
THIRD READING

Bill No: AB 2687
Author: Committee on Business and Professions
Amended: 6/16/22 in Senate
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 14-0, 6/27/22
AYES: Roth, Melendez, Archuleta, Bates, Becker, Dodd, Eggman, Hurtado,
Jones, Leyva, Min, Newman, Ochoa Bogh, Pan

ASSEMBLY FLOOR: 73-0, 5/25/22 - See last page for vote

SUBJECT: California Massage Therapy Council

SOURCE: Author

DIGEST: This bill extends the sunset date of the California Massage Therapy Council (CAMTC) by four years, until January 1, 2027; exempts applicants for certification from a requirement to take and pass a national examination until January 1, 2027; and provides the CAMTC with discretion to give credit for comparable coursework, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the CAMTC to administer a voluntary certification program for massage therapists and schools offering massage therapy curriculum for purposes of certification and to enforce the provisions of the Massage Therapy Practice Act (Act). (Business and Professions Code (BPC) § 4600 et seq.)
- 2) Sunsets the CAMTC and its authority to operate a voluntary certification program for massage therapists on January 1, 2023. (BPC § 4621)
- 3) States that it is the intent of the Legislature that the Act enable consumers and local governments to more easily identify certified massage professionals,

provide for consistent statewide certification and oversight of massage professionals, ensure that schools approved by CAMTC are teaching massage provide a high level of training. (BPC § 4600.5)

- 4) Permits the CAMTC to take any reasonable actions necessary to carry out the responsibilities and duties set forth in the Act, including but not limited to, hiring staff, entering into contracts, and developing policies, procedures, rules, and bylaws to implement the Act. (BPC § 4602(b))
- 5) Requires local governments to impose and enforce only reasonable and necessary fees and regulations on massage businesses and massage establishments, in keeping with the requirements of existing law and being mindful of the need to protect legitimate business owners and massage professionals, particularly sole providers. (BPC § 4603.1)
- 6) Requires an applicant for certification as a massage therapist to submit a written application and provide the CAMTC with satisfactory evidence that the applicant meets all of the following requirements:
 - a) Is 18 or older and has successfully completed a the curricula in massage and related subjects totaling 500 hours, or the credit unit equivalent that incorporates appropriate school assessment of student knowledge and skills, as specified;
 - b) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards that is approved by the CAMTC; and permits the successful completion of the examination to have been accomplished before the date the CAMTC was authorized to issue certificates, which has been suspended until January 1, 2023; and
 - c) The applicant has successfully passed a background investigation, and all fees have been paid. (BPC § 4604(a))

This bill:

- 1) Extends the operation of the CAMTC by four years, until January 1, 2027.
- 2) Extends the implementation date for the passage of a massage and bodywork competency assessment examination, as specified, to obtain certification, until

January 1, 2027.

- 3) Provides the CAMTC discretion to give credit for comparable academic work completed by an applicant for certification if the applicant has received education at a school located outside of California or a school located outside of the United States, as specified.
- 4) Makes other minor technical and clarifying changes.

Background

Oversight Hearings and Sunset Review of Licensing Boards and Programs. In early 2022, the Senate Business, Professions and Economic Development Committee and the Assembly Committee on Business and Professions (Committees) began their comprehensive sunset review oversight of 10 regulatory entities including the CAMTC. The Committees conducted three oversight hearings in March of this year. This bill and the accompanying sunset bills are intended to implement legislative changes as recommended by staff of the Committees, and which are reflected in the Background Papers prepared by Committee staff for each agency and program reviewed this year.

California Massage Therapy Council. The CAMTC is a nonprofit organization responsible for the voluntary certification and recertification of massage therapists. The certification law was initially enacted by SB 731 (Oropeza, Chapter 384, Statutes of 2008.) Because certification is voluntary, non-certified individuals may provide massage services in accordance with local rules and regulations. SB 731 authorized the creation of a governing certification entity, the Massage Therapy Organization, which was, renamed the CAMTC by AB 619 (Halderman, Chapter 162, Statutes of 2011).

Unlike most other practice acts in the BPC, the Massage Therapy Act is administered by a private nonprofit organization, not an agency under the Department of Consumer Affairs. The provision authorizing the establishment of the nonprofit oversight body for administering the voluntary massage certification program is specified in BPC Section 4602. As a nonprofit public benefit organization, the CAMTC must abide by nonprofit corporations law, as specified in the Corporations Code. The CAMTC is authorized by statute to take any reasonable actions necessary to carry out its responsibilities and duties, as specified in BPC Section 4600 *et seq.*

The law also authorizes the CAMTC to deny applications and discipline certificate holders by denying an applicant or revoking, suspending, or placing probationary conditions on an individual's certificate.

Review of the CAMTC. The CAMTC was last reviewed as part of the sunset review program in 2016, and again in 2021. The following are some of the issues pertaining to the CAMTC along with background information concerning the particular issue. Recommendations noted by Committee staff regarding the particular issue areas that needed to be addressed include the following:

- a) *Sunset Issue 15: Competency Assessment Examination.* The following exams have been approved by the CAMTC: the Massage and Bodywork Licensing Examination (MBLEx); the National Certification Examination for Therapeutic Massage and Bodywork and the National Certification Examination for Therapeutic Massage if taken prior to February of 2015; and the Board Certification Examination for Therapeutic Massage and Bodywork. However, the MBLEx is the examination recognized by the majority of states that require licensure, except New York, which requires the passage of its own examination.

In order to take the MBLEx, an individual is required to complete 500 hours of education, which is the certification requirement in California. The New York State Massage Therapy Examination is only available if an individual meets specified educational requirements from New York. The Board Certification Exam in Therapeutic Massage and Bodywork requires 750 hours. The National Certification Exam for Therapeutic Massage and Bodywork must have been taken on or before February 2015. Therefore, for applicants for certification who have studied in California, under the state's 500-hour education requirements, the MBLEx is the only exam that meets the minimum certification requirements. The Federation of State Massage Therapy Board (FSMTB, the provider of the MBLEx) began requiring candidates seeking to take the MBLEx to demonstrate that they have received their education from an "approved massage therapy education program" beginning July 1, 2017. The massage therapy school must be approved or recognized by the state board or agency authorized to regulate massage therapy.

In California, CAMTC is the body recognized by the FSMTB; to be eligible to sit for the MBLEx, an applicant must have attended a school that was affirmatively approved by the CAMTC. The CAMTC only began approving

schools in 2016; prior to that, schools were presumed approved until unapproved. Due to the ineligibility of many qualified applicants for certification as massage therapists in California to take the MBLEx, the examination requirement was suspended in 2018 through Senate Bill 1480 (Hill). This suspension was further extended in 2020 through Senate Bill 1474 (Committee on Business, Professions, and Economic Development). While CAMTC and the Committees have considered issues to resolve the outstanding issues with the FSMTB, it may also be considered whether an examination requirement is necessary for a massage therapist to provide services in California. The suspension of the examination requirement is due to expire on January 1, 2023.

Recommendation and Proposed Statutory Change. The Committee staff background recommended that the CAMTC should provide its opinion on whether an examination requirement should be restored and propose any newly identified solutions to the issues with MBLEx eligibility. *This bill extends the current pause on a requirement for new applicants to take and pass a national examination until January 1, 2027.*

- b) *Sunset Issue 18: Foreign Education.* CAMTC previously accepted hours of education from a school outside of California for purposes of certification if it determined that the education was “at least substantially equivalent to the requirements applied to California school programs.” However, on February 22, 2018, CAMTC’s Board of Directors formally voted to no longer accept any foreign transcripts for massage certification. Statute only allows CAMTC to accept out-of-state education that is: “recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.” CAMTC has interpreted this statute to prohibit acceptance of education from schools outside the United States.

Recommendation and Proposed Statutory Change: CAMTC should explain why it no longer believes it has authority to grant certificates to applicants who were educated at foreign massage schools and what language it believes would be necessary to allow for such education to be accepted again. *This bill adds clarifying language that provides the CAMTC with the discretion to give credit for comparable education obtained outside of California or the United States.*

- c) *Sunset Issue 27: Continued Regulation.* As intended by SB 731, the health, safety and welfare of consumers are better protected through a voluntary certification of massage professionals, ensuring greater consistency and quality amongst professionals while giving local governments the tools to more easily identify trustworthy professionals. The current regulatory scheme combines education, training, and background standards into a systematic formal review process whereby only those individuals who have met those standards can dutifully represent themselves as massage therapists or massage practitioners.

Recommendation and Proposed Statutory Change: Some mode of state-level oversight of the massage profession should be continued as the Legislature contemplates whether solutions to the issues raised in the background paper may reasonably be implemented by CAMTC in its current form. *This bill extends the operations of the CAMTC by four years, until January 1, 2027.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/29/22)

Asian Americans for Community Involvement
California District Attorneys Association
California Massage Therapy Council
California Professional Massage Therapy Coalition
Hands on Trade Association
National Center on Sexual Exploitation
Nuad Thai and Spa Association of America
South Bay Coalition to End Human Trafficking
Numerous individuals

OPPOSITION: (Verified 6/29/22)

Associated Bodywork and Massage Professionals

ARGUMENTS IN SUPPORT: Supporters generally support the extension of the CAMTC and its work to address human trafficking concerns, and to ensure standards for practitioners.

ARGUMENTS IN OPPOSITION: The Associated Bodywork and Massage Professionals is opposed unless amended and requests the bill be amended, “to revise the sunset date to January 1, 2024, and to reinsert §4621(c) regarding

subsequent consideration of legislation to create a new state board and a new category of licensed professionals.”

ASSEMBLY FLOOR: 73-0, 5/25/22

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Wicks, Wilson, Wood, Rendon

NO VOTE RECORDED: Berman, Daly, Nguyen, O'Donnell, Akilah Weber

Prepared by: Elissa Silva / B., P. & E.D. / 916-651-4104
6/29/22 23:28:55

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