

AMENDED IN ASSEMBLY JANUARY 14, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY MAY 31, 2013

AMENDED IN ASSEMBLY MAY 13, 2013

AMENDED IN ASSEMBLY MAY 1, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 1147

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Introduced by Assembly Member Gomez  
(Coauthor: Assembly Member Muratsuchi)

February 22, 2013

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An act to add Section 4612.5 to amend Section 4601 of the Business and Professions Code, relating to healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as amended, Gomez. Massage therapy.

Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council. *Existing law specifies the requirements for the council to issue to an applicant a certificate as a massage practitioner, including, but not limited to, successfully completing curricula in massage and related subjects totaling a minimum of 250 hours or the credit unit equivalent, as specified.*

~~Existing law requires specified businesses and other establishments, upon the availability of a model notice developed by the Department of Justice, to post a notice that contains information related to slavery~~

and human trafficking, including information related to specified nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. Existing law exempts from the posting requirements massage establishments or businesses that are the sole proprietorship of an individual who is voluntarily certified pursuant to the provisions described above or that employ or use only persons who are so certified.

This bill would, notwithstanding any other law, subject massage establishments or businesses that are the sole proprietorship of an individual who is voluntarily certified pursuant to the provisions described above or that employ or use only persons who are so certified to the posting requirements described above.

*This bill would additionally require an applicant for a certificate as a massage practitioner to pass a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the council.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1        *SECTION 1. Section 4601 of the Business and Professions  
2 Code is amended to read:*

3        4601. (a) The council shall issue a certificate under this chapter  
4 to an applicant who satisfies the requirements of this chapter.  
5        (b) (1) In order to obtain certification as a massage practitioner,  
6 an applicant shall submit a written application and provide the  
7 council with satisfactory evidence that he or she meets all of the  
8 following requirements:

9        (A) The applicant is 18 years of age or older.  
10      (B) The applicant has successfully completed, at an approved  
11 school, curricula in massage and related subjects, totaling a  
12 minimum of 250 hours or the credit unit equivalent, that  
13 incorporates appropriate school assessment of student knowledge  
14 and skills. Included in the hours shall be instruction addressing  
15 anatomy and physiology, contraindications, health and hygiene,  
16 and business and ethics, with at least 100 hours of the required  
17 minimum 250 hours devoted to these curriculum areas.  
18      (C) *The applicant has passed a massage and bodywork  
19 competency assessment examination that meets generally*

1   *recognized psychometric principles and standards, and that is*  
2   *approved by the council. The successful completion of this*  
3   *examination may have been accomplished before the date the*  
4   *council is authorized by this chapter to begin issuing certificates.*

5   (E)

6   (D) All fees required by the council have been paid.

7   (2) New certificates shall not be issued pursuant to this  
8 subdivision after December 31, 2015. Certificates issued pursuant  
9 to this section or subdivision (a) or (c) of Section 4604 on or before  
10 December 31, 2015, shall, after December 31, 2015, be renewed  
11 without any additional educational requirements, provided that the  
12 certificate holder continues to be qualified pursuant to this chapter.

13   (c) In order to obtain certification as a massage therapist, an  
14 applicant shall submit a written application and provide the council  
15 with satisfactory evidence that he or she meets all of the following  
16 requirements:

17   (1) The applicant is 18 years of age or older.

18   (2) The applicant satisfies at least one of the following  
19 requirements:

20   (A) He or she has successfully completed the curricula in  
21 massage and related subjects totaling a minimum of 500 hours or  
22 the credit unit equivalent. Of this 500 hours, a minimum of 250  
23 hours shall be from approved schools. The remaining 250 hours  
24 required may be secured either from approved or registered schools,  
25 or from continuing education providers approved by, or registered  
26 with, the council or the Department of Consumer Affairs. After  
27 December 31, 2015, applicants may only satisfy the curricula in  
28 massage and related subjects from approved schools.

29   (B) The applicant has done both of the following:

30   (i) Successfully completed, at an approved school, curricula in  
31 massage and related subjects totaling a minimum of 250 hours that  
32 incorporates appropriate school assessment of student knowledge  
33 and skills. Included in the hours shall be instruction addressing  
34 anatomy and physiology, contraindications, health and hygiene,  
35 and business and ethics, with at least 100 hours of the required  
36 minimum 250 hours devoted to these curriculum areas.

37   (ii) Passed a massage and bodywork competency assessment  
38 examination that meets generally recognized psychometric  
39 principles and standards, and that is approved by the board. The  
40 successful completion of this examination may have been

1 accomplished before the date the council is authorized by this  
2 chapter to begin issuing certificates.

3 (3) All fees required by the council have been paid.

4 (d) The council shall issue a certificate to an applicant who  
5 meets the other qualifications of this chapter and holds a current  
6 and valid registration, certification, or license from any other state  
7 whose licensure requirements meet or exceed those defined within  
8 this chapter. The council shall have discretion to give credit for  
9 comparable academic work completed by an applicant in a program  
10 outside of California.

11 (e) An applicant applying for a massage therapist certificate  
12 shall file with the council a written application provided by the  
13 council, showing to the satisfaction of the council that he or she  
14 meets all of the requirements of this chapter.

15 (f) Any certification issued under this chapter shall be subject  
16 to renewal every two years in a manner prescribed by the council,  
17 and shall expire unless renewed in that manner. The council may  
18 provide for the late renewal of a license.

19 (g) (1) The council shall have the responsibility to determine  
20 that the school or schools from which an applicant has obtained  
21 the education required by this chapter meet the requirements of  
22 this chapter. If the council has any reason to question whether or  
23 not the applicant received the education that is required by this  
24 chapter from the school or schools that the applicant is claiming,  
25 the council shall investigate the facts to determine that the applicant  
26 received the required education prior to issuing a certificate.

27 (2) For purposes of paragraph (1) and any other provision of  
28 this chapter for which the council is authorized to receive factual  
29 information as a condition of taking any action, the council shall  
30 have the authority to conduct oral interviews of the applicant and  
31 others or to make any investigation deemed necessary to establish  
32 that the information received is accurate and satisfies any criteria  
33 established by this chapter.

34 (h) The certificate issued pursuant to this chapter, as well as  
35 any identification card issued by the council, shall be surrendered  
36 to the council by any certificate holder whose certificate has been  
37 suspended or revoked.

38 SECTION 1. Section 4612.5 is added to the Business and  
39 Professions Code, to read:

1    4612.5. Notwithstanding any other law, a massage  
2 establishment or business described in paragraph (1) of subdivision  
3 (b) of Section 4612 shall comply with the posting requirements  
4 specified in Section 52.6 of the Civil Code.

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