



Associated Bodywork & Massage Professionals

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September 9, 2010

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

SUBJECT: AB 1822 (Swanson) – REQUEST FOR VETO

Dear Governor Schwarzenegger:

Associated Bodywork & Massage Professionals (ABMP) respectfully requests your veto of AB 1822 (Swanson). ABMP is the largest massage therapy professional membership association both in California (12,000+ members) and nationally (74,000+ members). Our members are concerned about the intent of AB 1822 to add two new positions to the California Massage Therapy Council (CAMTC).

In 2009 the CAMTC was established with the enactment of SB 731 (Oropeza). ABMP was a lead party in the development and passage of SB 731. Our organization has been heavily involved in its subsequent implementation. Our Chairman, Bob Benson serves on the CAMTC board of directors and was the Council's initial Vice Chair.

Over the past year CAMTC has successfully implemented the goal of statewide certification:

- 20,567 applications have been received and recorded;
- A fine enough sieve has been applied in screening applications that 3,265 individuals who had previously secured local government massage permits have not so far passed muster for CAMTC certification; and
- New applicants who clearly do meet CAMTC standards are now receiving certification within 2-3 weeks after their application file (including sealed transcripts from massage schools attended and criminal background reports from the FBI and the California Department of Justice) is complete.

A voice for law enforcement has been present throughout the crafting and subsequent implementation of SB 731. Committees from both the League of California Cities (League) and the California State Association of Counties (CSAC) helped craft the portion of the

legislation that addressed city and county powers and responsibilities. SB 731 provides for both the League and CSAC to appoint a member to the CAMTC board. The going in expectation was that those appointees would be individuals with law enforcement backgrounds. The League appointee was exactly that – a seasoned (30+ years) senior level LAPD vice cop who has provided such great help in establishing applicant review procedures and building bridges with the law enforcement community that CAMTC recently hired him to head its Professional Standards Division. The CAMTC board's Public Policy and Local Government Committee conducts monthly conference call meetings; typically more than 60 city attorneys and police officials participate. CAMTC staff has established a process for cities to designate a contact who then is notified each time an applicant for CAMTC certification either resides in that community or shows a practice history in that city. Over 275 cities and counties have registered to receive that information.

Specifically, the effects of AB 1822 would be fourfold:

1. Provide both the California Police Chiefs Association and the California State Sheriffs' Association with the ability to appoint a person to the CAMTC board of directors;
2. Give these organizations exclusivity over appointing law enforcement personnel to the CAMTC board;
3. Constrain the League of California Cities and California State Association of Counties from appointing anyone with a law enforcement background to the board; and
4. Constrain the Board of Directors of CAMTC from appointing anyone with a current or prior law enforcement background to the board.

As stated above, the CAMTC has worked to thoroughly process and review over 20,000 applications in its initial year of operations. Utilizing criminal record information from the California Department of Justice and the FBI, supplemented by investigations commissioned by CAMTC utilizing a private investigations firm composed of former law enforcement officers with detective and vice investigation backgrounds, CAMTC has identified over 3,000 applicants whose background has created concerns and questions sufficient to withhold granting of certification. The CAMTC board, again working with the private investigation firm and also in this instance with massage licensing and certification boards throughout the United States, has identified over 20 California massage schools at which sufficient questions about practices have been raised that CAMTC will not accept applicant transcripts as sole proof that the education presented in fact was received. Altogether this CAMTC rigorous vetting process is resulting in tougher standards than existed in the previous patchwork system of local control over massage therapy practitioners.

The primary goal of the CAMTC and the certification process is to enhance public protection. This goal is being achieved because of the tougher vetting standards, procedures for subsequent arrest notification on individuals who have been certified

followed by appropriate disciplinary investigations and hearings, and by CAMTC publication of the names of all certified individuals. A secondary goal of SB 731 is to elevate the professional stature of the massage industry. Prior to the development of statewide certification, massage professionals were required to register in each jurisdiction they worked in, obtain duplicate background checks, undergo STD testing, and in some cases register as an “adult entertainer,” which was demeaning to the profession on all levels.

Including two additional law enforcement positions on the CAMTC board could return the focus of the profession to one that is presumed to need law enforcement supervision. AB 1822 is unnecessary. The board can and has both appointed and hired law enforcement professionals as needed to enhance public protection and to build a good working relationship with local governments. The forced inclusion of additional law enforcement representatives on the board – and to prevent the League and CSAC from selecting law enforcement personnel as their CAMTC board representatives – is unlikely to encourage a better working relationship than the one currently established by the board.

Currently in California, certification and licensing boards include members from the profession being regulated and the public. The CAMTC board of directors has had among its members practicing massage therapy professionals, representatives from massage schools and professional membership associations, a public member appointed by the Department of Consumer Affairs, the aforementioned League and CSAC appointees, and an educator appointed by the California Community College Chancellor’s Office. The inclusion of additional law enforcement organization appointees on an industry board is unprecedented and punitive.

For the reasons stated above, ABMP respectfully requests you veto AB 1822 (Swanson). This bill is unnecessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Sweeney". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Les Sweeney, NCTM
President

cc: The Honorable Sandre Swanson
Jennifer Kent, Office of the Governor