

AMENDED IN SENATE SEPTEMBER 3, 2025

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 *of* 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~~ *to, as a condition of certification, have the opportunity for an interview or educational hearing, as ~~specified~~ specified, provided that their application for certification was submitted to the council no more than 90 days from the date of a final decision by the council to revoke the school's approval.* 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 *a school approved by the council within 90 days from the date the applicant submitted their application for certification and was considered to be 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 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 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, a plea of nolo contendere, 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~~ *require* the person or body authorized to make that decision ~~is a person or body authorized by the board of directors.~~ *to be qualified.*

~~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 *request an appeal of a final decision of the council to deny or revoke a certificate for conduct not constituting a criminal offense, or discipline a certificate holder by submitting a request in writing within 30 days of the date of the final decision.* In this regard, the bill would require ~~an~~ *a request to appeal a final decision to be considered by a committee of the board of directors within 120 days of the final decision, as specified. If a request to appeal is granted, the bill would require the 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, date that the request to appeal was granted,* except as specified. The bill would require the council to notify the applicant or certificate holder of its right to *request an 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, *beginning July 1, 2027, and 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~~ *specified, and would authorize the council to charge for the direct costs of responding to requests for records, 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

1 level of training, assist local governments and law enforcement in
2 meeting their duty to maintain the highest standards of conduct in
3 massage establishments by vetting and disciplining certificate
4 holders, provide for a self-funded nonprofit oversight body to
5 certify massage professionals, and ensure full compliance with,
6 and execution of, the requirements of this act.

7 (b) It is the intent of the Legislature that broad control over land
8 use in regulating massage establishments be vested in local
9 governments so that they may manage those establishments in the
10 best interests of the individual community, and that the
11 requirements and practice of the profession of massage therapy
12 remain a matter of statewide concern, regulation, and oversight.
13 Local governments should give strong consideration to establishing
14 a registration program that grants local governments the ability to
15 either suspend or revoke a registration of massage business for
16 specific violations.

17 (c) It is the intent of the Legislature that local governments, law
18 enforcement, nonprofit stakeholders, the massage industry, and
19 massage professionals work together going forward to improve
20 communication and share information to further increase the value
21 of statewide certification, to collaborate in the implementation of
22 this act, and to develop a model ordinance reflecting best practices
23 in massage regulation for cities and counties to adopt that will
24 respect local control, patient privacy, and the dignity of the
25 profession of massage therapy.

26 ~~(d) It was is the intent of the Legislature in creating the council,~~
27 ~~and it is further the intent of the Legislature in extending the~~
28 ~~council's powers and duties through the sunset review process,~~
29 ~~process that the council continue to serve as an entity entrusted~~
30 ~~with administering a state function in its certification and oversight~~
31 ~~of the of massage therapy profession. professionals and approval~~
32 ~~of massage education programs.~~

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

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

38 4602. (a) The California Massage Therapy Council, as defined
39 in subdivision (d) of Section 4601, is hereby established and shall
40 carry out the responsibilities and duties set forth in this chapter.

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

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

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

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

16 (e) The council is authorized to determine whether the
17 information provided to the council in relation to the certification
18 of an applicant is true and correct and meets the requirements of
19 this chapter. If the council has any reason to question whether the
20 information provided is true or correct, or meets the requirements
21 of this chapter, the council is authorized to make any investigation
22 it deems necessary to establish that the information received is
23 accurate and satisfies any criteria established by this chapter. The
24 applicant has the burden to prove that they are entitled to
25 certification.

26 (f) The council shall be governed by a board of directors
27 composed of 13 members who shall be chosen in the following
28 manner:

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

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

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

38 (4) One member shall be a representative of an “anti-human
39 trafficking” organization to be determined by the council. This

1 organization shall appoint one member, unless the organization
2 chooses not to exercise this right to appoint.

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

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

10 (7) One member shall be appointed by the American Massage
11 Therapy Association, California Chapter, who shall be a
12 California-certified massage therapist or massage practitioner who
13 is a California resident and who has been practicing massage for
14 at least three years, unless that entity chooses not to exercise this
15 right to appoint.

16 (8) One member shall be a public health official representing a
17 city, county, city and county, or state health department, to be
18 determined by the council. The city, county, city and county, or
19 state health department chosen, shall appoint one member unless
20 that entity chooses not to exercise this right to appoint.

21 (9) (A) Two members shall each be a certified massage therapist
22 or a certified massage practitioner who is a California resident
23 who has practiced massage for at least three years prior to the
24 appointment, selected by a professional society, association, or
25 other entity the membership of which is composed of massage
26 therapist professionals, and that chooses to participate in the
27 council. To qualify, a professional society, association, or other
28 entity shall have a dues-paying membership in California of at
29 least 1,000 individuals, have been established since 2000, and shall
30 have bylaws that require its members to comply with a code of
31 ethics.

32 (B) If there are more than two professional societies,
33 associations, or other entities that meet the requirements of
34 subparagraph (A), the appointments shall rotate based on a
35 four-year term between each of the qualifying entities. The
36 qualifying entity shall maintain its appointment authority during
37 the entirety of the four-year term during which it holds the
38 appointment authority. The order in which a qualifying professional
39 society, association, or other entity has the authority to appoint

1 shall be determined by alphabetical order based on the full legal
2 name of the entity as of January 1, 2014.

3 (10) The members appointed to the board in accordance with
4 paragraphs (1) to (9), inclusive, shall appoint three additional
5 members, at a duly held board meeting in accordance with the
6 board's bylaws. One of those appointees shall be an attorney
7 licensed by the State Bar of California who has been practicing
8 law for at least three years and who at the time of appointment
9 represents a city, county, or a city and county in the state. One of
10 those appointees shall represent a massage business entity that has
11 been operating in the state for at least three years. The council
12 shall establish in its bylaws a process for appointing an additional
13 member, provided that the member has knowledge of the massage
14 industry or can bring needed expertise to the operation of the
15 council for purposes of complying with Section 4603.

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

21 (h) (1) Board member terms shall be for four years and until
22 the appointment and qualification of their successor or until one
23 year from the expiration of the term for which the member was
24 appointed, whichever occurs first. A board member who has served
25 two terms shall not be eligible for reappointment to the board
26 regardless of the appointing authority. Any board member who,
27 as of January 1, 2025, has served on the board for 8 out of the
28 preceding 10 years, regardless of the appointing authority, shall
29 vacate their appointment no later than July 1, 2025.

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

32 (i) The board of directors shall establish fees reasonably related
33 to the cost of providing services and carrying out its ongoing
34 responsibilities and duties. Initial and renewal fees for certificates
35 shall be in an amount sufficient to support the functions of the
36 council in the administration of this chapter, but in no event shall
37 exceed three hundred dollars (\$300). The renewal fee shall be
38 reassessed biennially by the board.

39 (j) Prior to holding a meeting to vote upon a proposal to increase
40 the certification fees, the board shall provide at least 90 days'

1 notice of the meeting, including posting a notice on the council’s
2 internet website unless at least two-thirds of the board members
3 concur that there is an active threat to public safety and that voting
4 at a meeting without prior notice is necessary. However, the board
5 shall not waive the requirements of subdivision (l).

6 (k) If the board approves an increase in the certification fees,
7 the council shall update all relevant areas of its internet website
8 and notify all certificate holders and affected applicants by email
9 within 14 days of the board’s action.

10 (l) The meetings of the council shall be subject to the rules of
11 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
12 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
13 the Government Code). The board may adopt additional policies
14 and procedures that provide greater transparency to certificate
15 holders and the public than required by the Bagley-Keene Open
16 Meeting Act. Except as otherwise provided in this chapter,
17 meetings of the council shall be governed by either Rosenberg’s
18 Rules of Order or Robert’s Rules of Order, Newly Revised.

19 (m) (1) The council shall provide a meaningful opportunity for
20 public participation in the adoption, amendment, or repeal of any
21 policies, procedures, rules, or bylaws that substantially impact the
22 rights, benefits, privileges, duties, obligations, or responsibilities
23 of individuals or entities subject to certification or approval by the
24 council, including, but not limited to, actions by the council to
25 increase fees, impose additional requirements for certification or
26 approval, or substantively modify the disciplinary processes.

27 (2) For purposes of this subdivision, the council shall, at a
28 minimum, publish the complete text of any policies, procedures,
29 rules, or bylaws proposed for adoption, amendment, or repeal along
30 with a summary of the changes being considered for a period of
31 at least 45 calendar days before the adoption, amendment, or repeal.
32 The council shall accept written public comments during the 45-day
33 period and allow further public comment during a meeting held
34 for these purposes.

35 (n) The council shall assess its contact with non-English
36 speakers. Based on this assessment, the council shall offer and
37 make available all publicly available written and electronic
38 materials provided to certificate holders and applicants in languages
39 other than English that the council determines will be used by a
40 substantial number of non-English speakers who are in contact

1 with the council. This subdivision shall not apply to examinations,
2 denial and disciplinary legal documents, and email
3 communications. The council shall provide a report to the
4 Legislature on the findings of its assessment of contact with
5 non-English speakers on or before January 1, 2019.

6 (o) (1) ~~The~~ *Beginning July 1, 2027, the* council shall, to the
7 extent practicable, make the records of the council available for
8 public inspection in a manner consistent with the California Public
9 Records Act (Chapter 1 (commencing with Section 7920.000) of
10 Part 1 of Division 10 of Title 1 of the Government Code), as though
11 the council were a public agency for purposes of that act.

12 (2) *The council may charge for the direct costs of responding*
13 *to requests for records pursuant to this subdivision, including staff*
14 *time reasonably required to identify, locate, and provide records.*

15 ~~(2)~~

16 (3) It is the intent of the Legislature in enacting this subdivision
17 ~~that that, in addition to having all exemptions under the California~~
18 *Public Records Act (Chapter 1 (commencing with Section*
19 *7920.000) of Part 1 of Division 10 of Title 1 of the Government*
20 *Code) apply, the council shall not inappropriately disclose*
21 *investigatory records or records containing sensitive information,*
22 *including law enforcement activities or personally identifying*
23 *information regarding applicants, certificate holders, employers*
24 *of certificate holders or other employer staff, council employees,*
25 *employees and contractors, massage school owners and staff, or*
26 *other members of the public, including potential victims or*
27 *survivors of human trafficking, trafficking, sexual assault, or other*
28 *crimes.*

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

31 4604. (a) In order to obtain certification as a massage therapist,
32 an applicant shall submit a written application and provide the
33 council with satisfactory evidence that the applicant meets all of
34 the following requirements:

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

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

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

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

19 (C) (i) Any applicant who meets all *of* the other requirements
20 for certification and who received instruction required by this
21 paragraph at an approved school that was not under formal
22 investigation at the time at which the applicant began instruction
23 but was subsequently placed under investigation by the council
24 ~~shall~~ *shall, as a condition of certification, have the opportunity*
25 *for an interview pursuant to subdivision (a) of Section 4615 or an*
26 *educational hearing determined by the council, provided*
27 *that their application for certification was submitted to the council*
28 *no more than 90 days from the date of a final decision by the*
29 *council to revoke the school’s approval. Any interview or*
30 *education hearing provided pursuant to this subparagraph clause*
31 *shall be completed no later than six 12 months from the date that*
32 *the council deems the application was submitted or the student*
33 *completed the instruction. packet complete.*

34 (ii) The council shall issue a certificate to any applicant who
35 successfully passes the interview or *education* hearing described
36 ~~in this subparagraph, clause (i)~~, *provided that the school at which*
37 *the applicant completed the instruction was a school approved by*
38 *the council within 90 days from the date an applicant submitted*
39 *their application for certification and was considered to be in good*

1 standing according to the Bureau for Private Postsecondary
2 Education at the time the applicant passed the interview or hearing.

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

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

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

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

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

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

36 (b) A certificate issued pursuant to this chapter and any
37 identification card issued by the council shall be surrendered to
38 the council by any certificate holder whose certificate is suspended
39 or revoked.

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

3 4608. In addition to the other requirements of this chapter, a
4 certificate holder shall:

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

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

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

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

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

27 4609. (a) It is a violation of this chapter for an applicant or a
28 certificate holder to commit any of the following acts, the
29 commission of which is grounds for the council to deny an
30 application for a certificate or to impose discipline on a certificate
31 holder:

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

34 (A) Engaging in sexually suggestive advertising related to
35 massage services.

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

39 (C) Engaging in sexual activity while providing massage
40 services for compensation.

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

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

4 (F) Providing massage of female breasts without the written
5 consent of the person receiving the massage.

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

8 (3) Failing to fully disclose all information requested on the
9 application.

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

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

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

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

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

29 (9) (A) Being convicted of any felony, misdemeanor, infraction,
30 or municipal code violation, or being held liable in an
31 administrative or civil action for an act, that is substantially related
32 to the qualifications, functions, or duties of a certificate holder. A
33 record of the conviction or other judgment or liability shall be
34 conclusive evidence of the crime or liability.

35 (B) The council may take action pursuant to this paragraph when
36 the time for appeal has elapsed, the judgment of conviction has
37 been affirmed on appeal, or an order granting probation is made
38 suspending the imposition of sentence.

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

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

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

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

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

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

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

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

35 4610. (a) An applicant for a certificate shall not be denied a
36 certificate, and a certificate holder shall not be disciplined pursuant
37 to this chapter except according to procedures that satisfy the
38 requirements of this section. Denial or discipline that is not in
39 accord with this section shall be void and without effect.

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

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

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

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

9 (4) Revoking the certificate.

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

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

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

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

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

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

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

39 (4) The council provides an opportunity for the applicant or
40 certificate holder, to be heard, orally or in writing, not less than

1 five days before the effective date of the denial or discipline, by
2 a *qualified* person or body authorized by the board of directors to
3 decide whether the proposed denial or discipline should go into
4 effect.

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

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

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

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

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

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

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

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

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

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

38 (3) If the council determines, after a hearing conducted pursuant
39 to this subdivision, to lift the suspension, the certificate shall be
40 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) *(1) An applicant or certificate holder may request an appeal*
22 *of a final decision by the council to deny or revoke a certificate*
23 *for conduct not constituting a criminal offense. An or discipline*
24 *a certificate holder by submitting a request in writing within 30*
25 *days of the date of the final decision. A request to appeal a final*
26 *decision submitted pursuant to this paragraph shall be considered*
27 *by a committee of the board of directors, who may convene in*
28 *closed session for that purpose, within 120 days of the final*
29 *decision.*

30 *(2) If a request to appeal submitted pursuant to paragraph (1)*
31 *is granted, the appeal of the final decision to deny or revoke a*
32 *certificate or discipline a certificate holder shall be heard at the*
33 *next board of directors meeting with a date, as posted on the*
34 *internet website of the council, that is at least 120 days from the*
35 *last date for the applicant or certificate holder to timely request an*
36 *appeal, date that the request to appeal was granted, unless a timely*
37 *request for a continuance of the hearing date is granted. The council*
38 *may, in its discretion, for good cause, continue the date an appeal*
39 *may be heard, in which case the appeal shall be heard at a later*
40 *board of directors meeting. The*

1 (3) *The council shall notify the applicant or certificate holder*
2 *of its right to request an appeal pursuant to this subdivision*
3 *paragraph (1) at the time of the final decision.*

4 (k) This section governs only the procedures for denial or
5 discipline decision and not the substantive grounds for the denial
6 or discipline. Denial or discipline based upon substantive grounds
7 that violates contractual or other rights of the applicant or certificate
8 holder, or is otherwise unlawful, is not made valid by compliance
9 with this section.

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

12 4615. (a) The council shall have the responsibility to determine
13 whether the school from which an applicant has obtained the
14 education required by this chapter meets the requirements of this
15 chapter.

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

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

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

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

38 (A) (i) On or before 30 days from the date the council receives
39 an initial application for school approval, the council shall notify

1 the school whether or not, for the purpose of preliminary review,
2 the application is complete.

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

8 (B) Within 60 days from the date the council notifies the school
9 that the initial application is not complete for purposes of
10 preliminary review, the school shall provide the missing
11 information and pay the required fees. If a school fails to do so,
12 the council shall purge the application. The council may, in its sole
13 discretion, provide a school with an additional 30 days to make
14 its application complete for purposes of preliminary review. A
15 school with a purged application may submit a new application
16 for school approval, including the required fees, without prejudice,
17 after 180 days have passed from the effective date of purging. The
18 council shall post on its internet website the effective date of
19 purging.

20 (C) (i) On or before one year from the date the council receives
21 an initial application for approval as a school, the council shall
22 approve the school, propose to deny approval of the school, or
23 notify the school that corrective action is required. The council
24 reserves the right to issue a one-time notice of corrective action
25 on an initial application. If the school fails to adequately rectify
26 the deficiencies, the council may deny the application.

27 (ii) Within one year from the date that the council notifies a
28 school of its proposed decision to deny approval of an initial
29 application for school approval, the council shall notify the school
30 of its final decision pursuant to any oral telephonic hearing or
31 consideration of a written statement provided in opposition to the
32 proposed decision to deny approval of the initial application for
33 school approval.

34 (D) A school may appeal the council's final decision to deny
35 approval of the school. An appeal of the council's final decision
36 to deny approval of a school shall be heard at the next board of
37 directors meeting with a date, as posted on the council's internet
38 website, that is at least 120 days from the last date for the school
39 to timely request an appeal, unless a timely request for a
40 continuance of the hearing date is granted. The council may, in its

1 discretion, for good cause, continue the date an appeal may be
2 heard, in which case the appeal shall be heard at a later board of
3 directors meeting. The council shall notify the school of its right
4 to appeal pursuant to this subdivision at the time of the final
5 decision.

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

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

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

16 (e) For purposes of this section, the following terms have the
17 following meanings:

18 (1) "Initial application" means a new application submitted by
19 a school for school approval.

20 (2) "Complete application," for purposes of preliminary review,
21 means an application that the council, after preliminary review,
22 has determined contains all the necessary documents for the council
23 to begin a more thorough review process that allows the council
24 to make a decision to approve or propose to deny the application
25 for school approval or request corrective action. A complete
26 application is not an approved application and a determination by
27 the council upon preliminary review that an application is complete
28 shall not prejudice the council's ability to later determine that the
29 application is not complete.

30 (3) "Preliminary review" means an initial review conducted by
31 the council to determine if all fees have been paid and if all
32 application and supporting documents have been submitted, so
33 that the council can move forward and begin a more thorough
34 review process. The preliminary review process does not include
35 completion of a site visit or completion of background checks for
36 noncertified individuals.

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

39 4621. (a) This chapter shall remain in effect only until January
40 1, 2030, and as of that date is repealed.

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

4 SEC. 9. Section 94934.5 of the Education Code is amended to
5 read:

6 94934.5. (a) An institution with an approval to operate that
7 knows that it is being investigated by an oversight entity other than
8 the bureau shall report that investigation, including the nature of
9 that investigation, to the bureau in writing within 30 days of the
10 institution’s first knowledge of the investigation. An institution
11 with an approval to operate that is the subject of a judgment by, a
12 regulatory action by, increased oversight or monitoring by, or a
13 settlement with, any oversight entity other than the bureau shall
14 report it to the bureau within 30 days. Failure to comply with this
15 section may subject the institution to an administrative citation
16 pursuant to Section 94936.

17 (b) For the purposes of this section, “investigation” means any
18 inquiry into possible violations of any applicable laws or
19 accreditation standards.

20 (c) For the purposes of this section, “oversight entity” means
21 all of the following:

- 22 (1) Any governmental agency.
- 23 (2) Any accrediting agency.
- 24 (3) Any professional licensing entity that exercises any
25 programmatic or institutional approval over the institution.
- 26 (4) Any private entity authorized pursuant to any provision of
27 the Business and Professions Code to approve schools or
28 educational programs for purposes of a professional certification.