall be conclusive evidence of the crime.~~

- g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to under the Law for the issuance of a certificate.
- h. Impersonating a certified practitioner or therapist, or permitting or allowing an 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.

2. Investigations. Section 4601(g) of the Law provides:

(1) The organization 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 organization 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 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 organization is authorized to receive factual information as a condition of taking any action*, the organization 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 has been convicted of a felony or misdemeanor, whether expunged or not, CAMTC will conduct an investigation and review all prior convictions substantially related to the qualifications, functions or duties of a massage professional. Each application will be evaluated on a case by case basis. CAMTC will consider the nature, severity, and timing (how recent) of the offense(s), as well as rehabilitation and other factors when making a certification determination. CAMTC will make the determination for approval or denial of certification by evaluating the entire application and all supporting documentation.

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

- 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. Issue an initial certificate on probation, with specific terms and conditions.
4. Actions relative to existing certificate holders. The Council may discipline a certificate holder by any, or a combination, of the following methods:
- a. Placing the certificate holder on probation.
  - b. Suspending the certificate and the rights conferred by the Law on a certificate holder for a period not to exceed one year.
  - c. Revoking the certificate.
  - d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.
  - e. Taking other action as the Council, or a person appointed by the Council, deems proper.
  - 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 Section 647 of the Penal Code or any offense described in paragraph 1.j. above, the Council shall take all of the following actions:
    - (1) Immediately suspend, on an interim basis, the certificate of that certificate holder.
    - (2) Notify the certificate holder within 10 days at the address last filed with the Council that the certificate has been suspended, and the reason for the suspension.
    - (3) Notify any business within 10 days that the Council has in its records as employing or contracting with the certificate holder that the certificate has been suspended.

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. The Council shall provide notice to the certificate holder within 10 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 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 have resulted in an acquittal, or have otherwise been dismissed prior to conviction, the certificate shall be immediately reinstated and the certificate holder and any business that received notice pursuant to these procedures shall be notified of the reinstatement within 10 days.

g. Notwithstanding any other provision of law, if the Council receives clear and convincing evidence 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 to immediately suspend a certificate pursuant to this subdivision shall be based on clear and convincing 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) 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).

(2) Notify by electronic mail or any other means consistent with the notice requirements of this chapter, within 10 business days, any business 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 the Council has in its records as employing or contracting with the certificate holder, that the certificate has been suspended.

(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.
7. Procedure for denial, suspension, or revocation of a certificate. All denials, suspensions, revocations, and other discipline required or allowed by the Law and these Procedures shall be carried out by an employee of the Council known as the Division Director of Professional Standards (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 4.f. apply):

- 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. If after 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. 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, who together are authorized to determine whether the denial of certification or proposed discipline should occur. The decision of the Division Director/PSD shall be final.

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. 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 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. An applicant or certificate holder who is denied certification or disciplined shall be liable for any charges incurred, services or benefits actually rendered or fees incurred before the certificate denial or certificate holder discipline or arising from contract or otherwise.~~

~~f.e. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to section 4.e. of these procedures 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.e.~~

**Memo**

Date: February 4, 2012  
To: Board of Directors  
California Massage Therapy Council  
From: Ahmos Netanel, Chief Executive Officer  
Subject: Implementation of Second PSD Track

On November 5, 2012 the Board passed a motion to implement 2nd PSD track – target date by 7/1/2013, as feasible (Rolnick/Grant). As our staff attorney is able to lighten Alison Siegel's load, Alison is freed to dedicate more time to catch up on getting notices of decisions out. Since Alison will be training the new hearing Officers, the paralegal, and the new staff attorney, implementing a second track immediately would have resulted in her falling further behind. Therefore, the CEO established a critical path to have the second track be up and running by July 1, 2013.

The following is a summary of the order by which the staff will be hired. The schedule was implemented in the 2013-updated budget, which will be presented to the Board on February 13, 2012.

## **START DATE TIME FRAME**

### **Hearing Coordinator**

- Advertise February 7, 2013 (p/t to start, f/t later)
- Hire March 1, 2013

### **Clerical (2)**

- #1 - Need one for Kendall, by Feb 18, 2013
- #2 - Advertise February 7, 2013 (p/t to start, f/t later)
- #2 - Hire March 1, 2013

### **Attorney**

- Advertise February 15, 2013
- Hire April 1, 2013

### **Paralegal**

- Advertise May 1, 2013 (p/t to start, f/t later)
- Hire June 1, 2013

### **Hearing Officer (2)**

- Advertise in April 2013
- Hire May 1, 2013

### **AMG Support**

- Advertise in May 2013
- Hire June 1, 2013

**CALIFORNIA MASSAGE THERAPY COUNCIL**  
(2/13/2013)  
**PROPOSED-ADJUSTED BUDGET 2013**

**CAMTC APPROVED budget for 2013 assumed total revenue of \$3,490,520 with total expenses of \$3,133,366 for excess revenue over expenses of \$354,233.**

**The attached revised budget proposes \$3,495,234 in revenue with expenses of \$3,356,863 for net revenue of \$138,371.**

The following changes are being proposed to the board for approval:

**REVENUE: Lines 3-4-6**

**Line 3 – Renewals Applied** – Based on the actual database number of persons eligible for recertification by month at a **65% renewal rate (was changed from 67%)**. Recognizing the revenue at 46% of the \$150 received.

**Line 4 – Renewals Approved** – Based on 92% of all renewals being approved. Due to the number for renewals being changed from 67% to 65% the approved would also be reduced since it is based on a percentage of the total of renewals applied

**Line 6 – Deferred Prior Years** – Changed to reflect the **actual 2012 year-end** applications fees deferred.

**OPERATING EXPENSES: Lines 13-80**

**PROFESSIONAL STANDARDS DIVISION: Lines 54 & 64-** Proposes the **addition of 5 clerical/paralegal staff and an additional in-house attorney** to accommodate a 2<sup>nd</sup> PSD track.

**PROFESSIONAL SERVICES EXPENSES: Line 74 –** **Proposes the addition of one FTE** starting June 1, 2013 to accommodate the new PSD track.

**SUMMARY:**

1. **Revenue** -The lowering of the renewals applied percentage and the increase of the deferred prior years was a positive net effect to revenue of \$4,714.
2. **Expenses**- The addition of a new PSD track starting on July 1, 2013 increased the total expenses by \$220,577.
3. **Excess Revenue Over Expenses** – Net change to \$138,371 from \$357,153 is a reduction of net revenue of \$215,863.
4. **Cash Flow** –  
Budget approved 11/5/12 - Beginning Cash \$1,271,751 (estimated) - Ending Cash \$1,124,515  
Proposed adjusted budget 2/13/13 - Beginning Cash \$1,643,701 (actual) Ending Cash \$1,244,088

During the November board meeting the ending cash is estimated because the last two months are estimated and not actuals. The proposed adjusted budget reflects the actual ending cash for 2012. The difference was an increase of beginning cash of \$371,950 therefore the cash flow proposed has an actual increase to cash even with the addition of expenses.

**CAMTC PROPOSED ADJUSTMENTS (2/13/13)  
TO APPROVED (11/5/12) 2013 BUDGET**

	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL	2012	Variance
	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	Actual	
														Year-End	
<b>REVENUE</b>															
<b>Number of new applications deposited</b>	850	850	850	850	850	850	850	850	850	850	850	850	10,200	12,472	
1 New Application Fees Recognized (37% of \$150)	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 47,175	\$ 566,100	\$505,116	\$ 60,984
<b>Certificates Issued</b>	816	816	816	816	816	816	816	816	816	816	816	816	9,792	11,793	
2 Certificates Recognized (39% of \$150)	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 47,736	\$ 572,832	\$672,201	\$ (99,369)
<b>Renewals-Applied</b>	902	541	573	482	405	510	549	662	667	1261	979	1264	8,795	10,962	
3 Renewals Recognized (46% of \$150)	\$ 62,238	\$ 37,329	\$ 39,537	\$ 33,258	\$ 27,945	\$ 35,190	\$ 37,881	\$ 45,678	\$ 46,023	\$ 87,009	\$ 67,551	\$ 87,216	\$ 606,855	\$443,961	\$ 162,894
<b>Renewals-Approved</b>	830	498	527	443	373	469	505	609	614	1160	901	1163	8,091	10,712	
4 Renewals Recognized (42% of \$150)	\$ 52,280	\$ 31,356	\$ 33,211	\$ 27,937	\$ 23,474	\$ 29,560	\$ 31,820	\$ 38,370	\$ 38,659	\$ 73,088	\$ 56,743	\$ 73,261	\$ 509,758	\$610,584	\$ (100,826)
<b>Deferred Current / Prior Years</b>															
5 Deferred Current Year (24% of \$150 /24)/(12% of \$150/24)	\$ -	\$ 1,972	\$ 3,665	\$ 5,383	\$ 7,030	\$ 8,617	\$ 10,287	\$ 11,986	\$ 13,773	\$ 15,561	\$ 17,797	\$ 19,820	\$ 115,891	\$295,236	\$ (179,345)
6 Deferred Prior Yrs	\$ 83,729	\$ 81,777	\$ 80,280	\$ 77,873	\$ 75,510	\$ 72,948	\$ 70,317	\$ 68,681	\$ 65,268	\$ 61,582	\$ 57,901	\$ 55,307	\$ 851,173	\$559,483	\$ 291,690
<b>Denied Applications</b>	50	50	50	50	50	50	50	50	50	50	50	50	600	1,133	
7 Denied Applications Recognized (73% of \$150)	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 5,475	\$ 65,700	\$124,063	\$ (58,363)
<b>Purged/Revoked/Sus/Cancelled/Nullified</b>	20	20	20	20	20	20	20	20	20	20	20	20	240	236	
8 Purged Applications Recognized (73% of \$150)	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 2,190	\$ 26,280	\$25,842	\$ 438
9 Hearing Fees	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 72,000	\$43,320	\$ 28,680
10 Re-certification Late Fees	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 72,000	\$82,475	\$ (10,475)
11 Miscellaneous Fees	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 36,000	\$45,453	\$ (9,453)
<b>Total Fee Revenue</b>	\$ 315,823	\$ 270,010	\$ 274,269	\$ 262,027	\$ 251,535	\$ 263,891	\$ 267,881	\$ 282,291	\$ 281,299	\$ 354,816	\$ 317,568	\$ 353,180	\$ 3,494,589	\$ 3,407,734	\$ 86,855
Interest	\$ 33	\$ 33	\$ 33	\$ 33	\$ 155	\$ 33	\$ 33	\$ 33	\$ 160	\$ 33	\$ 33	\$ 33	\$ 645	\$517	\$ 128
<b>Total Other Revenue</b>	\$ 33	\$ 33	\$ 33	\$ 33	\$ 155	\$ 33	\$ 33	\$ 33	\$ 160	\$ 33	\$ 33	\$ 33	\$ 645	\$517	\$ 128
<b>TOTAL REVENUE</b>	\$ 315,856	\$ 270,043	\$ 274,302	\$ 262,060	\$ 251,690	\$ 263,924	\$ 267,914	\$ 282,324	\$ 281,459	\$ 354,849	\$ 317,601	\$ 353,213	\$ 3,495,234	\$3,408,251	\$ 86,983
<b>OPERATING EXPENSES</b>															
<b>Board &amp; Committee Expenses</b>															
14 Board Travel /Committee	\$ -	\$ 2,500	\$ -	\$ 2,500	\$ -	\$ -	\$ -	\$ -	\$ 3,500	\$ -	\$ 2,500	\$ -	\$ 11,000	\$12,710	\$ (1,710)
15 Facility/Banquet	-	3,000	-	3,000	-	-	-	-	6,000	-	3,000	-	15,000	14,283	717
16 Printing /Supplies/Postage	-	200	-	200	-	-	-	-	200	-	200	-	800	842	(42)
17 Conference Calls	100	-	100	-	100	100	100	100	-	100	-	100	800	763	37
<b>Total Board &amp; Committee Expenses</b>	\$ 100	\$ 5,700	\$ 100	\$ 5,700	\$ 100	\$ 100	\$ 100	\$ 100	\$ 9,700	\$ 100	\$ 5,700	\$ 100	\$ 27,600	\$28,598	\$ (998)

**CAMTC PROPOSED ADJUSTMENTS (2/13/13)  
TO APPROVED (11/5/12) 2013 BUDGET**

	January 2013	February 2013	March 2013	April 2013	May 2013	June 2013	July 2013	August 2013	September 2013	October 2013	November 2013	December 2013	TOTAL 2013	2012 Actual	Variance
<b>Outreach/Marketing</b>															
19 Communications & Promotion	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 42,000	\$27,777	\$ 14,223
20 Public Relations	400	400	400	400	400	400	400	400	400	400	400	400	4,800	4,124	676
21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22 <b>Total Outreach/Marketing</b>	<b>\$ 3,900</b>	<b>\$ 3,900</b>	<b>\$ 3,900</b>	<b>\$ 3,900</b>	<b>\$ 46,800</b>	<b>\$31,901</b>	<b>\$ 14,899</b>								
<b>General Administrative</b>															
23 Office Supplies	\$ 2,500	\$ 375	\$ 375	\$ 375	\$ 375	\$ 375	\$ 2,500	\$ 375	\$ 375	\$375	\$375	\$375	\$ 8,750	10,224	\$ (1,474)
24 Office Rental - Sacramento	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	50,230	(2,230)
25 Office Furniture/Equipment		-	-	-	-	-	-	-	-	-	-	-	-	9,213	(9,213)
26 Printing/Copying	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	13,737	(1,737)
27 Records Scanning	4,306	4,306	4,306	4,306	4,306	4,306	4,306	-	-	-	-	-	30,142	37,024	(6,882)
28 Postage/Mailing	750	750	750	750	750	750	750	750	750	750	750	750	9,000	8,455	545
29 Telephone/Fax	100	100	100	100	100	100	100	100	100	100	100	100	1,200	3,829	(2,629)
30 Dues/Subscriptions-Software/Licenses	-	-	-	-	-	-	-	-	-	-	-	-	-	10,970	(10,970)
31 Insurance-D&O/E&O/GL	1,338	1,338	1,338	1,338	1,338	1,338	1,337	1,338	1,337	1,338	1,338	1,338	16,054	16,872	(818)
32 Banking/credit card fees	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	50,400	45,804	4,596
33 Staff Travel	-	600	-	600	-	-	-	2,920	2,200	-	600	-	6,920	3,351	3,569
34 Certification/Materials/Printing/Mailing	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	69,600	100,844	(31,244)
35 Database Maintenance	750	750	750	750	750	750	750	750	750	750	750	750	9,000	9,352	(352)
36 Database Development	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	36,000	30,828	5,172
37 Amortization Expense													-	2,669	(2,669)
38 Miscellaneous	300	300	300	300	300	300	300	300	300	300	300	300	3,600	2,997	603
39 <b>Total General Administrative</b>	<b>\$ 28,044</b>	<b>\$ 26,519</b>	<b>\$ 25,919</b>	<b>\$ 26,519</b>	<b>\$ 25,919</b>	<b>\$ 25,919</b>	<b>\$ 28,043</b>	<b>\$ 24,533</b>	<b>\$ 23,812</b>	<b>\$ 21,613</b>	<b>\$ 22,213</b>	<b>\$ 21,613</b>	<b>\$ 300,666</b>	<b>356,399</b>	<b>\$ (55,733)</b>

**CAMTC PROPOSED ADJUSTMENTS (2/13/13)  
TO APPROVED (11/5/12) 2013 BUDGET**

	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL	2012	Variance	
	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	Actual		
<b>Executive Staff</b>																
40	Senior Management Team	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 270,000	\$266,308	\$ 3,692
41	Senior Staff-Contingency-Requires BOD Approval	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	60,000	-	60,000
42	Benefit Allowance	5,500	5,500	5,500	5,500	5,500	5,750	5,750	5,500	5,500	5,500	5,500	5,500	66,500	66,000	500
43	Off Site - Office Rental	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	15,996	16,000	(4)
44	Vacation Expense	865	865	865	865	865	865	865	865	865	865	865	865	10,380	14,372	(3,992)
45	Travel & Meetings	3,250	3,250	3,250	3,250	3,250	3,250	3,250	3,250	3,250	3,250	3,250	3,250	39,000	30,485	8,515
46	Communications	375	375	375	375	375	375	375	375	375	375	375	375	4,500	3,746	754
47	Supplies	100	100	100	100	100	100	100	100	100	100	100	100	1,200	748	452
48	Equipment	150	150	150	150	150	150	150	150	150	150	150	150	1,800	1,250	550
49	Phone - cell phone -land Line-DSL	200	200	200	200	200	200	200	200	200	200	200	200	2,400	2,589	(189)
50	Miscellaneous	50	50	50	50	50	50	50	50	50	50	50	50	600	22	578
51	<b>Total Executive Staff</b>	<b>\$ 39,323</b>	<b>\$ 39,323</b>	<b>\$ 39,323</b>	<b>\$ 39,323</b>	<b>\$ 39,323</b>	<b>\$ 39,573</b>	<b>\$ 39,573</b>	<b>\$ 39,323</b>	<b>\$ 472,376</b>	<b>\$401,520</b>	<b>\$ 70,856</b>				
<b>Professional Standards Division</b>																
52	Management	\$6,000	\$6,000	\$6,000	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$6,240	\$ 74,160	\$72,409	\$ 1,751
53	Application Review	-	-	-	-	-	-	-	-	-	-	-	-	-	43,977	(43,977)
54	Clerical	13,500	13,500	21,540	22,079	25,268	28,735	28,735	28,735	28,735	28,735	28,735	28,735	297,032	156,531	140,501
55	Field Investigators	20,306	20,306	20,306	21,118	21,118	21,118	21,118	21,118	21,118	21,118	21,118	21,118	250,980	113,195	137,785
56	Employee Benefits Allowance( 5@400)	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	23,150	850
57	Supplies	100	100	100	100	100	100	100	100	100	100	100	100	1,200	1,156	44
58	Cell Phones	400	400	400	400	400	400	400	400	400	400	400	400	4,800	3,813	987
59	Travel	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	11,058	942
60	Conference Calls	700	700	700	700	700	700	700	700	700	700	700	700	8,400	7,035	1,365
61	Dept Meetings	50	50	50	50	50	50	50	50	50	50	50	50	600	303	297
62	Equipment	-	2,500	-	-	-	2,500	-	-	-	-	-	-	5,000	5,608	(608)
63	Legal Attorneys - Denials/Litigation	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	432,000	433,706	(1,706)
64	Legal - In - House (salary & benefit allowance)	8,000	8,000	8,000	15,167	15,167	15,167	15,167	15,167	15,167	15,467	15,467	15,467	161,403	38,066	123,337
65	Legal Assistance-Staff	3,360	3,360	3,360	3,360	3,360	3,360	3,360	3,360	3,360	3,360	3,360	3,360	40,320	45,337	(5,017)
66	Investigations (SSA)	750	750	750	750	750	750	750	750	750	750	750	750	9,000	17,725	(8,725)
67	Court Record Fees	200	200	200	200	200	200	200	200	200	200	200	200	2,400	1,214	1,186
68	Appeals+ Denials Printing/Supplies/Mailing	350	350	350	350	350	350	350	350	350	350	350	350	4,200	6,565	(2,365)
69	Miscellaneous	-	-	-	-	-	-	-	-	-	-	-	-	-	2,147	(2,147)
70	<b>Total Professional Standards Division</b>	<b>\$ 92,716</b>	<b>\$ 95,216</b>	<b>\$ 100,756</b>	<b>\$ 109,514</b>	<b>\$ 112,703</b>	<b>\$ 118,670</b>	<b>\$ 116,170</b>	<b>\$ 116,170</b>	<b>\$ 116,170</b>	<b>\$ 116,470</b>	<b>\$ 116,470</b>	<b>\$ 116,470</b>	<b>\$ 1,327,495</b>	<b>\$982,995</b>	<b>\$ 344,500</b>
<b>Staff General Expenses</b>																
71	Insurance (Workers' Comp)	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 820	\$ 9,840	\$7,155	\$ 2,685
72	Payroll Taxes (Exec Staff and PSD)	5,583	5,583	5,583	5,583	5,583	5,583	5,583	5,583	5,583	5,583	5,583	5,583	66,996	58,441	8,555
73	Payroll Services (all staff)	125	125	125	125	125	125	125	125	125	125	125	125	1,500	1,289	211
74	<b>Total Staff General Expenses</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 6,528</b>	<b>\$ 78,336</b>	<b>\$66,885</b>	<b>\$ 11,451</b>

**CAMTC PROPOSED ADJUSTMENTS (2/13/13)  
TO APPROVED (11/5/12) 2013 BUDGET**

	January 2013	February 2013	March 2013	April 2013	May 2013	June 2013	July 2013	August 2013	September 2013	October 2013	November 2013	December 2013	TOTAL 2013	2012 Actual	Variance	
<b>Professional Services</b>																
75	Accounting/Audit	-	-	7,000	1,240	-	-	-	-	-	-	500	\$ 8,740	\$8,240	\$ 500	
76	Application Processing	75,000	75,000	75,000	75,000	75,000	78,750	78,750	78,750	78,750	78,750	78,750	926,250	830,238	96,012	
77	Consulting	50	50	50	50	50	50	50	50	50	50	50	600	499	101	
78	Legal general counsel & routine	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	84,000	77,041	6,959	
79	<b>Total Professional Services</b>	<b>\$ 82,050</b>	<b>\$ 82,050</b>	<b>\$ 89,050</b>	<b>\$ 83,290</b>	<b>\$ 82,050</b>	<b>\$ 85,800</b>	<b>\$ 85,800</b>	<b>\$ 85,800</b>	<b>\$ 85,800</b>	<b>\$ 85,800</b>	<b>\$ 86,300</b>	<b>\$ 1,019,590</b>	<b>\$916,018</b>	<b>\$ 103,572</b>	
80	<b>Sub-total Operating Expenses</b>	<b>\$ 252,661</b>	<b>\$ 259,236</b>	<b>\$ 265,576</b>	<b>\$ 274,774</b>	<b>\$ 270,523</b>	<b>\$ 280,490</b>	<b>\$ 280,114</b>	<b>\$ 276,354</b>	<b>\$ 285,233</b>	<b>\$ 273,734</b>	<b>\$ 279,934</b>	<b>\$ 274,234</b>	<b>\$ 3,272,863</b>	<b>\$ 2,784,316</b>	<b>\$ 488,547</b>
81	Miscellaneous Contingency	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	84,000	\$0	\$ 84,000	
82	<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 259,661</b>	<b>\$ 266,236</b>	<b>\$ 272,576</b>	<b>\$ 281,774</b>	<b>\$ 277,523</b>	<b>\$ 287,490</b>	<b>\$ 287,114</b>	<b>\$ 283,354</b>	<b>\$ 292,233</b>	<b>\$ 280,734</b>	<b>\$ 286,934</b>	<b>\$ 281,234</b>	<b>\$ 3,356,863</b>	<b>\$ 2,784,316</b>	<b>\$ 572,547</b>
83	<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>\$ 56,195</b>	<b>\$ 3,807</b>	<b>\$ 1,726</b>	<b>\$ (19,715)</b>	<b>\$ (25,833)</b>	<b>\$ (23,566)</b>	<b>\$ (19,200)</b>	<b>\$ (1,030)</b>	<b>\$ (10,774)</b>	<b>\$ 74,115</b>	<b>\$ 30,667</b>	<b>\$ 71,979</b>	<b>\$ 138,371</b>	<b>\$ 623,935</b>	<b>\$ (485,564)</b>
	<i>OPERATING SURPLUS / (DEFICIT) YTD</i>	<i>\$ 56,195</i>	<i>\$ 60,002</i>	<i>\$ 61,728</i>	<i>\$ 42,014</i>	<i>\$ 16,181</i>	<i>\$ (7,386)</i>	<i>\$ (26,586)</i>	<i>\$ (27,616)</i>	<i>\$ (38,390)</i>	<i>\$ 35,725</i>	<i>\$ 66,392</i>	<i>\$ 138,371</i>	<i>\$ 138,371</i>		
<b>CASH FLOW PROJECTIONS - 2013</b>																
<b>Cash Flow from Operations</b>													<b>Annual</b>			
	Cash Received	\$ 271,800	\$ 217,650	\$ 222,450	\$ 208,800	\$ 197,250	\$ 213,000	\$ 218,850	\$ 235,800	\$ 236,550	\$ 325,650	\$ 283,350	\$ 326,100	\$ 2,957,250		
	Cash Expenses	\$ (259,661)	\$ (266,236)	\$ (272,576)	\$ (281,774)	\$ (277,523)	\$ (287,490)	\$ (287,114)	\$ (283,354)	\$ (292,233)	\$ (280,734)	\$ (286,934)	\$ (281,234)	\$ (3,356,863)		
	<b>Total Cash Flow from Operations</b>	<b>\$ 12,139</b>	<b>\$ (48,586)</b>	<b>\$ (50,126)</b>	<b>\$ (72,974)</b>	<b>\$ (80,273)</b>	<b>\$ (74,490)</b>	<b>\$ (68,264)</b>	<b>\$ (47,554)</b>	<b>\$ (55,683)</b>	<b>\$ 44,916</b>	<b>\$ (3,584)</b>	<b>\$ 44,866</b>	<b>\$ (399,613)</b>		
<b>Cash Flow from Financing</b>																
	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>Starting Cash</b>	<b>\$ 1,643,701</b>	\$ 1,655,840	\$ 1,607,254	\$ 1,557,128	\$ 1,484,154	\$ 1,403,881	\$ 1,329,391	\$ 1,261,127	\$ 1,213,573	\$ 1,157,890	\$ 1,202,806	\$ 1,199,222	\$ 1,643,701		
	<b>Ending Cash</b>	<b>\$ 1,655,840</b>	\$ 1,607,254	\$ 1,557,128	\$ 1,484,154	\$ 1,403,881	\$ 1,329,391	\$ 1,261,127	\$ 1,213,573	\$ 1,157,890	\$ 1,202,806	\$ 1,199,222	<b>\$ 1,244,088</b>	<b>\$ 1,244,088</b>		

**State Establishment Regulations**

**June 26, 2012**

The following states regulate massage therapy establishments:

Alabama, Florida, Hawaii, Louisiana, Massachusetts, Missouri, Nebraska, Tennessee and Texas

The District of Columbia also regulates massage therapy establishments.

Of the 44 states and the District of Columbia that regulate the profession of massage therapy, only 10 regulate establishments. The following are summaries and portions of those states' establishment laws, excluding the District of Columbia.

This information is for informational purposes only. The information provided here is based on research done by AMTA research staff and is not intended to convey AMTA policy or position on enclosed statutes.

## **Alabama**

### **Definitions**

- Establishment - A site, premises, or business where massage therapy is practiced by a licensed massage therapist. Any massage therapy business which engages in or carries on, as a whole or part of its services, the practice of massage therapy not at a fixed location but at a location designated by the customer, client, or service, is an onsite or outcall massage therapy establishment.

### **Content of Establishment License**

- Each massage therapy establishment and onsite or outcall establishment shall obtain a license to operate from the Board.
- The applicant for licensure of the establishment shall be the owner, lessee, or legal possessor of the establishment.

### **Inspections**

- Each massage therapy establishment shall be subject to an inspection by the Board at any time during normal business hours and must demonstrate:
  - Current liability insurance coverage
  - Many safety and sanitary requirements provided by state law.

### **Sexual Activity**

- No massage therapy establishment owner, lessee or legal possessor shall knowingly engage in or permit and person or persons to engage in sexual activity in that owner's establishment or to use that establishment to make arrangements to engage in sexual activity in any other place.

### **Fees**

- \$100 Application Fee
- \$50 Renewal Fee (2-year)

### **Forms & Documents**

- Rules & Regulations - [http://www.almtbd.state.al.us/pdfs/R&R02\\_10](http://www.almtbd.state.al.us/pdfs/R&R02_10).
- Application - [http://www.almtbd.state.al.us/pdfs/Establishment\\_Appl\\_12-06.pdf](http://www.almtbd.state.al.us/pdfs/Establishment_Appl_12-06.pdf)
- Exemption Request - <http://www.almtbd.state.al.us/pdfs/ExemptionMemo.pdf>
- Renewal - [http://www.almtbd.state.al.us/pdfs/Establishment\\_renewal\\_1-11.pdf](http://www.almtbd.state.al.us/pdfs/Establishment_renewal_1-11.pdf)

## **Florida**

### **Definitions**

- The term "owner" means the sole proprietor, partnership, limited partnership or corporation that operates the massage establishment.
- The term "business name" means the name under which the owner applies for the establishment license to provide massage therapy, if different from the name of the owner.

### **Licensure of Massage Establishment**

- Each establishment, shall obtain a license from the Department by submitting a completed Massage Establishment Licensure Application.
- The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a corporation, the application shall be submitted in the name of the corporation and shall be signed by an authorized corporate representative.

- An owner may operate an establishment under a name other than the name of the owner, provided such name is submitted to the Board on the application for licensure. Any advertisement by the establishment of massage therapy must include the business name.
- The applicant shall submit proof confirming property damage and bodily injury liability insurance coverage for the proposed establishment.

### **Massage Establishment Operations**

- Each establishment shall meet the following facility requirements:
  - Comply with all local building code requirements.
  - Provide for the use of clients a bathroom equipped with certain devices laid out in law.
  - Maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.
  - If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain clean shower facilities on the premises.
- A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.
- Certain safety and sanitary requirements must be met.
- Each establishment shall maintain property damage and bodily injury liability insurance coverage.

### **Inspections**

- Upon receipt of an application for a massage establishment license, employees of the Department shall cause an inspection to be made of the site. Such inspection shall be to confirm that the site is to be utilized for “massage” as defined by law
- The Department shall make periodic inspections of all massage establishments licensed in this state no less than once each year.

### **Transfer of Massage Establishment License**

- An owner may change the business name of an establishment and/or transfer the license from one location to another by submitting a completed Application for Licensure-Massage Establishment.

### **Sexual Activity Prohibited**

- Sexual activity by any person or persons in any massage establishment is absolutely prohibited.
- No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner’s massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.
- No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.
- As used in this rule, “sexual activity” means any direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse. For purposes of this subsection, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used herein, sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation has occurred. Nothing herein shall be interpreted to prohibit a licensed massage therapist, duly qualified under state law from practicing colonic irrigation.

## **Fees**

- \$255 Application Fee
- \$125 Location Change Fee
- \$25 Name Change Fee
- \$105 Renewal Fee (2-year)

## **Forms & Documents**

- Rules - <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64B7-26>
- Application - [http://www.doh.state.fl.us/mqa/massage/ap\\_business.pdf](http://www.doh.state.fl.us/mqa/massage/ap_business.pdf)
- Info - [http://www.doh.state.fl.us/mqa/massage/info\\_establish.doc](http://www.doh.state.fl.us/mqa/massage/info_establish.doc)

## **Hawaii**

### **Definitions**

- "Establishment" means a massage establishment
- "Out-call massage service" means any business, which is to engage in or carry on the practice of massage, not at a fixed location but at a location designated by the customer, client, or service

### **Massage Establishment and Out-Call Massage Service Requirements**

- No massage establishment or out-call massage service shall be licensed or allowed to operate unless the massage business thereof is under the direct management of a massage therapist designated as the principal massage therapist and the name of the person has been recorded with the board's office.
- An establishment or out-call massage service shall follow a time-line provided by state law after disassociation of its principal massage therapists and designation of a new principal massage therapist, or face suspension.
- Every establishment shall display, in a conspicuous place, its license, together with the licenses and permits of all persons employed by the establishment with the current validation of the certificates of the massage therapists and apprentices.
- No establishment shall operate without a licensed massage therapist in attendance on the premises of the establishment at all times. During the absence of the principal massage therapist, a massage therapist must be designated to act in that capacity.
- An establishment or out-call massage service may be charged either separately or with its principal massage therapist with any violation of the law or rules of the board.
- No establishment or out-call massage service shall employ, allow, or permit any unlicensed person to practice massage or assist in the practice of massage on its premises, except if the person has an apprentice permit.
- Every massage establishment or out-call massage service shall be responsible for all lascivious conduct, lewdness, or any sexual act on its premises.
- The maximum ratio of apprentices to each massage therapist in any establishment shall be ten to one.
- Every establishment shall assure proper supervision and training of the apprentice. The establishment shall notify all customers when they are to be massaged by an apprentice. Apprentices shall not be sent on hotel or house calls.
- All establishments may be inspected at any time during business hours by any member of the department of health or the board or their authorized agents. Appropriate identification shall be presented by the investigators on request.
- Rest quarters provided for employees shall not be used for massage purposes.
- No establishment shall install or permit the use of any locks on the doors of massage rooms.
- An establishment or an out-call massage service license is nontransferable.
- When relocating an establishment, all requirements shall be fulfilled except for the license fee.

### **Suspension and Revocation of Licenses.**

- Any establishment or an out-call massage service license, a principal massage therapist registration, a massage therapist license, or an apprentice permit may be suspended or revoked upon any one of the following grounds:
  - Falsification or misrepresentation in the application for a license, registration, or permit;
  - Practicing massage under a false name or name other than that on the license or apprentice permit;
  - Use of untrue, fraudulent, misleading, or deceptive advertising, or of any form or manner of advertising which may directly or indirectly suggest sexual or immoral acts;
  - Abandoning an establishment or an out-call massage service without prior notice to the board;
  - Violation of any law or rule concerning or affecting the practice of massage;
  - Prescribing, administering, or making recommendations as to medication or injection therapy;
  - Stating or implying through any newspaper, magazine, directory, pamphlet, poster, card, circular, or other writing or publication or by any advertisement, that the registrant, has cured, can cure, or guarantees to cure, or has successfully treated any disease, defect, or deformity;
  - Participating in or using the establishment for any lascivious conduct, lewdness, or any sexual act;
  - Teaching the practical application of body massage without the proper qualification as outlined in this chapter; and
  - Causing bodily injury by carelessness or negligence as a result of practicing massage.

### **Fees**

- \$145 Application Fee

### **Forms & Documents**

- Rules and Regulations - [http://hawaii.gov/dcca/pvl/pvl/har/har\\_84-c.pdf](http://hawaii.gov/dcca/pvl/pvl/har/har_84-c.pdf)
- Application - [http://hawaii.gov/dcca/pvl/boards/massage/application\\_publications/pvl\\_message\\_therapy\\_establishment.pdf](http://hawaii.gov/dcca/pvl/boards/massage/application_publications/pvl_message_therapy_establishment.pdf)

## **Louisiana**

### **Definitions**

- **Massage Establishment**—any place of business in which massage therapy is practiced by a massage therapist.

### **Massage Establishment Safety and Sanitary Requirements**

- Each massage establishment shall be maintained and operated in a safe and sanitary manner. To that end, each massage establishment shall:
  - comply with all state and local building fire and safety code requirements;
  - provide for safe and unobstructed human passage in the public areas of the premises, removal of garbage and refuse and safe storage or removal of flammable materials;
  - maintain on the premises a fire extinguisher in good working condition;
  - exterminate all vermin, insects, termites, and rodents on the premises;
  - maintain all equipment used to perform massage services on the premises in a safe and sanitary condition;
  - launder, before reuse, all materials furnished for the personal use of the customer;
  - provide adequate toilet and lavatory facilities;
  - adequately maintain shower facilities on the premises if equipped with a whirlpool bath, sauna, steam cabinet and/or steam room;

- maintain current property damage and bodily injury liability insurance coverage for the establishment at rates provided for in state law;
- maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within 300 feet of the massage establishment;
- maintain lavatories for hand cleansing and/or chemical germicides designed to disinfect and cleanse hands
- Each massage establishment shall maintain a sufficient supply of clean drapes for the purpose of draping each client during massage. Before beginning a massage, each massage therapist shall have explained expected draping techniques and provided the client a clean drape for that purpose. In the case of a male client, the gluteal cleft and genitalia must be covered; and, in the case of a female client, breasts, the gluteal cleft, and genitalia must be covered. The board may establish a protocol for any variation from the above described draping procedures.

### **Inspections**

- Upon receipt of an application for a massage establishment registration certificate, the board may cause an inspection to be made of the site. The board further may make periodic inspections of all massage establishments, including unregistered and/or unlicensed massage establishments.
- Such inspections may include, but need not be limited to, confirmation that the site is being utilized for massage therapy, a determination of whether the establishment is in compliance with the laws and rules governing the establishment's operation, facilities, personnel, safety, and sanitary requirements, review of existing insurance coverage, and review of client history records and billings records.
- Failure to cooperate with such inspections may lead to disciplinary action.

### **Notification to Board of Change of Status**

- All changes in name(s) and/or location(s) must be reported to the board in writing within 30 days of occurrence on a form provided by the board.
- Change in status notification will include situations where a therapist ceases to practice at a given physical location or address.

### **Prohibition of Sexual Activity**

- All sexual activity by any person or persons in any massage establishment is absolutely prohibited.
- No massage establishment owner or operator shall engage in or permit any person or persons to engage in sexual activity in that owner or operator's massage establishment or to use that establishment to make arrangements to engage in sexual activity in any other place.
- No licensed massage therapist shall engage in sexual activity with a current client of the therapist.
- No licensed massage therapist shall engage in sexual activity with a former client of the therapist within three months after cessation of professional services.
- As used in this Rule and §5301 of these Rules, "sexual activity" means and includes coital sexual intercourse, anal sexual intercourse, fellatio, cunnilingus, masturbation and acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct. "Sexual activity" further means and includes the purposeful touching of the genitals of another person and the purposeful erotic stimulation of the anus, the male or female nipple, or the female breast, whether through draping or clothing, whether resulting in penetration or orgasm or not, and whether by instrumental manipulation, touching with the hands, or other bodily contact.

### **Fees**

- \$100 Application

- \$100 Annual Renewal

#### **Forms & Documents**

- Rules & Regulations - <https://www.labmt.org/uploads/rules.pdf>

## **Massachusetts**

### **Definitions**

- Establishment - Any location, or portion thereof, which advertises and/or provides Massage Therapy services on the premises on a Regular basis, which has been licensed by the Board
- Operator – A person who allows Massage Therapy to be offered for compensation on premises owned/leased or controlled by that individual or an entity controlled by the individual; a Massage Therapist practicing alone shall be considered an Operator.
- Outcall - The provision of massage services outside of an Establishment and in a location at which there is neither the Regular provision nor the advertising of such services.

### **Establishment Licensure Required**

- Massage Therapy shall only be delivered or offered at any location or portion thereof holding a valid Massage Therapy Establishment license issued by the Board; each Massage Therapy Establishment within the Commonwealth shall be licensed by the Board.
- Multiple Therapists Establishment License shall be required at all locations where two or more Massage Therapists are practicing jointly.
- The responsibility for obtaining an Establishment License shall rest with the Operator of the location.
- Failure to obtain an Establishment License shall be considered unlicensed practice, unless otherwise exempted.
- Exemptions
  - Any healthcare facility licensed by the Massachusetts Department of Public Health;
  - Locations at which Massage Therapy services are rendered only on an Outcall basis or by a Single Massage Therapist on an Occasional basis.
  - Board approved continuing education programs and student clinics operated by Board licensed Massage Schools; and
  - Locations at which Chair Massage is exclusively done.
  - Locations at which Massage Therapy is offered for not more than 24 hours in a one week period every six months at a public or charitable event with a primary purpose unrelated to massage.
- Massage Therapy shall not be delivered in adult entertainment venues, bars or nightclubs; and Regular Massage Therapy shall not be delivered on the streets or sidewalks.

### **Application for an Establishment License**

- Application for a Massage Therapy Establishment license may be made by a sole proprietorship, partnership, corporation, limited liability company, or limited liability partnership. A Massage Therapy Establishment may be owned by an individual who is not a licensed Massage Therapist.
- The Board shall not approve an application for license unless the Board has conducted an investigation of the proposed licensee(s) and/or owners of 5% or more and determined that each proposed licensee/owner is suitable and responsible to establish or maintain an Establishment.
- The Board may require and consider supplemental Establishment licensure application information and materials reasonably necessary to prevent insurance fraud, protect the health, safety, or welfare of the public, or for other valid regulatory purposes.
- The Board shall not approve an application for an original Establishment license or renewal of such license unless the Board has been afforded the opportunity to inspect the Establishment.

## **Inspections**

- The Board or its agent may inspect any Massage Therapy Establishment at any time during regular business hours, and without prior notice, for the purpose of verifying that the Massage Therapy Establishment, and its agents or employees are in compliance with all applicable requirements

## **Establishment Standards**

- The following are areas in which state law requires and specifies certain standards:
  - Compliance officer and plan
  - Personnel
  - Interior Specifications
  - Equipment
  - Sanitary Conditions
  - Change in Massage Therapy Establishment Ownership
  - Change in Location
  - Required Displays
  - Variances

## **Grounds for Disciplinary Action**

- The Board may take disciplinary action against any Massage Therapy Establishment. Grounds for disciplinary action shall include, but shall not be limited to:
  - Violations of the establishment license law of the state.
  - Unlicensed practice at the Massage Therapy Establishment or arranged through the Massage Therapy Establishment.
  - Where a person having more than 5% ownership interest, company officer, principal, or any employee of, or person associated with, the Massage Therapy Establishment solicits, facilitates, or otherwise permits illicit behavior.

## **Fees**

\$50 Annual fee for Single MT establishment

\$150 Annual fee for Multiple MT establishment

## **Forms & Documents**

Rules & Regulations –

<http://www.mass.gov/ocabr/licensee/dpl-boards/mt/regulations/269-cmr/269-cmr-600.html>

Application - <http://www.mass.gov/ocabr/docs/dpl/boards/mt/mt-establishment-application.pdf>

## **Missouri**

### **Definitions**

- A massage therapy business shall be defined as an address or establishment where massage is practiced unless otherwise exempted by state law.

### **Massage Therapy Business Requirements**

- A massage therapy business shall:
  - Employ or permit to practice on the premises only licensed or provisionally licensed massage therapists to perform massage therapy
  - Ensure that no massage therapist practices beyond their scope and expertise nor shall a massage therapy business, direct or require a licensee to practice beyond their scope
  - Maintain a copy of the professional liability insurance

- Ensure that each massage therapist wears appropriate clothing and practices high standards of personal hygiene
- Display in a conspicuous place the massage therapy business license and massage therapist license with a photograph of the massage therapist taken within the last two (2) years;
- Maintain policies and procedures that address but are not limited to the nature and scope of services provided and orient employees or those practicing on their premises to the practice standards as it relates to public standards and client records and maintain proof of this orientation;
- Be responsible for maintaining client records for at least three (3) years.
- Shall maintain proof that the massage therapy business location or premises has current general liability insurance
- Maintain documentation of compliance with all applicable building and fire codes prescribed by the state or local government
- Maintain all equipment used to perform massage therapy services on the premises in a safe and sanitary condition
- Provide for safe and unobstructed human passage in the public areas of the premises
- Ensure compliance with the regulations of other entities

### **Issuance of an Original Business License**

- A massage therapist may not practice massage therapy at a site, location, or place which is not duly licensed as a massage therapy business, except at the residence or location provided by the client, at a health fair, sports event, trade show or healthcare facility.
- The license is valid only for the premises located at the address provided in the initial application for the massage therapy business.
- Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes and shall have lavatory facilities.
- A person applying for a business license shall be at least eighteen years of age and submit a completed notarized application and application fee.
- A survey inspection shall be completed and on file with the board prior to the issuance of a business license.
- The board may conduct any survey inspection, as they deem appropriate during normal business hours
- Refusal to permit a survey inspection shall constitute valid grounds for denial of licensure
- The business license shall be displayed in a conspicuous place on the premises of the licensed massage therapy business.
- (15) A massage therapy business shall not operate or advertise using a name other than the name under which the business license was issued.

### **Change of Name, Ownership or Location**

- At least fifteen (15) days prior to a proposed name change, the massage therapy business owner shall notify the board of the proposed name change in writing prior to changing the business name or before revising any printing materials or advertisements.
- The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the licensed massage therapy business.
- When a massage therapy business is sold, or ownership or management is transferred, or the corporate legal organization status is substantially changed, the massage therapy business shall apply for a license by submitting an application, paying the required application bfee, and submitting to an inspection.

### **Fees**

- \$50 fee New Massage Therapy Business ☐

- \$50 fee required Change in Ownership ☒
- \$50 fee Change in Location ☒
- \$100 fee required Reinstate License

### Forms & Documents

- Rules - <http://www.sos.mo.gov/adrules/csr/current/20csr/20c2197-5.pdf>
- Business Application Instructions - <http://pr.mo.gov/boards/massage/Business%20Application%20Instructions.pdf>
- Business Application - <http://pr.mo.gov/boards/massage/Business%20Application%20Form.pdf>

## **Nebraska**

### Definitions

- Massage therapy establishment - Massage therapy establishment means any duly licensed place in which a massage therapist practices his or her profession of massage therapy. This does not include:
  - On-site massage performed at the location of the client;
  - Stand-alone devices, such as chairs, which are operated by the customer; or
  - Establishments located within the confines of a hospital, nursing home, or other similar establishment or facility licensed or otherwise regulated by the Department of Health and Human Services.

### Massage Therapy Establishment Requirements

- Any person who wishes to operate a massage therapy establishment must obtain a license.
- To receive a credential to operate a massage therapy establishment, an individual must meet the following qualifications:
  - Employ a massage therapist(s) who holds an active license;
  - Have adequate space for providing massage therapy services;
  - Have restroom facilities;
 Complete a self evaluation inspection report showing compliance with state law.

### Inspection

- All massage therapy establishments will receive an initial and thereafter, a routine inspection. The criteria for inspection required by the Board and Department is set forth below:
  - Initial Self-Evaluation Inspection: Under state law, the applicant must conduct a self-evaluation inspection prior to the proposed opening date of the establishment.
  - Initial On-Site Inspection: The Board and/or Department will conduct an on-site inspection within 90 days following issuance of an initial establishment license. The inspections are limited to ascertaining whether:
    - All massage therapists working on the premises are properly licensed;
    - The equipment and sanitation requirements in state law are met;
    - The physical structure requirements in state law are met; and
    - The duties of the massage therapist and manager and/or owner in state law are met
  - Routine Inspection: A routine inspection will be conducted to assure compliance with state law. The inspection will be conducted by the Board and/or Department.

### Duties of Owner

- Each massage therapy establishment owner must insure that:
  - All massage therapists employed by the massage therapy establishment have a valid Nebraska license to practice massage therapy;
  - Licenses are posted in such a manner that clients can readily see the documents; and

- The massage therapy establishment is operated in accordance with the Massage Therapy Practice Act and state law. This includes any massage therapy rooms that may be shared or used in conjunction with another health care professional.

### **Disciplinary Action**

- A credential to operate a business may have disciplinary actions taken against it in accordance with state law on any of the following grounds:
  - Violation of the Uniform Credentialing Act or the rules and regulations adopted and promulgated under the act relating to the applicable business;
  - Committing or permitting, aiding, or abetting the commission of any unlawful act;
  - Conduct or practices detrimental to the health or safety of an individual served or employed by the business;
  - Failure to allow an agent or employee of the Department access to the business for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the Department; or
  - Discrimination or retaliation against an individual served or employed by the business who has submitted a complaint or information to the Department or is perceived to have submitted a complaint or information to the Department.

### **Fees**

\$127 application fee

### **Forms & Documents**

Rules & Regulations –

[http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health\\_and\\_Human\\_Services\\_System/Title-172/Chapter-082.pdf](http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-082.pdf)

Application - <http://dhhs.ne.gov/publichealth/Documents/estabapp.pdf>

## **Tennessee**

### **Definitions**

- Establishment - Any location, or portion thereof, which advertises and/or provides to the public massage therapy services on the premises for compensation. Any licensed health care facility or any health care professional's office wherein massage therapy services are not advertised or provided except on an occasional outcall basis is not an establishment for purposes of this rule. Any location within a licensed health care facility or any health care professional's office which is dedicated to and maintained for the use of a massage therapist who performs occasional massage therapy services to the patients of the facility is a massage establishment for purposes of licensure under these rules and the portions of the facility or office wherein massage therapy services are provided must be in compliance with the standards established in rule. The term "occasional" as used in this rule means not more than twice in a one (1) week period.
- Outcall – The provision of massage services outside of an "establishment" as defined by this rule and in a location at which there is neither the regular provision of nor the advertising of such services. For purposes of this definition, the term "regular" means more than twice in a one (1) week period.

### **Standards for Massage Establishments**

- The holder of a massage establishment license must comply with all of the following:
  - Contain adequate waiting area for clients.
  - Maintain properly installed smoke detector and fire extinguisher.

- Massage therapy may be conducted only in rooms which are adequately lighted and ventilated, and so constructed that they can be kept clean. Floors, walls, ceilings and windows must remain free of dust, and other unclean substances.
- Every establishment shall contain rest room facilities; establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.
- Reasonable effort for sanitation shall be maintained for temporary locations such as athletic events or public service fund raisers in temporary venues.
- Provide for safe and unobstructed human passage in the public areas of the premises; provide for removal of garbage and refuse; and provide for safe storage or removal of flammable and hazardous materials.
- Personnel
  - All persons who perform massage therapy in a massage establishment must be licensed by the Board pursuant to rule.
  - A license issued to an individual who owns a massage establishment is not transferable and is subject to revocation or other disciplinary actions upon failure of any inspection or for refusal to allow inspection by the Board's authorized representatives.
  - Notwithstanding the above, a licensed massage establishment may change locations, pursuant to rule.
  - The person to whom the establishment license is issued shall be responsible for maintaining all parts thereof in a sanitary condition at all times, and for otherwise insuring that such establishment is operated in compliance with this Chapter. However, this rule shall not relieve any individual therapist of responsibility for the sanitary conditions of the space or equipment used in their practice.
- Further standards exist for equipment, linens and supplies.

### **Sexual Activity Prohibited**

- As used in this rule, "sexual activity" means any direct or indirect physical contact or communication by any person or between persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation and include sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse. For purposes of this rule part, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used, herein, sexual activity can involve the use of any device or object or conversation and is not dependent on whether penetration, orgasm, or ejaculation has occurred.
- Sexual activity by any person or persons in any massage establishment is absolutely prohibited.
- No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner's massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.  
No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.

### **Inspections**

- Licensed massage therapy establishments and applicants are subject to periodic inspections by the Board or its authorized representative(s) during business hours. When scheduling inspections, the inspector shall attempt to accommodate the client appointment schedule of the establishment.

### **Fees**

- \$225 Application Fee

## Forms & Documents

- Rules & Regulations - <http://www.state.tn.us/sos/rules/0870/0870-01.20090623.pdf>
- Application - <http://health.state.tn.us/Downloads/Massage%20Establishment%20PH3495.pdf>

## Texas

### Definitions

- Massage establishment - means a place of business that advertises or offers massage therapy or other massage services. The term includes a place of business that advertises or offers any service described by a derivation of the terms "massage therapy" or "other massage services."
- "Other massage services" include any services offered or performed for compensation at a massage establishment that involve physical contact with a client, and may include the use of oil, lubricant, salt glow, a heat lamp, a hot and cold pack, or a tub, shower, jacuzzi, sauna, steam, or cabinet bath.
- "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code, unless another meaning applies under local law.

### Local Law

- This chapter does not affect a local regulation that:
  - relates to zoning requirements or other similar regulations for massage establishments;
  - authorizes or requires an investigation into the background of an owner or operator of, or an investor in, a massage establishment

### Rules Regarding Massage Establishments

- Rules adopted under this chapter relating to a massage establishment must contain minimum standards for:
  - the issuance, denial, renewal, suspension, revocation, or probation of a license under this chapter;
  - the qualifications of professional personnel;
  - the supervision of professional personnel;
  - the equipment essential to the health and safety of massage establishment personnel and the public;
  - the sanitary and hygienic conditions of a massage establishment;
  - the provision of massage therapy or other massage services by a massage establishment;
  - the records kept by a massage establishment;
  - the organizational structure of a massage establishment, including the lines of authority and the delegation of responsibility;
  - fire prevention and safety in a massage establishment;
  - the inspection of a massage establishment; and
  - any other aspect of the operation of a massage establishment necessary to protect massage establishment personnel or the public.

### Practice by Massage Establishment

- A massage establishment may employ only licensed massage therapists to perform massage therapy or other massage services.
- A massage establishment may not:
  - employ an individual who is not a United States citizen or a legal permanent resident with a valid work permit;
  - employ a minor unless the minor's parent or legal guardian authorizes in writing the minor's employment by the establishment;

- allow a nude or partially nude employee to provide massage therapy or other massage services to a customer;
- allow any individual, including a client, student, license holder, or employee, to engage in sexual contact in the massage establishment; or
- allow any individual, including a student, license holder, or employee, to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual.
- A massage establishment shall:
  - properly maintain and secure for each client the initial consultation documents, all session notes, and related billing records; and
  - make available to the department on request the information kept
- For purposes of this section:
  - "Nude" means a person who is:
  - "Sexual contact" includes:
    - entirely unclothed; or
    - clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts or any portion of the genitals or buttocks.
  - "Sexual contact" includes:
    - any touching of any part of the genitalia or anus;
    - any touching of the breasts of a female without the written consent of the female;
    - any offer or agreement to engage in any activity describes above;
    - kissing without the consent of both persons;
- (E) deviate sexual intercourse, sexual contact, sexual intercourse, indecent exposure, sexual assault, prostitution, and promotions of prostitution as described in Chapters 21, 22, and 43, Penal Code, or any offer or agreement to engage in such activities;
- (F) any behavior, gesture, or expression that may reasonably be interpreted as inappropriately seductive or sexual; or
- (G) inappropriate sexual comments about or to a client, including sexual comments about a person's body.

### **Display of License**

- Each massage establishment must post in plain sight the license for each massage therapist who practices in the massage establishment.
- Each massage school, massage establishment, massage therapy instructor, or massage therapist shall present the person's license on the request of the department, an authorized representative of the department, or a peace officer.

### **Change in Location**

- Massage establishment may not change the location of the establishment without obtaining a new massage establishment license under this chapter.

### **Fees**

- \$305 Application Fee
- \$312 Biennial Renewal

### **Forms & Documents**

Rules & Regulations - <http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.455.htm>

Application - [http://www.dshs.state.tx.us/massage/mt\\_estab.pdf](http://www.dshs.state.tx.us/massage/mt_estab.pdf)



## Memo

**Date:** February 6, 2013  
**Subject:** Staff's Draft Summary of 2013 Problems and Statutory Proposals  
**From:** Ahmos Netanel, CEO and Beverly May, Director of Governmental Affairs  
**To:** CAMTC Board of Directors

We identified the following legislative elements to consider addressing in 2013 legislation:

### 1. a. Educational and Professional Incompetence

**Problem:** Significant numbers of certificate holders who met all current requirements are engaging in unprofessional conduct, including working for illicit massage parlors that openly advertise sexual services. California is one of only two states that does not require an exam in its massage law. There are several states that require a practical exam in addition to the written one.

**Discussion:** Just relying on educational documentation has proven to be an insufficient way to properly vet applicants. Based on CAMTC's investigations, we have reason to believe that in the past three years thousands of fraudulent massage transcripts have been sold by BPPE approved schools. In addition, a substantial number of applicants

receive substandard training. An exam would raise the bar and help screen those whose intention is not to practice legitimate therapeutic massage.

**Solution:** In addition to the existing educational component require applicants to pass one of the nationally recognized exams that have been psychometrically developed and are legally defensible, as they are used in other states. Such an exam is a highly objective instrument for applicants from problem schools to prove that they know the material.

### b. Continuing Competence

**Problem:** As an emerging profession, the knowledge base of the massage profession is growing rapidly. Consumer expectation has risen from the expectation of a "good rubdown" to more sophisticated therapeutic results. With specialized work evolving based on advanced skill sets and research-based protocols, there is a need for this profession to join the many others that require continuing education. In California this need is escalated by the often insufficient entry level training. The vast majority of states have continuing education requirements averaging 20 hours per two years.

**Solution:** Require a minimal amount of continuing education credits by approved providers or schools.

### **c. Proof of Legal Status**

**Problem:** Numerous local jurisdictions require such proof and it has been a source of criticism about CAMTC. Many cities report majorities of employees in illicit parlors being undocumented.

**Discussion:** Florida requires that all licensed massage therapists carry proof of legal status and work permit. California requires all licensed professionals to provide social security numbers.

**Solution:** Require proof of legal right to work in the U.S.

## **2. Establishments**

**Problem:** Current California law gives CAMTC no authority whatsoever over establishments – all establishment regulation is done by local government and only to an extent limited by the State Law. Cities and counties lack sufficient resources to close illicit businesses.

**Discussion:** The nine states and D.C. that regulate establishments offer the best practices for addressing the challenge of illicit establishments. Those states, such as Florida, Texas and Massachusetts that are involved in regulating or vetting establishments have substantially less of a problem per capita as suggested by an estimated 250% more massage businesses per capita in this state than the national average, listed on just one erotic website. By cross-checking reported work addresses it has been determined that a large number of CAMTC certificate holders work at businesses that advertise on erotic websites. Closing these businesses is difficult as most business licenses are non-regulatory, requiring that the jurisdiction deploy both city and county resources to pursue costly nuisance abatement. Numerous cities and counties now require “revocable registrations” to facilitate the process to close such businesses – however this is not authorized under existing State Law and numerous cities have not pursued this option for fear of legal challenge. There are rumblings to restore land use restrictions on massage businesses in which everyone providing massage is certified – a system that in the past discriminated against the legitimate businesses and created insurmountable hardships by treating massage as adult entertainment. As CAMTC has been proving itself in the certification of individuals, many jurisdictions that initially resisted the new law recognize that CAMTC does a better job at evaluating applicants, at a cost savings to the city or county. We hear daily from an increasing number of city attorneys who request that CAMTC regulate establishments in addition to the individual practitioner.

In California, there is precedence within the Bureau for Cosmetology and Barbering of Board oversight and licensing of establishments. It is clear that establishments are an integral component of the profession and a real solution will elude us if we are not involved in establishing and maintaining professional standards for establishments.

**Solution:** Allow CAMTC to provide for the voluntary certification of establishments by the CAMTC or a sister organization. In the interim, authorize local jurisdictions to require revocable registrations per the Redwood City model.

### 3. Schools

**Problem:** Inadequate and fraudulent education. Current laws grant limited and vague CAMTC authority over schools. A substantial number of people qualify for certification under the existing law despite having either substandard or no education. Evidence suggests that many of these certificate holders intended or were trafficked to work in illicit establishments when they applied for certification.

BPPE focuses on the bureaucracy of school administration and has limited resources to investigate reports of fraudulent activity. Furthermore, it does not have authority over the quality of education.

**Discussion:** Like establishments, most states that have effective massage laws regulate massage schools. The Sunset of the BPPVE and delay in implementing the new BPPE law contributed to the “perfect storm” of illicit massage we are experiencing. Schools are an integral part of any profession, particularly one that is hands-on and as uniquely intimate as massage. A more robust involvement of CAMTC with schools will be essential for a successful law. In California, all boards except the nursing board approve both the schools and programs, in addition to BPPE approval.

Based mostly on complaints, CAMTC has investigated and uncovered almost 20% of BPPE approved massage schools that, under existing law, we no longer accept transcripts from or require their graduates to present additional evidence that the person has the claimed education. Although CAMTC makes a determination in these cases to no longer approve a school, it is not clear that CAMTC has the authority to establish inspection and review protocols for formal approval of school programs and teaching environments. CAMTC’s status as a private certification organization limits the ability of BPPE to require that schools they approve to teach massage also be CAMTC approved. Furthermore, while the relationship between BPPE and CAMTC is quite cooperative, both entities are frustrated by the limit of authority to share information on investigations. BPPE has requested greater authority for CAMTC over schools and is drafting language for inclusion in legislation.

**Solutions:** Provide greater statutory authority for CAMTC to approve schools and programs teaching massage. Expand the ability of CAMTC and BPPE to share information. Allow BPPE to require that the schools they approve to teach massage must also be approved by CAMTC.

## **Conclusion**

We believe that CAMTC is doing a good job implementing the law. We could not find examples of people who got certified who did not meet the certification requirements established by the law and the Board based on information provided on their applications. While more can be done to reduce the cases of certified individuals working in illicit massage parlors through additional protocols, expanded enforcement and tighter cooperation with local governments, the fact

is that the California massage law is the weakest in the nation, and that problem is hardly a surprise. We recommend incorporating all of the above elements into the California law. It will not only raise the professional bar in California and bring it more on par with the rest of the country, it will also strengthen the Board's ability to protect the rights of legitimate massage professionals and at the same time make it possible to go after the bad apples. The Board should also consider authorizing staff to work on legislative agendas that are developing in response to community activism that involve land use.

Without substantial enhancement of authority in the law, procedural initiatives will be limited in their ability to seriously curtail the phenomena of certified individuals engaging in prostitution and human trafficking.

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**Additional proposed amendment 2/6/13**



**Approved by the CAMTC Board \_\_\_\_\_, 2013**

### **PROCEDURES FOR UN-APPROVAL OF SCHOOLS**

Pursuant to California Business and Professions Code Section 4600 and 4601, the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the un-approval 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 un-approval. Schools may be un-approved 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. Suspension, revocation, or otherwise being acted against by National Certification Board for Therapeutic Massage and

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**Additional proposed amendment 2/6/13**

Bodywork, including but not limited to, suspension or revocation of approved provider 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.

2. Investigations.

Section 4601(g) of the Law provides:

(1)The organization<sup>1</sup> 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 organization 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 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 organization is authorized to receive factual information as a condition of taking any action, the organization 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 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

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<sup>1</sup>“Organization” as used in the Law means CAMTC.

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**Additional proposed amendment 2/6/13**

determination whether or not to propose un-approval of a school. If CAMTC decides to propose un-approval of 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 un-approval, 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 un-approval of a school, it shall notify the school of its intent to place it on the un-approved list. It shall also take all of the following steps:

- a. Send the school a letter notifying it of CAMTC's proposed decision to place the school on its un-approved list and identifying the reasons for that decision;
- b. Notify the school that it will be given 30 days from the date of the proposed un-approval letter to respond to the proposed un-approval in writing, including submission of any documents, evidence, and written statements;
- c. Further notify the school that if it does submit information in response to the proposed un-approval letter, it will be considered and a decision will be rendered by CAMTC within 30 days of CAMTC receiving the school's submission. The school will be notified in writing of CAMTC's decision regarding the school.
- d. 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 list 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 of the following actions, in its sole discretion:

- a. List the school as an unapproved 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

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**Additional proposed amendment 2/6/13**

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, 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

[Note from Jill and Alison: The Board needs to decide what the rehabilitation policy will be. Once the Board makes a decision, we can add language here.]



california chapter | po box 1707 | claremont, ca 91711 | 800.696.2682

February 3, 2013  
Dixie Wall, Chair  
California Massage Therapy Council  
One Capitol Mall, Suite 320  
Sacramento, CA 95814

**RE: Comment on Proposed Policy regarding Procedures for Un-approval of Schools**  
[reference version 6](#)

Dear Chair Wall:

The AMTA California Chapter commends the efforts of the CAMTC School Committee chaired by Mike Schroeder and joined by committee members Mike Callagy and Deb Tuck in collaborating with CAMTC staff and Legal Counsel to draft the proposed policy referenced above.

We offer our comments to support the careful deliberation of all the dedicated members of the CAMTC Board of Directors as you consider adopting this proposed policy in service of the CAMTC mission of “protecting the public by certifying qualified massage professionals.”

On a technical note, in reviewing this section:

f. Suspension, revocation, or otherwise being acted against by National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, suspension or revocation of **approved provider code**.

We would request in order to clarify that this section applies to a **school** and not an **individual instructor** (who may be an approved continuing education provider) that the highlighted words be deleted and replaced with “assigned school code.”

Further on a more substantive note, in reviewing section 4 subsection a:

a. List the school as an unapproved school. If the school is listed as unapproved, 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;

we would request that the policy language be modified to limit retro-active un-approval (non-acceptance as proof of education of transcripts) to a period of five years (5 years) prior to the determination of un-approval.

This would allow for massage professionals who have been practicing for five years or longer to petition for certification with a presumption based upon work experience that they did indeed receive the education and are competent qualified practitioners.

Otherwise, if for example a practitioner who lives in an area that previously did not regulate massage (and consequently the practitioner did not apply for certification within the 90-day grace period) but the jurisdiction moves to mandate CAMTC certification, the practitioner would have to re-do at least 250 hours of education, a significant financial expense. Arguably, the practitioner in a mandatory certification scenario would have a vested right of livelihood even if certification is voluntary on the state level.

We respectfully request that our comments be included in the public record.

On behalf of the AMTA-CA Chapter,



**Michael Roberson**  
AMTA-CA Chapter President



**Bernadette Murray**  
Government Relations Chair



**CALIFORNIA**  
MASSAGE THERAPY COUNCIL

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February 7, 2013

Michael Roberson  
Bernadette Murray  
AMTA  
P. O. Box 1707  
Claremont, CA 91711

Re: Response to Comments on Proposed Procedures for Un-Approval of Schools

Dear Mr. Roberson and Ms. Murray:

Please consider this CAMTC's response to your letter dated February 3, 2013. CAMTC appreciates AMTA's comments on the Proposed Procedures for Un-Approval of Schools.

With respect to your suggested amendment to paragraph 1.f. that the phrase "approved provider code" be changed to "assigned school code," CAMTC is in agreement with this change.

With respect to your suggestion that section 4.a. be changed so that it is limited to retro-active un-approval for a period of five years from the date of the determination of un-approval, CAMTC cannot agree with this request. CAMTC understands the reasoning behind this request, and is sympathetic to applicants who have truly attended an un-approved school and have failed to apply before the school became un-approved or the grace period ended. However, during school investigations, CAMTC has found that schools that sell transcripts tend to back date them when they do so. If your suggested amendment were made, then the problem of schools selling transcripts would continue. The schools selling transcripts without requiring attendance would just back-date the transcripts to a time five years before the school became un-approved.

Sincerely,

Ahmos Netanel, CEO

**Suggested edits submitted by Bernadette Murray 02.08.2013 DRAFT**

**Approved by the CAMTC Board 3/15/11**

**Amended 11/5/12**

**Proposed additional amendments prepared 1/8/13**

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

Pursuant to California Business and Professions Code Section 4603.1, the California Massage Therapy Council (the "Council") 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 Sections 4600 et seq. (hereinafter the "Law"):

**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 Section 4601 or 4604.

b. Failure to obtain a positive fitness determination after fingerprinting pursuant to Section 4601.3.

c. Unprofessional conduct, including, but not limited to:

ci. 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 healthcare professional licensing board. A certified copy of the decision, order, or judgment shall be conclusive evidence of these actions.

cii.

practicing massage in an establishment that advertises in any adult and/or sexually oriented section of any form of media whether printed or digital, and applicants (and renewals) who own a massage establishment that advertises in any adult and/or sexually oriented section of any form of media, whether printed or digital,

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 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 liability in an administrative or civil action, 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 shall be conclusive evidence of the crime or liability. Conviction of any felony, or conviction of a misdemeanor that is substantially related to the qualifications, functions, or

## **Suggested edits submitted by Bernadette Murray 02.08.2013 DRAFT**

duties of a certificate holder, in which event the record of the conviction shall be conclusive evidence of the crime.

- g. Impersonating an applicant or acting as a proxy for an applicant in any examination referred to under the Law for the issuance of a certificate.
- h. Impersonating a certified practitioner or therapist, or permitting or allowing an 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.

### **2. Investigations.** Section 4601(g) of the Law provides:

(1)The organization 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 organization 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 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 organization is authorized to receive factual information as a condition of taking any action*, the organization 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 has been convicted of a felony or misdemeanor, whether expunged or not, CAMTC will conduct an investigation and review all prior convictions substantially related to the qualifications, functions or duties of a massage professional. Each application will be evaluated on a case by case basis. CAMTC will consider the nature, severity, and timing (how recent) of the offense(s), as well as rehabilitation and other factors when making a certification determination. CAMTC will make the determination for approval or denial of certification by evaluating the entire application and all supporting documentation.

### **3. Actions relative to applicants for certification.** The Council may:

- 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.

## **Suggested edits submitted by Bernadette Murray 02.08.2013 DRAFT**

b. Issue an initial certificate on probation, with specific terms and conditions.

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

a. Placing the certificate holder on probation.

b. Suspending the certificate and the rights conferred by the Law on a certificate holder for a period not to exceed one year.

c. Revoking the certificate.

d. Suspending or staying the disciplinary order, or portions of it, with or without conditions.

e. Taking other action as the Council, or a person appointed by the Council, deems proper.

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 Section 647 of the Penal Code or any offense described in paragraph 1.j. above, the Council shall take all of the following actions:

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

(2) Notify the certificate holder within 10 days at the address last filed with the Council that the certificate has been suspended, and the reason for the suspension.

(3) Notify any business within 10 days that the Council has in its records as employing or contracting with the certificate holder that the certificate has been suspended.

Upon notice to the Council that the charges described above in this sub paragraph f. have resulted in a conviction, the suspended certificate shall become subject to permanent revocation. The Council shall provide notice to the certificate holder within 10 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 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 have resulted in an acquittal, or have otherwise been dismissed prior to conviction, the certificate shall be immediately reinstated and the certificate holder and any business that received notice pursuant to these procedures shall be notified of the reinstatement within 10 days.

g. Notwithstanding any other provision of law, if the Council receives clear and convincing evidence 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

## **Suggested edits submitted by Bernadette Murray 02.08.2013 DRAFT**

decision to immediately suspend a certificate pursuant to this subdivision shall be based on clear and convincing 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) 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).
- (2) Notify by electronic mail or any other means consistent with the notice requirements of this chapter, within 10 business days, any business 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 the Council has in its records as employing or contracting with the certificate holder, that the certificate has been suspended.
- (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.

h.. 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.

i. 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. *Failure to comply with this chapter for the first citation may result in the certificate holder being subject to probation in accordance with paragraph 4a of these Denial Procedures.*

**5.. Procedure for denial, suspension, or revocation of a certificate.** All denials, suspensions, revocations, and other discipline required or allowed by the Law and these Procedures shall be carried out by an employee of the Council known as the Division Director of Professional Standards (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

## Suggested edits submitted by Bernadette Murray 02.08.2013 DRAFT

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 4.f. Apply):

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. If after 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. 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, who together are authorized to determine whether the denial of certification or proposed discipline should occur. The decision of the Division Director/PSD shall be final.

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. 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 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.

f.e. An applicant or certificate holder who is denied certification or whose certificate is revoked pursuant to section 4.c. of these procedures 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.c.

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**Note:** e. An applicant or certificate holder who is denied certification or disciplined shall be liable for any charges incurred, services or benefits actually rendered or fees incurred before the certificate denial or certificate holder discipline or arising from contract or otherwise. [deleted from above]