

Informational Hearing of the
Business, Professions and Economic Development Committee

*Update on the Regulation of Massage Therapy in California: Business Oversight
and Best Practices*

Monday, April 30, 2018
12 p.m., State Capitol, Room 3191

BACKGROUND PAPER

1. Introduction

In the past decade, massage therapy has become an increasingly popular industry within California, and the greater United States. According to the Bureau of Labor Statistics (BLS), employment of massage professionals nationwide is projected to grow 26% from 2016 to 2026, compared to the average growth of 7% for all occupations.¹ The BLS has stated that “as more states adopt licensing requirements and standards for massage therapists, the practice of massage is likely to be respected and accepted by more people as a way to treat pain and improve overall wellness...similarly, demand will likely increase as more healthcare providers understand the benefits of massage and these services become part of treatment plans.”²

In California, the profession of massage therapy has been regulated on the state level since 2008 when SB 731 (Oropeza, Chapter 384, Statutes of 2008) created the Massage Therapy Act (Act) within the Business and Profession Code (BPC). Through SB 731, the Legislature also authorized the creation of a governing certification entity, the Massage Therapy Organization (MTO), which was later renamed the California Massage Therapy Council (CAMTC). Unlike other practice acts in the BPC that are administered by an agency under the Department of Consumer Affairs (DCA), the CAMTC is a private nonprofit organization that is responsible for the voluntary certification and recertification of massage therapists.

2. Current Local Governance of Certified and Non-Certified Massage Practitioners

Background

Prior to 2008, there was no state-wide regulation of massage therapy. Instead, local governments were given the authority through AB 3325 (McAllister, Chapter 1352, Statutes of 1976) to regulate the operation of massage businesses through licensing procedures. Since the profession of massage therapy has often been unfairly linked to prostitution and human trafficking, it was argued that this regulatory scheme was enacted, in part, to deal with illicit massage businesses. In doing so, massage therapy businesses were subject to local ordinances that inappropriately and

¹ Bureau of Labor Statistics, U.S. Department of Labor, “Occupational Outlook Handbook: Massage Therapists Summary,” (2016).

² Bureau of Labor Statistics, U.S. Department of Labor, “Occupational Outlook Handbook: Massage Therapists Job Outlook,” (2016).

oppressively regulated them as “adult entertainment,” including restrictive zoning, excessive fees, venereal disease tests, required showers and separate restrooms, and prohibited home visits.

In 2005, the former Committee on Boards, Commissions and Consumer Protection (Joint Committee) was presented with the issue of whether California should establish state-level regulation of massage therapists. During the sunrise review process, the Joint Committee found that massage therapy was “regulated in California by a chaotic mish-mash of local vice ordinances primarily aimed at controlling illicit ‘massage parlors’” and that “in essence, the current system seeks to regulate illegal activity under the guise of professional licensing.” The Joint Committee concluded that the current system failed to serve the public or profession and recommended that the regulation of massage therapists shift from local jurisdictions to a state-based approach.

The regulation of massage therapy professionals transitioned from local governments to a state-wide system in 2008. SB 731 aimed to create a reliable certification system for professionals while eliminating discriminatory business regulations on healing arts professionals. In doing so, SB 731 restricted local government from enacting ordinances or other restrictions that applied to a certified individual or to a massage business that used only certified individuals, unless those ordinances or other restrictions rules were no different than requirements that were uniformly applied to all other individuals and businesses providing professional services. Because certification is voluntary, non-certified individuals may provide massage services in accordance with local rules and regulations.

In 2014, the CAMTC underwent its first sunset review through which issues were raised regarding the impact of the Act’s land use preemption provisions on local governments’ ability to regulate any massage business. In the years following the passage of SB 731, many cities and counties reported an increase in massage establishments within their jurisdiction.³ According to the California League of Cities, the restrictions established by SB 731 on local government’s ability to regulate businesses that employ only CAMTC-certified massage therapists gave massage therapists preferred status over other professions and effectively eliminated local jurisdictions ability to regulate these businesses at all. Local jurisdictions reported that illegitimate businesses found ways “to work within the confines of SB 731 by requiring one or two persons in their establishment to have a certification because they know they cannot be regulated if they are CAMTC certified.” Because local jurisdictions were preempted from enacting local ordinances governing zoning, business licensing or health and safety requirement for massage therapy businesses employing CAMTC-certified massage therapists, illegitimate businesses working under the guise of massage therapy were able to proliferate.⁴

As a result of the 2014 sunset review of the CAMTC, AB 1147 (Bonilla, Chapter 406, Statutes of 2014) made numerous changes to the Act and granted the CAMTC a two-year sunset extension. Notably, AB 1147 shifted regulatory oversight of businesses back to cities and counties to regulate land use for massage establishments and businesses. AB 1147 also established restrictions on local government’s ability to regulate certified massage professionals within the

³ Kolpitke, Kirstin, “Regulating the Massage Industry: Challenges and Opportunities,” Western City Magazine, (March 2014).

⁴ League of California Cities, “AB 1147 Notice of Oppose, Unless Amended,” (April 29, 2013).

Government Code (GC), including prohibiting local governments from imposing requirements that certified massage professionals take any test, medical examination, background check, or otherwise comply with any additional education requirements or impose any requirements that certified massage professionals obtain any other license, permit, certificate or authorization to provide massage for compensation, excluding requirements in excess of what is already considered unprofessional conduct by the CAMTC.

Since the passage of AB 1147, cities and counties throughout California have implemented new ordinances aimed at regulating massage therapy businesses. During its 2016 sunset review, the CAMTC noted that it has received reports from sole practitioners that the statutory changes in AB 1147 have been applied and interpreted by cities and counties in a manner that is harming them.⁵ In 2017, the CAMTC conducted a survey of CAMTC certificate holders regarding local governments' implementation of the Act.⁶ Those surveyed were asked if they believed the city or county in which they practice has been "imposing and enforcing only reasonable and necessary fees and regulations on massage businesses and certified massage professionals" and 24.93% of respondents answered "NO". Additionally, 46.65% of respondents reported that the city and county in which they work required them to be fingerprinted or pass a background check in addition to the fingerprinting and background check required for CAMTC certification.

Initially there were some cities that implemented moratorium requirements to prevent establishments from operating within their jurisdictions, but it now appears that those cities have recently been moving towards passing ordinances to more closely regulate massage therapy businesses without placing a broader moratorium on allowing establishments within their cities.

Recently, the CAMTC has begun working directly with local jurisdictions to provide technical assistance on implementing policies and programs that are most effective for the regulation of the massage therapy profession. In October 2015, the CAMTC began a statewide outreach initiative to local law enforcement agencies offering to strengthen collaboration by coordinating enforcement protocols, increasing information sharing, and providing no-cost training for law enforcement. On March 12, 2018, the California Police Chiefs Association (Cal Chiefs) and the CAMTC announced a strategic partnership in order to increase cooperation, information exchange, and expertise between the two agencies.

Examples of Concerns Raised

The Senate Committee on Business, Professions and Economic Development (Committee) has received concerns from CAMTC-certified massage practitioners throughout California regarding new ordinances imposed by local governments on the business and practice of massage therapy. The Committee has been informed that some local jurisdictions have passed ordinances requiring conditional use permits, establishment permits, or business licenses often with associated fees. The City of Chino requires a special conditional use permit with an accompanying fee of an

⁵ Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions, "Background Paper for the California Massage Therapy Council," (March 14, 2014).

⁶ California Massage Therapy Council, "CAMTC Certificate Holder Survey Report 2017: A Survey Summary Report Requested by the California State Legislature About Local Governments' Implementation of the Massage Therapy Act," (December 2017).

estimated \$2,966.00. The City of Ontario requires a conditional use permit for an estimated fee of \$2,869.00. Kern County requires all massage therapists operating businesses in the unincorporated areas of the County to obtain an annual massage establishment permit for an estimated fee of \$1,600. The City of Temecula requires a massage establishment permit for an initial estimated fee of \$656.00 that must be renewed each year for an estimate of \$266.00. The City of Sunnyvale requires an estimated \$1,000-per-year massage establishment license to cover, in part, the requirement that the massage businesses be inspected by two armed officers. The City of Novato requires massage therapists to obtain a “police massage permit” for an estimated fee of \$274.00, which CAMTC-certified massage therapist are no longer exempt from.

The Committee has also been informed that some local jurisdictions have imposed zoning restrictions and spacing requirements for massage establishments. For example, the City of Simi Valley and the City of Chino both require that massage therapy businesses be located at least 500 feet apart. The City of Pasadena also requires massage establishments be a minimum of 500 feet from another massage establishment, personal service restricted use, pawnshop, or sexually oriented business and a minimum of 250 feet away from a residential district. The City of Long Beach prohibits massage therapy as its own business entity, instead requiring massage therapy to be an accessory to another business, such as a health club, hotel with one hundred or more rooms, beauty salons, barber shops, chiropractors’ offices, or medical doctors’ offices.

Similarly, the Committee has been informed that some jurisdictions have instituted restrictions or bans on out-call massage therapy. For example, the City of Huntington Beach bans massage therapy in a hotel or motel room, or in the private residence of the massage therapist. The City of Temecula prohibits massage in residential locations or anywhere where someone sleeps, such as resorts or hotels, and requires out-call services to be scheduled through a massage establishment, effectively making it illegal for an independent contractor to perform an out-call massage. The City of Murrieta prohibits massage establishments from having more than 40 percent of revenue from out-call or mobile massage and requires massage therapists to be affiliated with a city-permitted establishment in order to practice, therefore prohibiting independent contractors and individuals who are not employees from working as a massage therapist within the city.

In order to become CAMTC-certified as a massage therapist, applicants must successfully pass a background investigation⁷ and local jurisdictions are prohibited from enacting ordinances that require CAMTC-certified individuals from taking any additional test, medical examination, or background check.⁸ The Committee has been informed that several jurisdictions require background checks (live scan) in addition to completing the background check required to obtain CAMTC certification. The City of Temecula requires all individuals who practice massage within the city, including CAMTC-certified massage therapists, to obtain a massage technician permit, which requires the individual to complete a background check, in-person investigative interview, live scan, and obtain a health certificate to verify the therapist does not have a contagious or communicable disease. The City of Costa Mesa requires an establishment permit from the police department, with an accompanying criminal history check and fingerprints submission, for anyone practicing massage within the city, including CAMTC-certified sole

⁷ Business and Professions Code § 4604(a)(4)

⁸ Government Code § 51034(c)(8)

practitioners who are already required to undergo a background check to become certified. The City of Costa Mesa also requires all massage therapists to wear a photo identification badge issued by the police department at all times when present in a massage establishment.

3. Illegitimate Massage Businesses and Human Trafficking

Background

According to the California Attorney General's report, *The State of Human Trafficking in California 2012*, human trafficking happens in various forms and can involve activities such as recruiting, smuggling, transporting, harboring, buying, or selling persons for prostitution, domestic servitude, and sweatshop labor.⁹ The Attorney General's report also noted that sex trafficking can occur in a number of places, including brothels disguised as "massage parlors." In June 2016, the Committees held an informational hearing entitled, *The Role of Regulated Professions in Combatting Human Trafficking*. In the background paper for the hearing, the Committees noted the ongoing issue surrounding trafficking and its relationship with businesses, including the profession of massage therapy.¹⁰

In January 2018, the Polaris Project, a nation-wide, anti-human trafficking organization, released a report entitled *Human Trafficking in Illicit Massage Businesses*.¹¹ Through analyzing more than 32,000 human trafficking cases reported to the National Human Trafficking Resources Center Hotline (NHTRCH), which Polaris administers, Polaris found that trafficking related to "massage parlors" was second in prevalence only to trafficking in escort services. Additionally, Polaris found that more than 9,000 illicit massage businesses exist in the United States, bringing in approximately \$2.5 billion annually. Polaris believes that California is home to over 35 percent of the country's illicit massage businesses, or around 3,000 illicit businesses, and contains two of the three main cities in the country through which victims are recruited: San Francisco and Los Angeles. The report detailed that illicit massage businesses are typically part of a larger network of illicit businesses that span internationally. Most commonly, women are recruited into "massage parlor" trafficking from China or South Korea under the guise of legitimate work. These women typically speak little to no English and are trafficked through the use of force, fraud, and coercion.

On November 16, 2017, the CAMTC issued a response to the Polaris Project's findings. The CAMTC stated that in reviewing its data it "does not have evidence that its certificate holders are either victims or perpetrators of human trafficking" and that "no CAMTC certificate holder has a criminal conviction for human trafficking and no certificate individual has stated to CAMTC that they have been trafficked."

The CAMTC's role in helping fight against human trafficking has been raised as an issue during the past two sunset reviews of the CAMTC and there have been various statutory changes to the

⁹ Office of the Attorney General. "The State of Human Trafficking in California 2012," (2012).

¹⁰ Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions, "Background Paper on the Role of Regulated Professions in Combatting Human Trafficking," (June 8, 2016).

¹¹ Polaris Project, "Human Trafficking in Illicit Massage Businesses," (2018).

Act aimed at strengthening the CAMTC's ability to help address illicit massage businesses. AB 1147 reconstituted the CAMTC board to reduce the total number of authorized members from 20 to 13 and increased the diversity of the CAMTC board by making the seats available to a broader array of stakeholder, including public health representatives and anti-human trafficking advocates. The CAMTC is also authorized to discipline an owner or operator of a massage business or establishment who is certified for the conduct of all individuals providing massage for compensation on the business premise.¹² Additionally, the CAMTC may deny an application for certification or impose disciplinary conditions on a certificate holder for unprofessional conduct, which includes, but is not limited to, engaging in sexually suggestive advertising related to massage services and engaging in sexual activity while providing massage for compensation.¹³

4. Reports of Sexual Assault in Massage Therapy Establishments and Enforcement Opportunities

Background

Sexual harassment and sexual assault in massage therapy presents a problem to massage therapy practitioners, businesses owners, and state regulatory bodies on how to best prevent and handle such instances, as in other professions. Sexual harassment and assault can occur in all types of massage therapy businesses, from large, mutli-spa franchises to individual private practices, by practitioners of any gender, and against both massage therapy clients and massage therapists themselves.

In November 2017, the issue of sexual assault in the massage therapy industry came to national attention after *BuzzFeed News* reported that more than 180 people had filed sexual assault lawsuits, police reports, and state board complaints against the national massage chain, Massage Envy, as well as the individual spas and employees within the company.¹⁴ Several of the complaints of sexual assault occurred in Massage Envy spas in California. In December 2014, a woman in Riverside claimed that her massage therapist inappropriately massaged touched her breasts during a prenatal massage. In November 2013, a massage therapist at the Massage Envy spa in Menifee claimed that a fellow massage therapist touched her vagina while she was getting a massage and that the PTSD from the experience has left her unable to work as a massage therapist.¹⁵ In October 2016, another woman claimed that a massage therapist exposed himself and inappropriately touched her during an appointment at the Elk Grove Florin Road Massage Envy spa.¹⁶ In 2014, CBS2 News reported on sexual assault claims made against massage therapists around Southern California, including in Glendale, Laguna Beach, and Seal Beach.¹⁷

¹² Business and Professions Code § 4607

¹³ Business and Professions Code §§ 4607, 4609(a)(1)(A),(C)

¹⁴ Baker, Katie J.M., "More Than 180 Women Have Reported Sexual Assaults at Massage Envy," *BuzzFeed News*, (November 26, 2017).

¹⁵ Lara, Jovana and Lisa Bartley, "SoCal woman tells of alleged sexual assault at Massage Envy," *ABC 7 Investigations*, (November 27, 2017).

¹⁶ "2 women sue Massage Envy for sexual assault in Sacramento County," *KCRA 3*, (November 27, 2017)

¹⁷ Goldstein, David, "Clients Claim Unwanted Sexual Advances During Massage At Spa Chain," *CBS Los Angeles*, (September 23, 2014)

Following the *BuzzFeed* report, Massage Envy announced a six-point plan to ensure the safety of clients. The plan included implementing updated background screening for all massage therapists on an annual basis and instituting an automated, third party system with Universal Background Screening; requiring franchisees to provide clients that report a sexual assault the contact information for local law enforcement and offer a private room to complete the call; creating a list of independent third-party resources for franchisees in their investigations of sexual assault claims; partnering with the Rape, Abuse & Incest National Network (RAINN) to review company reporting and investigation procedures and provide free immediate victim support through the National Sexual Assault Hotline; and creating a Massage Envy Safety Advisory Council that includes representatives from RAINN and Massage Envy sexual assault survivor and advocate Ms. Danielle Dick.

During a survey conducted of stakeholders within the California massage therapy industry, respondents ranked “protecting massage therapy clients from sexual assault or inappropriate behavior” second in importance of possible reasons for regulation of the industry behind “distinguish legitimate massage therapists from prostitutes”.¹⁸ In California, as in other states, certification or licensure of massage therapists serves as a way to “make it more difficult for a ‘bad actor’ to continue to interact with clients” by being able to suspend or revoke certification or licensure. Since California only provides for voluntary certification at the state-level, the CAMTC only has authority over CAMTC certificate holders and applicants, and not over uncertified massage therapists or massage therapy businesses. The CAMTC relies on victims, businesses, and law enforcement reporting sexual assault claims to be able to take any action against certificate holders but there is no law requiring massage therapy businesses report sexual assaults committed within, by, or against their employees or contractors. Those who wish to file a complaint against a CAMTC certificate holder or applicant can submit a formal complaint to complaints@camtc.org, as detailed on the CAMTC’s website. If the CAMTC investigates a complaint against a certificate holder, the individual making the complaint may be required to provide a signed declaration under penalty of perjury, testify to the allegations, explain the individual’s relationship to the massage professional, and provide any other evidence in the individual’s possession.

5. Recent Improvements to the Certification and School Approval Process of the California Massage Therapy Council

Background

Improvements to the Certification Process

AB 731 established a two-tier certification system in order to provide a pathway to certification for many massage professionals who had been practicing in California prior to the state-wide voluntary certification program. The CAMTC offered a Conditional Certified Massage Practitioner (CCMP) certification as a way to “grandfather in” professionals who had been engaged in the massage profession and who had less than 250 hours of education, in addition to the Certified Massage Therapists (CMT) certification. A CCMP designee was required to

¹⁸ Blue Sky Consulting Group, “Licensure or Certification? A Feasibility Study for Licensure for Massage Therapists in California,” (December 21, 2016).

provide evidence of completing at least 30 hours of continuing massage education per year until the massage education totaled 250 hours. Once an applicant had completed a minimum of 250 hours of massage education, from an approved school, the applicant would be eligible to apply for certification as a massage practitioner.

In 2014, AB 1147 eliminated the two-tier system in favor of a single pathway towards certification as a CMT to raise the professional standards in California. In order to further standardize the practice of massage therapy, AB 1147 also established the new requirements for certification that all applicants complete a minimum of 500 hours of education from an approved school, 100 of which must address anatomy and physiology, contraindications, health and hygiene, and business and ethics; pass a massage and bodywork competency assessment examination that is approved by the CAMTC Board; and pass a background investigation. In addition, AB 1147 provided that the CAMTC Board could establish reasonable fees to carry out its responsibilities and duties but that the fees for certification or renewal could not exceed \$300. Two years later, the 2016 CAMTC sunset bill, AB 2194 (Salas, Chapter 411, Statutes of 2016) codified existing intent language requiring the fees imposed on massage businesses and establishments by local governments be reasonable and necessary and allowed for applicants to challenge a denial or discipline decision within 90 days instead of one year.

Currently, in order to obtain a CAMTC certification, an applicant must: 1) be 18 years or older; 2) pay a \$150 fee; 3) submit fingerprints for a Live Scan; 4) pass one of the CAMTC approved exams, which include the Massage and Bodywork Licensing Exam (MBLE_x), the Board Certification Exam in therapeutic Massage and Bodywork (BCETMB), the National Certification for Therapeutic Massage and Bodywork (NCETMB), or the New York State Massage Therapy Examination; 5) successfully complete a minimum of 500 hours of education from a CAMTC approved school; and 6) have not violated any of the provision of the Act or any CAMTC policies, procedures, or regulations.

Out-of-state applicants must have received education and training that was, at a minimum, substantially equivalent to the requirements applied to California school programs. Whether the education institutions has been approved by the national, regional, or state authority with responsibility for vocation program approvals is looked at in order to determine educational program equivalence. The status of out-of-state massage school programs can readily be determined by the CAMTC for each of the 50 U.S. states, U.S. territories, and the Canadian provinces of Ontario, British Columbia, Nova Scotia, and Newfoundland and Labrador.

CAMTC certification is valid for two years, at which time certificate holders are required to apply for recertification. The fee for recertification is \$150, the same as the cost of certification. Continuing education is not required for recertification.

Improvements to the School Approval Process

Under the original Act enacted through SB 731, the CAMTC did not proactively approve massage therapy schools, but rather unapproved a school if it found that the school was engaging in inappropriate behavior or did not meet the minimum standards for training and curriculum. Effectively, as long as a school was approved by one of the specified entities, then the school

was also approved by the CAMTC until it had reason to unapprove the school. Schools could be disapproved for selling or offering to sell transcripts, failing to require students to attend the classes listed on the transcript, failing to require students to attend all hours listed on the transcript, or engaging in fraudulent practices.

During the 2014 sunset review, the CAMTC's reactive school approval process was raised as an issue. The sunset review report recommended that the CAMTC take proactive steps to improve their current complaint-driven unapproval process, and instead find a more proactive-based approval process. In response, AB 1147 amended the Act to require that CAMTC develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools, including any corrective action required to return a school to approved status.¹⁹ The bill also provided the CAMTC with explicit authority to establish a reasonable fee for the inspection or approval of schools.

Under the new system, in order for a school to be eligible for CAMTC approval they must meet the requirements specified in the CAMTC's Procedures for Approval of Schools, including: 1) offering at least one eligible program clearly identified as a professional massage program that grants a certificate, diploma, or degree in massage; 2) providing an organized plan of study of massage for a minimum of 500 supervised hours; 3) not currently having been un-approved by the CAMTC; and 4) be approved by the Bureau for Private Postsecondary Education (BPPE), DCA, the organization that accredit junior and community colleges, or be administered through the California State University or University of California system.

Applications for the CAMTC school approval became available on April 1, 2015, and schools that applied before the deadline and were approved were notified of the approval on or before July 1, 2016. Schools are currently required to complete an application packet, pay a non-refundable \$1,500 application fee and any required background check fees, and host a scheduled site visit. The initial \$1,500 application fee provides for a full two-year initial approval period. If the school has had no disciplinary action taken against it by the CAMTC and no break in the approval period, the school can apply for re-approval by paying a \$3,000 re-approval fee that provides for a four-year CAMTC approval. The most recent policies and procedures for the approval of schools were updated on February 22, 2018.

As of April 24, 2018, there are 94 CAMTC-approved massage schools, zero CAMTC provisionally approved schools, 51 pending applications received for CAMTC approval, four schools denied CAMTC approval, and 77 schools that have been un-approved by the CAMTC.

Concerns Raised

Beginning July 1, 2016, the CAMTC began to only accept education from schools that received approval by the CAMTC. As of late 2015, the CAMTC had not recognized education earned by 62 schools since 2009, and identified and listed seven other schools for which students must provide additional proof of adequate education (beyond a transcript and diploma) when applying for certification. However, according to the CAMTC, a number of schools either failed to apply for the CAMTC approval or were denied approval by the CAMTC. Historically, when the

¹⁹ Business and Professions Code § 4615(b)

CAMTC unapproved a school, it would impose a 90-day grace period from the effective date of unapproval, during which time students could apply for certification using education from that school (they were also required to provide additional proof of adequate education). This policy changed for those students who applied on or after July 1, 2016.

In response to concerns raised to the CAMTC from some students who felt that the new policy of not accepting any credits earned by a school without CAMTC approval and the lack of a grace period was unduly harsh, the CAMTC changed its procedures in March 2017 to allow a full 90-day grace period, at a minimum, to be provided, allowing students to apply for certification with education from recently unapproved schools as long as the individual's application is received within 90 days from the date the CAMTC made the change to its policies, or the effective date of unapproval, whichever is later. Students in these circumstances must still provide additional proof of adequate education. Last year, the Governor signed SB 314 (Nguyen, Chapter 266, Statutes of 2017) into law which requires the CAMTC to accept hours earned by a massage therapy applicant if those hours were completed before July 1, 2016, and were earned from a school providing education in the state that was unapproved by the council after July 1, 2016, based solely on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school.

The Committee has been made aware of current concerns regarding the CAMTC's certification and school approval process. Stakeholders have notified the Committee that the timeframe between the submission of an application and certification for new applicants can take upward of four months. Similarly, some stakeholders have reported that recent CAMTC policy changes in regards to education requirements (i.e. elective courses, which schools the CAMTC will accept training hours from) have left some students waiting for extended periods of time for their application to be processed or unable to apply for CAMTC certification altogether. Stakeholders have also raised issues with a reported lack of communication between the CAMTC and schools about the frequent changes in the school approval and reapproval process and the ambiguity in the CAMTC's school approval and reapproval process timeframes, which can reportedly take anywhere from three months to a few years. In addition, inconsistencies in terminology and requirements between the BPPE and the CAMTC have created hardships for schools to stay in compliance with both regulatory agencies.

In July 2017, the Federation of State Massage Therapy (Federation) Board revised its education policy for individuals who apply to take the MBLEX. According to the Federation's website, the policy requires candidates for the MBLEX to have received education from an "approved massage therapy education program." An approved massage therapy education program is one that is approved or recognized by the state board or agency authorized to regulate massage therapy in the state in which the school is located.²⁰ As a result, students who attend or have attended a school that is currently pending approval from the CAMTC or a school which was denied approval by the CAMTC is not permitted to take the MBLEX, which is one of the few approved examinations by the CAMTC necessary for an individual to obtain certification.

²⁰ Federation of State Massage Therapy Boards, "Massage Education Policy FAQs," (2017).

At the CAMTC's February 22, 2018 Board of Directors Meeting, the Board voted to cease accepting massage education received outside of the United States. The CAMTC's legal counsel determined that accepting education outside of the United States violates the Act.²¹

6. Recommended Best Practices: Registration of Massage Establishments and Local Governance

This hearing is intended to examine the current regulatory structure of massage therapy in California through the discussion of the multifaceted regulatory structures for massage businesses at the local level. This hearing will provide an opportunity for the Committee to explore the disciplinary process for those individuals who are certified by the CAMTC, and gain further insight into the problematic issue of human trafficking and illicit enterprises, and potential ways to address this issue. This hearing will also focus on the current process for certifying individuals and approving schools while identifying if there are any challenges or restraints in that process. Ultimately, this hearing should provide guidance to the Committee and the Legislature about whether or not additional legislation or other changes may be necessary to improve or address the regulatory structure of the massage therapy profession in California today.

²¹ Business and Professions Code §§ 4601(a), 4604(a)

