

Date of Hearing: June 27, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

SB 315(Nguyen) – As Amended April 25, 2017

SENATE VOTE: 36-0

SUBJECT: California Massage Therapy Council: material for non-English speakers

SUMMARY: Requires the California Massage Therapy Council (CAMTC) to assess its contact with non-English speakers, requires CAMTC to offer publicly available materials in languages other than English based on the assessment, and requires CAMTC to report its findings to the Legislature by January 1, 2019.

EXISTING LAW:

- 1) Establishes a statewide voluntary certification system for massage therapists under the Massage Therapy Act. (Business and Professions Code (BPC) § 4600-4621)
- 2) Establishes CAMTC, a nonprofit organization, to carry out the responsibilities and duties under the Massage Therapy Act. (BPC §§ 4601(d), 4602)
- 3) Requires, under the Dymally-Alatorre Bilingual Services Act, every state and local agency that serves a substantial number of non-English speaking people to provide specified translation services. (Government Code §§ 7290-7299.8)

THIS BILL:

- 1) Requires CAMTC to assess its contact with non-English speakers.
- 2) Requires CAMTC to use the assessment to offer and make available all publicly available written and electronic materials provided to certificate holders and applicants in languages other than English that CAMTC determines will be used by a substantial number of non-English speakers.
- 3) Provides that this requirement does not apply to examinations, denial and disciplinary legal documents, and email communications.
- 4) Requires CAMTC to provide a report to the Legislature on the findings of its assessment of contact with non-English speakers on or before January 1, 2019.

FISCAL EFFECT: None

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author, this bill "will help meet the needs of California's diverse workforce by increasing language accessibility for students and practitioners in the massage therapy industry. This bill would ensure that certificate holders in the massage therapy industry have access to all written and electronic materials related to their certification in their preferred language. This change in the law is important because it would

allow massage therapists to review rules and regulations that affect them and consumers, thereby enhancing their understanding of the law."

Background. The Massage Therapy Act establishes a certification system for massage therapists. The Act also creates CAMTC, a nonprofit organization, to administer the program. A massage therapist who meets specified education and professional conduct requirements may obtain a certificate in massage therapy and use the title "certified massage therapist" and similar titles and initials. The Act prohibits the use of the title without a certificate issued by CAMTC. As of 2015, there were over 50,000 active certificates issued.

Materials in non-English Languages. Currently, CAMTC does not provide materials in languages other than English (although it has a Google Translate widget on its website). While the Dymally-Alatorre Bilingual Services Act requires state and local agencies, including licensing entities, to provide materials in other languages if the agencies serve a substantial number of non-English speaking people, CAMTC is defined in statute as "a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code." Therefore, it is not included under the requirement.

This bill will require CAMTC to similarly assess the needs of non-English speakers and produce materials in languages that a substantial number of non-English speakers will benefit from. It will also require the CAMTC to report its findings to the Legislature by January 1, 2019.

ARGUMENTS IN SUPPORT:

CAMTC writes in support, "CAMTC appreciates your intent to make publicly available documents accessible to non-English speakers and believes that the narrowing of the language of the bill accomplishes that task without being unduly burdensome."

ARGUMENTS IN OPPOSITION:

None on file.

IMPLEMENTATION ISSUES:

This bill uses the term "substantial number" but does not define it. In current law, the Dymally-Alatorre Bilingual Services Act, which requires all state and local agencies to produce materials in non-English languages, also uses the term substantial but defines substantial as comprising "5 percent or more of the people served" by a state agency. For local agencies, it says the determination "shall be made by the local agency."

Because CAMTC is an organization that is established in statute to implement a statewide program, the author may wish to use the Dymally-Alatorre Bilingual Services Act as a definition. However, this bill does require CAMTC to report its findings to the Legislature in 2019, and the CAMTC will also go through Sunset Review in 2020.

REGISTERED SUPPORT:

American Massage Therapy Association
California Health Nail Salon Collaborative
California Massage Therapy Council

Thai American and Asian Alliance Association of San Diego
1 certified massage therapist

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Vincent Chee / B. & P. / (916) 319-3301