

New name, new representatives, your questions answered ...and when does this all happen?

I have been receiving many messages of appreciation and kudos over the past several months. I'm sure others on the Government Relations Committee and AMTA-CA board members are receiving the same. The creation of Senate Bill (SB) 731 and laying the groundwork before its success was a long road with many players, too many to even attempt to properly thank here. I feel terribly unworthy to receive these thanks when I look at the progress made before me and the tasks that stand before those carrying forward post-passage of SB 731.

SB 731 mandated that an organization be created to issue certifications on a voluntary basis to massage therapists in California. The unofficial name of the organization was Massage Therapy Organization (MTO). This was a placeholder in the text of the bill. As the MTO board has been selected, board members have decided to officially name the organization the California Massage Therapy Council (CMTC). So, please bear with us while we make the shift from MTO to CMTC, as we have been using MTO for a few years and we will probably slip up.

We want to deeply thank Beverly May, not only for her work with the AMTA-CA Chapter over the past 20+ years toward this goal, but for stepping up and applying for the CMTC board. Joining Beverly as a representative of AMTA on the CMTC board is Ahmos Netanel (soft 'A', like Ahhhhhh). If reports are to be believed, Ahmos is the one who originally inspired Beverly to become involved in the issue of Government Relations. We owe Ahmos our gratitude for inspiring Beverly all those years ago as well as stepping up once again to serve the AMTA-CA Chapter to apply for the CMTC board.

I want to briefly thank the others who applied for the board: Brian Buchiarelli of Los Angeles (LA Unit), Kyle Taylor of Palm Springs (?) and Merlita Bautista-Knecht of Elk Grove (Greater Sacramento Area Unit). We are looking forward to working with them on the Government Relations Committee and hope that they will continue toward participating on CMTC boards in the future.

Beverly and Ahmos come to us with years of experience, not only as massage therapists, small business owners, and long time AMTA members, but also with the relationships in their communities that can only come with YEARS of continued effort and outreach. Beverly is the resident expert in California's local massage therapy ordinances, as well as California state law and legislation. She is a legal wordsmith like I have never met before. She has assisted numerous local municipalities in creating better, appropriate local ordinances to the benefit of all massage therapists in California. Ahmos has wonderful relationships with law enforcement, especially in Southern California, and he has an eye for business structure that is rare in our field. They both have huge brains that can visualize where we have been, where we have yet to go, plus all the details that must be worked out in between.

I could go on and on, but I know there are a lot of questions you have about SB 731 and the CMTC and how it applies to you.

So, with one more giant thank you to Beverly and Ahmos, here are the most Frequently Asked Questions the Government Relations Committee has received over the past couple of years regarding the bill, certificates and the future of massage therapy in California.

**AMTA-CA Government Relations Frequently Asked Questions (FAQ'S)
Regarding SB 731 and the California Massage Therapy Council (CMTC) (Jan 09)**

What does the new law do?

It requires the creation of the new California Massage Therapy Council (CMTC-*formerly known as the MTO or massage therapy organization), which will issue a new, voluntary, state-recognized massage therapy certification.

What is the difference between this certification and my current certificate/license/permit?

Local certificates/licenses/permits currently allow massage therapists to practice only in the city or county that issues them. A CMTC-issued certificate will permit you to practice anywhere in the state without getting a separate permit for each locale.

What is the difference between a Certification and a License?

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A license is created by a kind of law called a "practice act", and only those who hold the license can practice. A certification, like this one, is created by a "title act", and it only governs the titles that can be used. So, under this law, anyone who is practicing legally under local laws will be able to continue to practice, but only those who get the certification will be able to use the title Certified Massage Therapist or Certified Massage Practitioner.

What is the difference between this certification and state certification?

Under state certification, the state itself (that is, the California state government) would issue certificates. Under this law, a non-governmental non-profit agency, the CMTC, will issue certificates, and the government of California will recognize those certificates as legally legitimate.

Do I have to get this new certificate?

No. Certification under the CMTC is voluntary.

Will I still have to get a city permit?

If you do not get CMTC certified, then yes, you will still be subject to local ordinances, as you are now.

If you do get CMTC certified, no, you will not also need a local permit. You will, however, have to follow all other general business requirements that apply to all similar local businesses, i.e., obtaining a business license, following zoning, health and safety ordinances, etc.

Will I still need to get a business license?

If you own your own business, yes. A CMTC-issued certificate will give you permission to practice anywhere, but it does not replace your business license. If you are simply an employee of another person's business, then you do not need a business license.

Can I still call myself a Certified Massage Therapist or Certified Massage Practitioner?

In the State of California, as of September 1, 2009, when the first certificates are issued, only those who hold the state-recognized certifications issued by the CMTC will be able to legally call themselves Certified Massage Practitioner or Certified Massage Therapist.

What will be fee for this certificate be?

The CMTC is working toward offering certifications at a fee that would be comparable to the average of fees currently charged at a local level. That being said, the CMTC will be a non-profit entity and will charge what it costs to issue the Certificate. Those costs per Certificate are not yet known.

How often will it have to be renewed?

Every two years, likely by mail, if there are no extenuating circumstances.

When does it start/when can I apply?

The California Massage Therapy Council (CMTC) plans to begin accepting applications in July or August of 2009. No certificates can be issued until September 1, 2009. The turnaround time to receive a certificate is unknown at this time. The details of the process are being created in a series of meetings by the CMTC board.

Who sits on the California Massage Therapy Council (CMTC)?

Two representatives from both AMTA and ABMP, a representative from the League of California Cities, California State Association of Counties, Office of Consumer Affairs and Community College Chancellors office. *check with Bev on completeness of this

Do I have to take the National Certification Exam to get CMTC certified?

The test or tests that will be accepted by the CMTC for the certification process have not been determined yet. It is the intention of the creators of SB 731 and the CMTC to be as inclusive as possible, though the logistics of administering a test may affect the ability to be inclusive of multiple test formats.

What are the requirements for getting CMTC certified?

- **Massage Practitioner**
 - 250 hrs of training at one approved school (*see below regarding approved schools)
 - No new Massage Practitioner certificates issued after 5 years (after 2014)
 - After that tier is phased out, Practitioner certificate still valid for practice as long as they are kept current (may be additional education requirements at some point to bring it to the MT level)
- **Massage Therapist**
 - Education (must have A, B, or C)
 - A. 500 hours of training
 - At least 250 at one approved school
 - Remaining 250 from registered or approved schools or approved CEU providers
 - After 5 years (2014), all 500 hours must be obtained from approved schools
 - B. Or must have passed approved exam
 - C. Or have Registration, Certification, or License from state with greater or equal requirements
- **Both levels**
 - Renewal every 2 years
 - Fingerprinting
- **Grandfathering as Massage Practitioner**
 1. Option 1 (A,B, AND C required)
 - A. Valid massage permit or license from CA city or county
 - B. 100 hrs training at registered or approved school
 - C. Practicing at least 3 yrs and 1000 paid massages
 2. Option 2 (A and B required)
 - A. 100 hrs training (but no local permit or license)
 - B. Practicing at least 3 yrs and 1750 paid massages
 3. Conditional Permit (only offered for 2 yrs until 2011)

- A. 100 hrs training, but less experience than above
- B. Must obtain at least 30 CEUs each year for 5 yrs until they have at least 250 hrs total

Why are the educational requirements not higher?

Passing a law is all about compromise. When the process of writing the law started, there were over 220 schools teaching massage in CA, the vast majority teaching 100-200 hour programs. Some organizations and individuals expressed a fear that requiring more than 250 hours of education would put a lot of people out of business. The legislature felt that 250 hours of education was the minimum that would be acceptable for a profession, and they decided to phase out the lower (250-hour) tier in 5 years.

Why are the educational requirements so high?

Passing a law is all about compromise. There are some areas in California that have no educational requirements, there are others that have 1000 hour requirement at the upper limit. The educational requirements for state licensing in 38 states plus Washington DC are 500 hours. The requirement is an attempt to bring California in line with the majority of the country, simplifying relocation to a new area, elevating the perception of the profession and raising the bar for the profession of massage therapy.

Why is fingerprinting required?

Compromise. Law enforcement was unlikely to support the passage of SB 731 into law without this requirement. Though submitting to fingerprinting and a background check can seem onerous and humiliating, members of many reputable professions, like schoolteachers, are also required to do this throughout the state. Fingerprinting will only be required one time and renewals should be able to be processed by mail.

What schools are “approved”?

The agency that approves California schools has been dissolved (the law that governed the agency expired, or “sunsetting”), thus, there are NO officially approved schools at this time. It is an issue the CMTA is looking to resolve within the certification system. The State is working towards addressing this issue, too. Please refer to the link on the AMTA-CA.org State Legislation page for more information.

How long will the 250-hr grandfathering be available?

Grandfathering will be available until 2013

Does this law change anything for an establishment/business?

The law says that if everyone working in the business is certified, then the business itself is exempt from needing any additional local establishment permit (but still needs a business license). The business would also be exempt from some of the restrictive zoning and high licenses fees. Some of the details of these provisions will need to be worked out. Also, some cities interpret this provision to mean that if the business is owned or managed by someone who is not certified (such as someone who is not a massage therapist) then it is not exempt. We will need the state to clarify this.

Does this law affect zoning for massage therapy businesses?

The answer to this is uncertain and will only truly be determined with time. The text of the law pre-empts (overrules) unreasonable local regulations that only apply to massage therapists and not to other comparable businesses, like nail salons and chiropractic offices. This means that you will legally be able to refuse such local requirements as STD testing or extra local background checks. But

zoning laws can be trickier to navigate and change and will likely have to be fought out on a case-by-local-case basis until a common practice is established.

Why would I want this new certification?

Among other reasons:

- It will be portable. If you get a new job in a new location, you will not have to apply for new local certifications/permits/licenses if you have a CMTC-issued certificate.
- You will only have to renew every two years, rather than annually, as in many local jurisdictions.
- A single standard gives our profession more credibility with the public. Consumers will learn that they can depend on CMTC-certified practitioners having certain qualifications.
- Insurance companies may someday reimburse for massage therapy if they can be sure the therapist is competent. A single, statewide standard certification will give them a clear, simple way to check the therapist's qualifications.
- Some cities may amend their local ordinances to require CMTC-issued certification, because it will streamline local bureaucracy and law enforcement.

Will the state-recognized CMTC-issued certification be recognized in other states?

That is yet to be determined, and will be up to each state.

Can I still use the title HHP?

Yes, if you obtained that title through a city or county that recognizes it. That title is not affected or governed by this new law. It is a local title, subject to local regulations.

What if I want some aspects of the law to be changed?

The Business & Professions Committee will introduce what is called "a committee bill" with language to clear up some of the ambiguities in the law this year - as yet to be determined. Often laws such as this are changed as often as annually. If you would like to see changes to the bill, your best option is to get involved politically. Once the CMTC is up and running, contact them - but even better is to work with the AMTA-CA Governmental relations Committee and the "Adopt-a-Legislator" program.

Please see AMTA-CA.org State Legislation page for additional links and documents if you have further questions, or email us at govrelations@amta-ca.org.

