

AMENDED IN SENATE JULY 16, 2025

AMENDED IN SENATE JUNE 26, 2025

AMENDED IN ASSEMBLY APRIL 30, 2025

AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1504

Introduced by Assembly Member Berman

February 24, 2025

An act to amend Sections 4600.5, 4602, 4604, 4608, 4609, 4610, 4615, and 4621 of the Business and Professions Code, and to amend Section 94934.5 of the Education Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Berman. California Massage Therapy Council.

(1) Existing law, the Massage Therapy Act, provides for the certification and regulation of massage professionals by the California Massage Therapy Council, which is a private nonprofit organization governed by a board of directors composed of 13 members. Existing law requires one member to be appointed by the office of the Chancellor of the California Community Colleges, and authorizes the California Association of Private Postsecondary Schools to appoint one member. Existing law requires one member to be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least 3 years before appointment and is selected by a specified professional society, association, or other entity the membership of which is composed of massage therapist professionals, and that chooses to participate in the council.

This bill would remove the above-described appointment of one member by the office of the Chancellor of the California Community Colleges, and would limit the appointment authority of the California Association of Private Postsecondary Schools by requiring that their appointed member represent an approved massage school. The bill would add an additional member who is a certified massage therapist or a certified massage practitioner who is selected by a specified professional society, association, or other entity, as described above, and would make conforming changes related to that provision.

Existing law authorizes the council to take any reasonable actions necessary to carry out the responsibilities and duties set forth in the Massage Therapy Act, including hiring staff.

This bill would prohibit the total annual salary for any individual employed or contracted by the council from exceeding the annual salary provided to certain state officers during that fiscal year.

Existing law requires the council to issue a certificate to practice massage therapy to an applicant who meets specified qualifications, including that the applicant has successfully completed at least 500 hours in the curricula in massage and related subjects, as specified, from approved schools. Existing law requires the council to determine whether the school from which an applicant has obtained their education meets the requirement of the Massage Therapy Act. If the council has any reason to question whether or not the applicant received that education from the school or schools that the applicant is claiming, existing law requires the council to investigate the facts to determine that the applicant received the education before issuing the certificate.

This bill would authorize, instead of require, the council to conduct that investigation regarding the applicant's education, as described above. The bill would require an applicant who meets all the other requirements for certification and who received instruction described above at an approved school that was not under formal investigation at the time at which the applicant began instruction but was subsequently placed under investigation by the council to have the opportunity for an interview or educational hearing, as specified. The bill would require the council to issue a certificate to any applicant who successfully passes the interview or hearing, provided that the school at which the applicant completed the instruction was considered in good standing, as specified, at the time the applicant passed the interview hearing.

Existing law, beginning January 1, 2027, also requires an applicant to pass a massage and bodywork competency assessment examination

that meets generally recognized psychometric principles and standards and that is approved by the council, as specified.

The bill would remove the requirement that an applicant ~~to~~ pass a massage and bodywork competency assessment examination as described above, and would require an approved massage school, upon each student's completion of curriculum at the massage school, to provide notice to the student that the massage and bodywork competency assessment examination is not a requirement for certification but may be required for licensure or certification as a massage therapist in any other state.

Existing law requires a certificate holder to notify the council within 30 days of any changes in the certificate holder's home address or the address of any massage establishment or other location where the certificate holder provides massage for compensation, except as specified.

This bill would also require a certificate holder to notify the council within 30 days of any changes in the certificate holder's legal name.

Existing law makes it a violation of the Massage Therapy Act for an applicant or certificate holder to commit certain acts, and makes the commission of those acts grounds for the council to deny an application for a certificate or to impose discipline on a certificate holder. Those acts include being convicted of any felony, misdemeanor, infraction, or municipal code violation, providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider, and dressing in certain attire or manners while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment as specified.

~~This bill would revise and recast the above-described acts that are considered a violation. In this regard, the bill would specify that the council may take action for a conviction, as described above, when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence. The bill would define a "conviction" for these purposes to mean a judgment following a plea or verdict of guilty, or a conviction after a plea of nolo contendere, is a conviction for those purposes. The or a finding of guilt. The bill would also revise and recast the above-described acts that are considered a violation of the Massage Therapy Act. In this regard, the bill would remove the requirement of a referral from a licensed California health care provider to provide~~

massage of female breasts. The bill would remove the list of prohibited attire or manners of dressing while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, except that the bill would maintain the prohibition on dressing in a manner that is deemed by the council to constitute unprofessional attire based on the custom and practice of the profession in California. The bill would also include among those specified acts that are considered a violation the determination of being a threat to public safety based on mental health reasons by a medical or mental health professional, or the rendering of a finding of not guilty in a criminal proceeding by reason of insanity.

Existing law authorizes a board to deny a license on the grounds that the applicant has been convicted of a crime or was subject to formal discipline within the preceding 7 years from the date of application based on professional misconduct that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made, as specified and subject to certain exceptions.

This bill would require the denial of an initial certificate to practice massage therapy on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline as provided under the act to be consistent with the above-described provisions authorizing a board to deny a license on certain grounds.

Existing law requires the council to follow specified procedures for deciding upon and imposing the denial of a certificate or the discipline of a certificate holder under the Massage Therapy Act. Existing law requires, with certain exceptions, the council to provide an opportunity for the applicant or certificate holder to be heard, orally or in writing, not less than 5 days before the effective date of the denial or discipline, by a person or body authorized to decide whether the proposed denial or discipline should go into effect.

This bill would specify that the person or body authorized to make that decision is a person or body authorized by the board of directors.

Existing law authorizes the council to immediately suspend the certificate if the council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder. Existing law provides the certificate holder the right to request, in writing, an oral hearing or consideration of a written statement to challenge the factual basis for the suspension, and a

requested oral hearing or consideration to be held within 30 calendar days after the receipt of the request.

This bill would specify that the oral hearing or consideration is to be held by a person or body authorized by the board of directors.

The bill would authorize an applicant or certificate holder to appeal a final decision of the council to deny or revoke a certificate for conduct not constituting a criminal offense. In this regard, the bill would require an appeal of the final decision to be heard at the next board of directors meeting, as specified, that is at least 120 days from the last date for the applicant or certificate holder to timely request an appeal, except as specified. The bill would require the council to notify the applicant or certificate holder of its right to appeal pursuant to these provisions at the time of the final decision.

Existing law requires the council to develop policies, procedures, rules, or bylaws governing the requirements and processes for approving, denying approval of, imposing corrective action on, or unapproving schools from which applicants obtain their education, as specified. Existing law requires the council, on or before one year from the date the council receives an initial application for approval as a school, to approve the school, propose to deny approval of the school, or notify the school that corrective action is required, and authorizes the council to deny the application of a school that fails to adequately rectify the deficiencies. Existing law authorizes a school to appeal the council's final decision to deny approval of the school, and requires the appeal to be heard at the next board of directors meeting, as specified.

This bill would require the council to notify the school of its right to appeal pursuant to these provisions at the time of the final decision.

Existing law states the intent of the Legislature that, among other things, the Massage Therapy Act enables consumers and local government to more easily identify certified massage professionals and provide for consistent statewide certification and oversight of massage professionals. Existing law repeals the Massage Therapy Act on January 1, 2026.

This bill would also state the intent of the Legislature that, among other things, both state and local regulation of massage therapy reflect the recognized status of certified massage professionals as health care providers. The bill would instead repeal the act on January 1, 2030.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The

act imposes various requirements on a state body holding a meeting subject to the act, including, among other things, requiring the state body to provide notice of its meeting to any person who requests that notice in writing.

The Massage Therapy Act requires meetings of the council to be subject to the rules of the Bagley-Keene Open Meeting Act, and authorizes the board to adopt additional policies and procedures that provide greater transparency to certificate holders and the public than required by the act.

This bill would, except as otherwise provided in the Massage Therapy Act, require meetings of the council to be governed by either Rosenberg's Rules of Order or Robert's Rules of Order, Newly Revised.

The bill would require the council to provide a meaningful opportunity for public participation in the adoption, amendment, or repeal of any policies, procedures, rules, or bylaws that substantially impact the rights, benefits, privileges, duties, obligations, or responsibilities of individuals or entities subject to certification or approval by the council, including, among other things, actions by the council to increase fees. In this regard, the bill would require the council, at a minimum, to publish the complete text of any policies, procedures, rules, or bylaws proposed for adoption, amendment, or repeal along with a summary of the changes being considered for a period of at least 45 calendar days before the adoption, amendment, or repeal, and to accept written public comments during the 45-day period and allow further public comment during a meeting held for these purposes.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would require the council, to the extent practicable, to make the records of the council available for public inspection in a manner consistent with the California Public Records Act, as specified.

(2) Existing law establishes the California Private Postsecondary Education Act of 2009, which provides for student protections and regulatory oversight of private postsecondary educational institutions, as defined, in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

Existing law requires an institution with an approval to operate under the act that knows that it is being investigated by an oversight entity other than the bureau to report that investigation, as specified, to the bureau in writing within 30 days of the institution's first knowledge of

the investigation, and requires an institution with an approval to operate under the act that is the subject of a judgment by, a regulatory action by, increased oversight or monitoring by, or a settlement with, any oversight entity other than the bureau to report it to the bureau within 30 days. Existing law defines “oversight entity” for these purposes to include, among other entities, a governmental agency.

This bill would also include any private entity authorized pursuant to any provision of the Business and Professions Code to approve schools or educational programs for purposes of a professional certification as an “oversight entity” for the above-described purposes.

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

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

1 SECTION 1. Section 4600.5 of the Business and Professions
2 Code is amended to read:
3 4600.5. (a) It is the intent of the Legislature that this act enable
4 consumers and local governments to more easily identify certified
5 massage professionals, provide for consistent statewide certification
6 and oversight of massage professionals, ensure that schools
7 approved by the council that are teaching massage provide a high
8 level of training, assist local governments and law enforcement in
9 meeting their duty to maintain the highest standards of conduct in
10 massage establishments by vetting and disciplining certificate
11 holders, provide for a self-funded nonprofit oversight body to
12 certify massage professionals, and ensure full compliance with,
13 and execution of, the requirements of this act.
14 (b) It is the intent of the Legislature that broad control over land
15 use in regulating massage establishments be vested in local
16 governments so that they may manage those establishments in the
17 best interests of the individual community, and that the
18 requirements and practice of the profession of massage therapy
19 remain a matter of statewide concern, regulation, and oversight.
20 Local governments should give strong consideration to establishing
21 a registration program that grants local governments the ability to
22 either suspend or revoke a registration of massage business for
23 specific violations.
24 (c) It is the intent of the Legislature that local governments, law
25 enforcement, nonprofit stakeholders, the massage industry, and

1 message professionals work together going forward to improve
2 communication and share information to further increase the value
3 of statewide certification, to collaborate in the implementation of
4 this act, and to develop a model ordinance reflecting best practices
5 in massage regulation for cities and counties to adopt that will
6 respect local control, patient privacy, and the dignity of the
7 profession of massage therapy.

8 (d) It was the intent of the Legislature in creating the council,
9 and it is further the intent of the Legislature in extending the
10 council's powers and duties through the sunset review process,
11 that the council serve as an entity entrusted with administering a
12 state function in its certification and oversight of the massage
13 therapy profession.

14 (e) It is the intent of the Legislature that both state and local
15 regulation of massage therapy reflect the recognized status of
16 certified massage professionals as health care providers.

17 SEC. 2. Section 4602 of the Business and Professions Code is
18 amended to read:

19 4602. (a) The California Massage Therapy Council, as defined
20 in subdivision (d) of Section 4601, is hereby established and shall
21 carry out the responsibilities and duties set forth in this chapter.

22 (b) (1) The council may take any reasonable actions necessary
23 to carry out the responsibilities and duties set forth in this chapter,
24 including, but not limited to, hiring staff, entering into contracts,
25 and developing policies, procedures, rules, and bylaws to
26 implement this chapter.

27 (2) Notwithstanding any other law, the total annual salary for
28 any individual employed or contracted by the council shall not
29 exceed the annual salary provided pursuant to Section 11550 of
30 the Government Code during that fiscal year.

31 (c) The council may require background checks for all
32 employees, contractors, volunteers, and board members as a
33 condition of their employment, formation of a contractual
34 relationship, or participation in council activities.

35 (d) The council shall issue a certificate to an individual applicant
36 who satisfies the requirements of this chapter for that certificate.

37 (e) The council is authorized to determine whether the
38 information provided to the council in relation to the certification
39 of an applicant is true and correct and meets the requirements of
40 this chapter. If the council has any reason to question whether the

1 information provided is true or correct, or meets the requirements
2 of this chapter, the council is authorized to make any investigation
3 it deems necessary to establish that the information received is
4 accurate and satisfies any criteria established by this chapter. The
5 applicant has the burden to prove that they are entitled to
6 certification.

7 (f) The council shall be governed by a board of directors
8 composed of 13 members who shall be chosen in the following
9 manner:

10 (1) One member shall be a representative of the League of
11 California Cities, unless that entity chooses not to exercise this
12 right to appoint.

13 (2) One member shall be a representative of the California Police
14 Chiefs Association, unless that entity chooses not to exercise this
15 right to appoint.

16 (3) One member shall be a representative of the California State
17 Association of Counties, unless that entity chooses not to exercise
18 this right to appoint.

19 (4) One member shall be a representative of an “anti-human
20 trafficking” organization to be determined by the council. This
21 organization shall appoint one member, unless the organization
22 chooses not to exercise this right to appoint.

23 (5) One member shall be a member of the public appointed by
24 the Director of the Department of Consumer Affairs, unless the
25 director chooses not to exercise this right to appoint.

26 (6) One member who represents an approved massage school
27 shall be appointed by the California Association of Private
28 Postsecondary Schools, unless that entity chooses not to exercise
29 this right to appoint.

30 (7) One member shall be appointed by the American Massage
31 Therapy Association, California Chapter, who shall be a
32 California-certified massage therapist or massage practitioner who
33 is a California resident and who has been practicing massage for
34 at least three years, unless that entity chooses not to exercise this
35 right to appoint.

36 (8) One member shall be a public health official representing a
37 city, county, city and county, or state health department, to be
38 determined by the council. The city, county, city and county, or
39 state health department chosen, shall appoint one member unless
40 that entity chooses not to exercise this right to appoint.

1 (9) (A) Two members shall each be a certified massage therapist
2 or a certified massage practitioner who is a California resident
3 who has practiced massage for at least three years prior to the
4 appointment, selected by a professional society, association, or
5 other entity the membership of which is composed of massage
6 therapist professionals, and that chooses to participate in the
7 council. To qualify, a professional society, association, or other
8 entity shall have a dues-paying membership in California of at
9 least 1,000 individuals, have been established since 2000, and shall
10 have bylaws that require its members to comply with a code of
11 ethics.

12 (B) If there are more than two professional societies,
13 associations, or other entities that meet the requirements of
14 subparagraph (A), the appointments shall rotate based on a
15 four-year term between each of the qualifying entities. The
16 qualifying entity shall maintain its appointment authority during
17 the entirety of the four-year term during which it holds the
18 appointment authority. The order in which a qualifying professional
19 society, association, or other entity has the authority to appoint
20 shall be determined by alphabetical order based on the full legal
21 name of the entity as of January 1, 2014.

22 (10) The members appointed to the board in accordance with
23 paragraphs (1) to (9), inclusive, shall appoint three additional
24 members, at a duly held board meeting in accordance with the
25 board's bylaws. One of those appointees shall be an attorney
26 licensed by the State Bar of California who has been practicing
27 law for at least three years and who at the time of appointment
28 represents a city, county, or a city and county in the state. One of
29 those appointees shall represent a massage business entity that has
30 been operating in the state for at least three years. The council
31 shall establish in its bylaws a process for appointing an additional
32 member, provided that the member has knowledge of the massage
33 industry or can bring needed expertise to the operation of the
34 council for purposes of complying with Section 4603.

35 (g) Any decision to change the appointing authority of any
36 member appointed to the board pursuant to paragraphs (1) to (9),
37 inclusive, of subdivision (f) shall not be effective unless the current
38 member has completed their term under subdivision (h) or the
39 appointment is vacant.

1 (h) (1) Board member terms shall be for four years and until
2 the appointment and qualification of their successor or until one
3 year from the expiration of the term for which the member was
4 appointed, whichever occurs first. A board member who has served
5 two terms shall not be eligible for reappointment to the board
6 regardless of the appointing authority. Any board member who,
7 as of January 1, 2025, has served on the board for 8 out of the
8 preceding 10 years, regardless of the appointing authority, shall
9 vacate their appointment no later than July 1, 2025.

10 (2) A board member may be removed only by their appointing
11 authority under the conditions provided in Section 106.

12 (i) The board of directors shall establish fees reasonably related
13 to the cost of providing services and carrying out its ongoing
14 responsibilities and duties. Initial and renewal fees for certificates
15 shall be in an amount sufficient to support the functions of the
16 council in the administration of this chapter, but in no event shall
17 exceed three hundred dollars (\$300). The renewal fee shall be
18 reassessed biennially by the board.

19 (j) Prior to holding a meeting to vote upon a proposal to increase
20 the certification fees, the board shall provide at least 90 days'
21 notice of the meeting, including posting a notice on the council's
22 internet website unless at least two-thirds of the board members
23 concur that there is an active threat to public safety and that voting
24 at a meeting without prior notice is necessary. However, the board
25 shall not waive the requirements of subdivision (l).

26 (k) If the board approves an increase in the certification fees,
27 the council shall update all relevant areas of its internet website
28 and notify all certificate holders and affected applicants by email
29 within 14 days of the board's action.

30 (l) The meetings of the council shall be subject to the rules of
31 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
32 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
33 the Government Code). The board may adopt additional policies
34 and procedures that provide greater transparency to certificate
35 holders and the public than required by the Bagley-Keene Open
36 Meeting Act. Except as otherwise provided in this chapter,
37 meetings of the council shall be governed by either Rosenberg's
38 Rules of Order or Robert's Rules of Order, Newly Revised.

39 (m) (1) The council shall provide a meaningful opportunity for
40 public participation in the adoption, amendment, or repeal of any

1 policies, procedures, rules, or bylaws that substantially impact the
2 rights, benefits, privileges, duties, obligations, or responsibilities
3 of individuals or entities subject to certification or approval by the
4 council, including, but not limited to, actions by the council to
5 increase fees, impose additional requirements for certification or
6 approval, or substantively modify the disciplinary processes.

7 (2) For purposes of this subdivision, the council shall, at a
8 minimum, publish the complete text of any policies, procedures,
9 rules, or bylaws proposed for adoption, amendment, or repeal along
10 with a summary of the changes being considered for a period of
11 at least 45 calendar days before the adoption, amendment, or repeal.
12 The council shall accept written public comments during the 45-day
13 period and allow further public comment during a meeting held
14 for these purposes.

15 (n) The council shall assess its contact with non-English
16 speakers. Based on this assessment, the council shall offer and
17 make available all publicly available written and electronic
18 materials provided to certificate holders and applicants in languages
19 other than English that the council determines will be used by a
20 substantial number of non-English speakers who are in contact
21 with the council. This subdivision shall not apply to examinations,
22 denial and disciplinary legal documents, and email
23 communications. The council shall provide a report to the
24 Legislature on the findings of its assessment of contact with
25 non-English speakers on or before January 1, 2019.

26 (o) (1) The council shall, to the extent practicable, make the
27 records of the council available for public inspection in a manner
28 consistent with the California Public Records Act (Chapter 1
29 (commencing with Section 7920.000) of Part 1 of Division 10 of
30 Title 1 of the Government Code), as though the council were a
31 public agency for purposes of that act.

32 (2) It is the intent of the Legislature in enacting this subdivision
33 that the council shall not inappropriately disclose investigatory
34 records or records containing sensitive information, including law
35 enforcement activities or personally identifying information
36 regarding certificate holders, council employees, or members of
37 the public, including potential victims or survivors of human
38 trafficking.

39 SEC. 3. Section 4604 of the Business and Professions Code is
40 amended to read:

1 4604. (a) In order to obtain certification as a massage therapist,
2 an applicant shall submit a written application and provide the
3 council with satisfactory evidence that the applicant meets all of
4 the following requirements:

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

6 (2) The applicant has successfully completed the curricula in
7 massage and related subjects totaling a minimum of 500 hours, or
8 the credit unit equivalent, that incorporates appropriate school
9 assessment of student knowledge and skills.

10 (A) Of the 500 hours, a minimum of 100 hours of instruction
11 shall address anatomy and physiology, contraindications, health
12 and hygiene, and business and ethics.

13 (B) All of the 500 hours shall be from approved schools. The
14 council shall accept the 500 hours if, at the time all of the hours
15 were completed, the school or schools were approved. The 500
16 hours may be completed at more than one approved school.
17 Notwithstanding any other law, pursuant to its policies and
18 procedures for approval of schools, the council shall accept hours
19 earned by an applicant for certification as a massage therapist if
20 those hours were completed before July 1, 2016, and were earned
21 from a school providing education in this state that was unapproved
22 by the council after July 1, 2016, based solely on the fact that the
23 National Certification Board for Therapeutic Massage and
24 Bodywork took denial or disciplinary action against the school.
25 For purposes of this section, “unapproved” means that the council
26 determined that it will not accept hours from a school toward
27 certification.

28 (C) (i) Any applicant who meets all the other requirements for
29 certification and who received instruction required by this
30 paragraph at an approved school that was not under formal
31 investigation at the time at which the applicant began instruction
32 but was subsequently placed under investigation by the council
33 shall have the opportunity for an interview pursuant to subdivision
34 (a) of Section 4615 or an educational hearing determined by the
35 council. Any interview or hearing provided pursuant to this
36 subparagraph shall be completed no later than six months from
37 the date the application was submitted or the student completed
38 the instruction.

39 (ii) The council shall issue a certificate to any applicant who
40 successfully passes the interview or hearing described in this

1 subparagraph, provided that the school at which the applicant
2 completed the instruction was considered in good standing
3 according to the Bureau for Private Postsecondary Education at
4 the time the applicant passed the interview or hearing.

5 (3) (A) The applicant has passed a massage and bodywork
6 competency assessment examination that meets generally
7 recognized psychometric principles and standards and that is
8 approved by the council. The successful completion of this
9 examination may have been accomplished before the date the
10 council is authorized by this chapter to begin issuing certificates.
11 This subparagraph shall be inoperative commencing on January
12 1, 2019.

13 (B) Beginning January 1, 2026, an approved massage school
14 shall, upon each student's completion of curriculum at the massage
15 school, provide notice to the student that the massage and
16 bodywork competency assessment examination described in
17 subparagraph (A) is not a requirement for certification pursuant
18 to this chapter but may be required for licensure or certification
19 as a massage therapist in any other state.

20 (4) The applicant has successfully passed a background
21 investigation pursuant to Section 4606, and has not violated any
22 of the provisions of this chapter.

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

24 (6) The council may issue a certificate to an applicant who meets
25 the qualifications of this chapter if the applicant holds a current
26 and valid registration, certification, or license from any other state
27 whose licensure requirements meet or exceed those defined within
28 this chapter. If an applicant has received education at a school that
29 is not approved by the council, the council shall have the discretion
30 to give credit for comparable academic work completed by an
31 applicant in a program outside of California.

32 (7) If an applicant has received education at a school located
33 outside of California or a school located in a country outside of
34 the United States that does not meet the requirements of subdivision
35 (a) of Section 4601 to be an approved school, the council shall
36 have the discretion to give credit for comparable academic work
37 completed by an applicant toward certification.

38 (b) A certificate issued pursuant to this chapter and any
39 identification card issued by the council shall be surrendered to

1 the council by any certificate holder whose certificate is suspended
2 or revoked.

3 SEC. 4. Section 4608 of the Business and Professions Code is
4 amended to read:

5 4608. In addition to the other requirements of this chapter, a
6 certificate holder shall:

7 (a) Display their original certificate wherever they provide
8 massage for compensation. A certificate holder shall have their
9 identification card in their possession while providing massage
10 services for compensation.

11 (b) Provide their full name and certificate number upon the
12 request of a member of the public, the council, or a member of
13 law enforcement, or a local government agency charged with
14 regulating massage or massage establishments, at the location
15 where they are providing massage services for compensation.

16 (c) Include the name under which they are certified and their
17 certificate number in any and all advertising of massage for
18 compensation.

19 (d) Notify the council within 30 days of any changes in the
20 certificate holder's legal name, home address, or the address of
21 any massage establishment or other location where they provide
22 massage for compensation, excluding those locations where
23 massage is only provided on an out-call basis. A certificate holder
24 also shall notify the council of their primary email address, if any,
25 and notify the council within 30 days of a change of the primary
26 email address.

27 SEC. 5. Section 4609 of the Business and Professions Code is
28 amended to read:

29 4609. (a) It is a violation of this chapter for an applicant or a
30 certificate holder to commit any of the following acts, the
31 commission of which is grounds for the council to deny an
32 application for a certificate or to impose discipline on a certificate
33 holder:

34 (1) Unprofessional conduct, including, but not limited to, any
35 of the following:

36 (A) Engaging in sexually suggestive advertising related to
37 massage services.

38 (B) Engaging in any form of sexual activity on the premises of
39 a massage establishment where massage is provided for
40 compensation, excluding a residence.

1 (C) Engaging in sexual activity while providing massage
2 services for compensation.

3 (D) Practicing massage on a suspended certificate or practicing
4 outside of the conditions of a restricted certificate.

5 (E) Providing massage of the genitals or anal region.

6 (F) Providing massage of female breasts without the written
7 consent of the person receiving the massage.

8 (2) Procuring or attempting to procure a certificate by fraud,
9 misrepresentation, or mistake.

10 (3) Failing to fully disclose all information requested on the
11 application.

12 (4) Impersonating an applicant or acting as a proxy for an
13 applicant in any examination referred to in this chapter for the
14 issuance of a certificate.

15 (5) Impersonating a certificate holder, or permitting or allowing
16 a noncertified person to use a certificate.

17 (6) Violating or attempting to violate, directly or indirectly, or
18 assisting in or abetting the violation of, or conspiring to violate,
19 any provision of this chapter or any rule or bylaw adopted by the
20 council.

21 (7) Committing any fraudulent, dishonest, or corrupt act that is
22 substantially related to the qualifications or duties of a certificate
23 holder.

24 (8) Denial of licensure, revocation, suspension, restriction,
25 citation, or any other disciplinary action against an applicant or
26 certificate holder by another state or territory of the United States,
27 by any other government agency, or by another California health
28 care professional licensing board. A certified copy of the decision,
29 order, judgment, or citation shall be conclusive evidence of these
30 actions.

31 (9) (A) Being convicted of any felony, misdemeanor, infraction,
32 or municipal code violation, or being held liable in an
33 administrative or civil action for an act, that is substantially related
34 to the qualifications, functions, or duties of a certificate holder. ~~A~~
35 ~~plea or verdict of guilty, or a conviction after a plea of nolo~~
36 ~~contendere, shall be a conviction for purposes of this paragraph.~~
37 A record of the conviction or other judgment or liability shall be
38 conclusive evidence of the crime or liability.

39 (B) *The council may take action pursuant to this paragraph*
40 *when the time for appeal has elapsed, the judgment of conviction*

1 *has been affirmed on appeal, or an order granting probation is*
2 *made suspending the imposition of sentence.*

3 (C) *For purposes of this paragraph, “conviction” means a*
4 *judgment following a plea or verdict of guilty, a plea of nolo*
5 *contendere, or a finding of guilt.*

6 (10) Dressing while engaged in the practice of massage for
7 compensation, or while visible to clients in a massage
8 establishment, in a manner that is deemed by the council to
9 constitute unprofessional attire based on the custom and practice
10 of the profession in California.

11 (11) Committing any act punishable as a sexually related crime
12 or being required to register pursuant to the Sex Offender
13 Registration Act (Chapter 5.5 (commencing with Section 290) of
14 Title 9 of Part 1 of the Penal Code), or being required to register
15 as a sex offender in another state.

16 (12) Being determined to be a threat to public safety based on
17 mental health reasons by a medical or mental health professional,
18 or rendered a finding of not guilty in a criminal proceeding by
19 reason of insanity.

20 (b) The council may deny an application for a certificate for the
21 commission of any of the acts described in subdivision (a). The
22 council may also discipline a certificate holder, in any manner
23 permitted by this chapter, for the commission of any of those acts
24 by a certificate holder.

25 (c) The council shall deny an application for a certificate, or
26 revoke the certificate of a certificate holder, if the applicant or
27 certificate holder is required to register pursuant to the Sex
28 Offender Registration Act (Chapter 5.5 (commencing with Section
29 290) of Title 9 of Part 1 of the Penal Code), or is required to
30 register as a sex offender in another state.

31 (d) Denial of an initial certificate on the grounds that the
32 applicant has been convicted of a crime or has been subject to
33 formal discipline as provided in this section shall be consistent
34 with the requirements of subdivision (a) of Section 480.

35 SEC. 6. Section 4610 of the Business and Professions Code is
36 amended to read:

37 4610. (a) An applicant for a certificate shall not be denied a
38 certificate, and a certificate holder shall not be disciplined pursuant
39 to this chapter except according to procedures that satisfy the

1 requirements of this section. Denial or discipline that is not in
2 accord with this section shall be void and without effect.

3 (b) The council may discipline a certificate holder by any, or a
4 combination, of the following methods:

5 (1) Placing the certificate holder on probation, which may
6 include limitations or conditions on practice.

7 (2) Suspending the certificate and the rights conferred by this
8 chapter on a certificate holder for a period not to exceed one year.

9 (3) Suspending or staying the disciplinary order, or portions of
10 it, with or without conditions.

11 (4) Revoking the certificate.

12 (5) Taking other action as the council deems proper, as
13 authorized by this chapter or policies, procedures, rules, or bylaws
14 adopted by the board.

15 (c) The council may issue an initial certificate on probation,
16 with specific terms and conditions, to any applicant.

17 (d) Any denial or discipline shall be decided upon and imposed
18 in good faith and in a fair and reasonable manner. Any procedure
19 that conforms to the requirements of subdivision (e) is fair and
20 reasonable.

21 (e) A procedure is fair and reasonable and meets requirements
22 for fair procedure if the procedures specified in subdivision (f) or
23 (g) are followed or if all of the following apply:

24 (1) Denial or discipline shall be based on a preponderance of
25 the evidence. In determining the basis for the denial or discipline
26 and making a final decision that denial or discipline shall be
27 imposed, the council may consider all written documents or
28 statements as evidence, but shall weigh the reliability of those
29 documents or statements. A final decision to deny or impose
30 discipline may be based solely on a written statement or declaration
31 made under penalty of perjury and the individual providing the
32 written statement or declaration made under penalty of perjury
33 shall not be required to appear at an oral hearing or provide
34 additional documents or information beyond the written statement
35 or declaration made under penalty of perjury that was already
36 provided.

37 (2) The provisions of the procedure are publicly available on
38 the council's internet website.

39 (3) The council provides 15 calendar days prior notice of the
40 denial or discipline and the reasons for the denial or discipline.

1 (4) The council provides an opportunity for the applicant or
2 certificate holder, to be heard, orally or in writing, not less than
3 five days before the effective date of the denial or discipline, by
4 a person or body authorized by the board of directors to decide
5 whether the proposed denial or discipline should go into effect.

6 (f) (1) Notwithstanding any other law, if the council receives
7 notice that a certificate holder has been arrested and charges have
8 been filed by the appropriate prosecuting agency against the
9 certificate holder alleging a violation of subdivision (b) of Section
10 647 of the Penal Code or any other offense described in paragraph
11 (11) of subdivision (a) of Section 4609, the council shall
12 immediately suspend, on an interim basis, the certificate of that
13 certificate holder, and take all of the following additional actions:

14 (A) Notify the certificate holder at the address last filed with
15 the council that the certificate has been suspended and the reason
16 for the suspension within 10 business days.

17 (B) Provide notification of the suspension by email to the clerk
18 or other designated contact of the city, county, or city and county
19 in which the certificate holder lives or works, pursuant to the
20 council's records, within 10 business days.

21 (C) Provide notification of the suspension by email or first-class
22 mail to any establishment or employer, whether public or private,
23 that the council has in its records as employing the certificate
24 holder, within 10 business days.

25 (2) Upon notice to the council that the charges described in
26 paragraph (1) have resulted in a conviction, the council shall
27 permanently revoke the suspended certificate. The council shall
28 provide notice to the certificate holder, at the address last filed
29 with the council by a method providing delivery confirmation,
30 within 10 business days that it has evidence of a valid record of
31 conviction and that the certificate will be revoked unless the
32 certificate holder provides evidence within 15 days from the date
33 of the council's mailing of the notice that the conviction is either
34 invalid or that the information is otherwise erroneous.

35 (3) Upon notice that the charges described in paragraph (1) have
36 resulted in an acquittal or have been otherwise dismissed prior to
37 conviction, the certificate shall be immediately reinstated and the
38 certificate holder and any establishment or employer that received
39 notice pursuant to this section shall be notified of the reinstatement
40 within 10 business days.

(g) (1) Notwithstanding any other law, if the council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder, the council may immediately suspend the certificate of that certificate holder. A determination to immediately suspend a certificate pursuant to this subdivision shall be based upon a preponderance of the evidence and the council shall also consider any available credible mitigating evidence before making a decision. Written statements by any person shall not be considered by the council when determining whether to immediately suspend a certificate unless made under penalty of perjury. If the council suspends a certificate in accordance with this subdivision, the council shall take all of the following additional actions:

(A) Notify the certificate holder within 10 business days, at the address last filed with the council, by a method providing delivery confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph (2).

(B) Notify by email or any other means consistent with the notice requirements of this chapter, any business or employer, whether public or private, that the council has in its records as employing or contracting with the certificate holder for massage services, and the California city, county, or city and county that has jurisdiction over that establishment or employer, that the certificate has been suspended within 10 business days.

(2) A certificate holder whose certificate is suspended pursuant to this subdivision shall have the right to request, in writing, an oral hearing or consideration of a written statement to challenge the factual basis for the suspension. If the holder of the suspended certificate requests an oral hearing or consideration of a written statement on the suspension, the oral hearing or consideration of a written statement shall be held by a person or body authorized by the board of directors within 30 calendar days after receipt of the request. A holder whose certificate is suspended based on paragraph (1) shall be subject to revocation or other discipline in accordance with subdivision (a).

(3) If the council determines, after a hearing conducted pursuant to this subdivision, to lift the suspension, the certificate shall be immediately reinstated and the certificate holder, any establishment

1 or employer, and the city, county, or city and county that has
2 jurisdiction over that establishment or employer, that received
3 notice pursuant to this section shall be notified of the reinstatement
4 within 10 business days.

5 (h) Any notice required under this section may be given by any
6 method reasonably calculated to provide actual notice. Any notice
7 given by mail shall be given by first-class or certified mail sent to
8 the last address of the applicant or certificate holder shown on the
9 council's records.

10 (i) An applicant or certificate holder may challenge a denial or
11 discipline decision issued pursuant to this section in a court of
12 competent jurisdiction. Any action challenging a denial or
13 discipline, including any claim alleging defective notice, shall be
14 commenced within 90 days after the effective date of the denial
15 or discipline. Certification issued pursuant to this chapter is not a
16 fundamental vested right and judicial review of denial and
17 disciplinary decisions made by the council shall be conducted
18 using the substantial evidence standard of review. If the action is
19 successful, the court may order any relief, including reinstatement,
20 that it finds equitable under the circumstances.

21 (j) An applicant or certificate holder may appeal a final decision
22 by the council to deny or revoke a certificate for conduct not
23 constituting a criminal offense. An appeal of the final decision to
24 deny or revoke a certificate shall be heard at the next board of
25 directors meeting with a date, as posted on the internet website of
26 the council, that is at least 120 days from the last date for the
27 applicant or certificate holder to timely request an appeal, unless
28 a timely request for a continuance of the hearing date is granted.
29 The council may, in its discretion, for good cause, continue the
30 date an appeal may be heard, in which case the appeal shall be
31 heard at a later board of directors meeting. The council shall notify
32 the applicant or certificate holder of its right to appeal pursuant to
33 this subdivision at the time of the final decision.

34 (k) This section governs only the procedures for denial or
35 discipline decision and not the substantive grounds for the denial
36 or discipline. Denial or discipline based upon substantive grounds
37 that violates contractual or other rights of the applicant or certificate
38 holder, or is otherwise unlawful, is not made valid by compliance
39 with this section.

SEC. 7. Section 4615 of the Business and Professions Code is amended to read:

4615. (a) The council shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.

(1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council may investigate the facts to determine that the applicant received the required education before issuing a certificate.

(2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant and others or conduct any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter.

(b) (1) The council shall develop policies, procedures, rules, or bylaws governing the requirements and process for approving, denying approval of, imposing corrective action on, or unapproving schools consistent with Section 4601. These policies, procedures, rules, or bylaws shall address topics, including, but not limited to, what constitutes an acceptable curriculum, facility requirements, student-teacher ratios, clinical practice requirements, and provisions for the acceptance of accreditation from a recognized accreditation body or other form of acceptance.

(2) The approval process for a school shall be consistent with the following timelines:

(A) (i) On or before 30 days from the date the council receives an initial application for school approval, the council shall notify the school whether or not, for the purpose of preliminary review, the application is complete.

(ii) A notice that an initial application is not complete for the purpose of preliminary review shall specify what additional documents or payment of fees the school is required to submit to the council to make the application complete for the purpose of preliminary review.

(B) Within 60 days from the date the council notifies the school that the initial application is not complete for purposes of preliminary review, the school shall provide the missing

1 information and pay the required fees. If a school fails to do so,
2 the council shall purge the application. The council may, in its sole
3 discretion, provide a school with an additional 30 days to make
4 its application complete for purposes of preliminary review. A
5 school with a purged application may submit a new application
6 for school approval, including the required fees, without prejudice,
7 after 180 days have passed from the effective date of purging. The
8 council shall post on its internet website the effective date of
9 purging.

10 (C) (i) On or before one year from the date the council receives
11 an initial application for approval as a school, the council shall
12 approve the school, propose to deny approval of the school, or
13 notify the school that corrective action is required. The council
14 reserves the right to issue a one-time notice of corrective action
15 on an initial application. If the school fails to adequately rectify
16 the deficiencies, the council may deny the application.

17 (ii) Within one year from the date that the council notifies a
18 school of its proposed decision to deny approval of an initial
19 application for school approval, the council shall notify the school
20 of its final decision pursuant to any oral telephonic hearing or
21 consideration of a written statement provided in opposition to the
22 proposed decision to deny approval of the initial application for
23 school approval.

24 (D) A school may appeal the council's final decision to deny
25 approval of the school. An appeal of the council's final decision
26 to deny approval of a school shall be heard at the next board of
27 directors meeting with a date, as posted on the council's internet
28 website, that is at least 120 days from the last date for the school
29 to timely request an appeal, unless a timely request for a
30 continuance of the hearing date is granted. The council may, in its
31 discretion, for good cause, continue the date an appeal may be
32 heard, in which case the appeal shall be heard at a later board of
33 directors meeting. The council shall notify the school of its right
34 to appeal pursuant to this subdivision at the time of the final
35 decision.

36 (3) The council shall exercise its authority to approve, deny
37 approval of, and unapprove schools and specify corrective action
38 in keeping with the purposes set forth in Section 4603.

1 (c) The council may charge a reasonable fee for the inspection
2 or approval of schools, provided the fees do not exceed the
3 reasonable cost of the inspection or approval process.

4 (d) The council shall note on its internet website the date that
5 a letter proposing to deny a school's application for approval or
6 reapproval or requesting corrective action has been sent to the
7 school and the final outcome and date of that proposed action.

8 (e) For purposes of this section, the following terms have the
9 following meanings:

10 (1) "Initial application" means a new application submitted by
11 a school for school approval.

12 (2) "Complete application," for purposes of preliminary review,
13 means an application that the council, after preliminary review,
14 has determined contains all the necessary documents for the council
15 to begin a more thorough review process that allows the council
16 to make a decision to approve or propose to deny the application
17 for school approval or request corrective action. A complete
18 application is not an approved application and a determination by
19 the council upon preliminary review that an application is complete
20 shall not prejudice the council's ability to later determine that the
21 application is not complete.

22 (3) "Preliminary review" means an initial review conducted by
23 the council to determine if all fees have been paid and if all
24 application and supporting documents have been submitted, so
25 that the council can move forward and begin a more thorough
26 review process. The preliminary review process does not include
27 completion of a site visit or completion of background checks for
28 noncertified individuals.

29 SEC. 8. Section 4621 of the Business and Professions Code is
30 amended to read:

31 4621. (a) This chapter shall remain in effect only until January
32 1, 2030, and as of that date is repealed.

33 (b) Notwithstanding any other law, the powers and duties of the
34 council shall be subject to review by the appropriate policy
35 committees of the Legislature.

36 SEC. 9. Section 94934.5 of the Education Code is amended to
37 read:

38 94934.5. (a) An institution with an approval to operate that
39 knows that it is being investigated by an oversight entity other than
40 the bureau shall report that investigation, including the nature of

1 that investigation, to the bureau in writing within 30 days of the
2 institution's first knowledge of the investigation. An institution
3 with an approval to operate that is the subject of a judgment by, a
4 regulatory action by, increased oversight or monitoring by, or a
5 settlement with, any oversight entity other than the bureau shall
6 report it to the bureau within 30 days. Failure to comply with this
7 section may subject the institution to an administrative citation
8 pursuant to Section 94936.

9 (b) For the purposes of this section, "investigation" means any
10 inquiry into possible violations of any applicable laws or
11 accreditation standards.

12 (c) For the purposes of this section, "oversight entity" means
13 all of the following:

14 (1) Any governmental agency.

15 (2) Any accrediting agency.

16 (3) Any professional licensing entity that exercises any
17 programmatic or institutional approval over the institution.

18 (4) Any private entity authorized pursuant to any provision of
19 the Business and Professions Code to approve schools or
20 educational programs for purposes of a professional certification.