

Chairman Foote, Members of the Committee,

Thank you for taking the time to hear my testimony today. My name is Alfred Westlake, I live in Loveland Co. I am a licensed massage therapist with over 20 years of experience. I have been involved in Massage Education for the last 10 years. I have taught in the Colorado Community College System as well as in a Private Occupational School. I will be speaking in favor of this bill.

The first thing I would like to point out is that the bill does not create a new exemption. Professional organization education IS ALREADY exempt under the private occupational school act.

#1 - Exempt Education

This bill would simply allow education that is already exempt to be taught by instructors that have been approved by those professional organizations. We are not talking about protecting tuitions at an occupational school; we are talking about weekend workshops and continuing education courses, courses that are offered only to professionals already working in their fields. In fact this bill in no way changes or inhibits DPOS oversight of Private Occupational Schools or their programs, or any type of education that does not already fall under the current exemption.

#2 - For instance the education required for Cosmetologists to perform permanent makeup and other advanced procedures cannot be exempted by this bill.

I would like to be able to take courses that have been approved by my professional organization. They are a national organization based in Illinois that instead of conducting courses approves instructors that then offer courses to professionals throughout the US.

#3 – Instructor requirements just as stringent.

The problem is that currently unless they open a Private Occupational School these instructors are prohibited from teaching in Colorado. Unfortunately most of them can't afford the \$5,000 application fee and the \$5,000 surety.

#4 DPOS Fee Structure & #5 Surety, Bond Requirement

Since these courses are purely for their organization and not required for professional practice they shouldn't have to.

I have worked very hard to put together my own continuing Ed Courses, approved by my professional organization which I would like to teach. Right now however unless I have \$10,000.00+ to lay out, DPOS won't allow me to operate my business. If this language were to be fixed then I would be able to offer approved continuing education to other board certified massage therapists.

#6 Fiscal Note

So again that this does not create a new exemption and it makes no changes in the ability of DPOS to regulate Private Occupational Schools. This is a much needed correction to a technicality that has become a barrier to the continuing education efforts of professional organizations.

Please see the attached supporting information I have provided and feel free to ask me any questions.

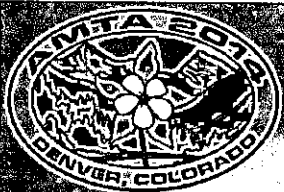
Thank You,

Alfred Westlake Jr., LMT, BCTMB

- 1) Copy of flier showing AMTA convention which is completely exempt under the current law.
- 2) The Barbers and Cosmetologist rules that require courses like permanent makeup to be taught by a DPOS or CCCS school, making it impossible for those courses to ever be part of this exemption.
- 3) Compare NCBTMB instructor requirements to those of DPOS.
- 4) DPOS fee schedule showing the fees that would actually be charged in order for someone like me to operate under the current language.
- 5) In addition to the \$5,000.00 in fees there is a minimum \$5,000.00 bond requirement as well. Bringing the cost up to \$10,000.00 just to get started teaching a single CE course.
- 6) The Bill's Fiscal Note reports that this is a Zero sum bill. DPOS however claims that they will need to make up \$487,610.00 a year in fee revenues due to the reduction in courses regulated. The question here becomes why do they need that money if they will no longer have to regulate those courses?

Professional Organization Education is already exempt.

Here is an example of a completely exempt event that is taking place later this year. There is NO DPOS oversight for this event. The same should apply to any event similar to this that has been approved by their Organizations.



8 Hrs - Thai Yoga Massage Tapas
Speaker: Sunny Klaber

8 Hours - DeepFeet Ashiatsu
Bars free seated Ashiatsu

20 Hours - LiddleKidz Foundation:
Touch Therapy for Liddle Kidz™ (Massage for Healthy Children)




20 Hours - KinesioTaping Express Certification Course
-Assessments, Fundamental Concepts & Advanced Techniques

4 Hours - The Science of Cannabidiol (CBD) in Massage Therapy:
Pathophysiology, Application and Policy (NO CEUS)

4 Hours - Sports Massage with Bob McAtee
Approaches to Treating Foot & Ankle Conditions

Exhibitor Hall Hours:
Thursday, April 25th :12:00 to 8:30pm

Join us for the
2019 AMTA-CO State Convention
April 25-27, 2019
Ramada Plaza by Wyndham Northglenn/Denver North
www.regonline.com/2019coloradostateconvention

Pricing:

Colorado AMTA Member	Out Of State AMTA Member	Non- Member
Full Registration	Full Registration	Full Registration
\$350	\$400	\$450

These courses are no different in scope and expense that those providers approved by such organizations would be offering.

Education that is required for an occupation is not exempt nor would it be exempted by this bill.

This includes the education that is required for **Cosmetologists to perform additional services, such as Permanent Makeup**. This is covered in Chapter Nine of the Barbers and Cosmetologists Rules and Regulations.

Chapter 9 of the Barbers and Cosmetologists Rules and Regulations - Requires that the additional training required for already licensed Cosmetologists to perform these advanced services are to be taught only by a DPOS regulated School or a Colorado Community College System school:

pursuant to the medical practice act, 12-50-101 et seq., C.R.S., and the rules as promulgated by the Colorado Medical Board (e.g., Rule 800).

C. Training Requirements for Semi-Permanent or Permanent Makeup

1. Completion of 132 contact hours of training must be completed prior to a licensed cosmetologist or esthetician performing semi-permanent or permanent makeup. The training must include at least the following course topics: cleaning, sterilization, disinfection and safety; skin analysis; equipment and supplies; color theory and effects; client consultation; and application of pigment.
2. The training required in Rule 9.5 must be completed at a school approved by DPOS or CCCS if obtained in Colorado. If the training is obtained in another state or jurisdiction, the training must be substantially equivalent to that of an approved Colorado school.
3. An actively licensed cosmetologist or esthetician who is licensed by endorsement and who has completed semi-permanent or permanent makeup training at a substantially equivalent program to that of DPOS and CCCS, as determined by the Director, may meet the training requirements necessary to perform permanent makeup.
4. A licensed cosmetologist or esthetician who has not completed or cannot produce evidence of the training requirements described in Rule 9.5.C is prohibited from performing semi-permanent or permanent make-up.
5. Upon request by the Director, a cosmetologist or esthetician must supply written documentation that confirms the licensee has completed the required training in semi-permanent or permanent makeup. A certificate of completion issued by an approved school, and that contains the school's official seal, will constitute sufficient documentation.

9.6 ELECTRIC NAIL FILE REQUIREMENTS FOR NAIL TECHNICIANS AND COSMETOLOGISTS

A. Definitions:

1. **Electric file:** a file, drill, or machine specifically designed for use in the professional nail industry and does not include soft buffers or hobby tools.

DPOS Instructor Requirements

Here are the requirements that DPOS has for an instructor compared to those of one of the National Organizations requirements. For instance DPOS instructor requirements are not any more strenuous than that of the National Certification Board for Therapeutic Massage and Bodywork.

DPOS-

"Minimum Qualifications :

(1) Experience . In those occupational areas for which industry standards or a governmental agency require a license, certification, registration, journeyman's card or similar regulatory credential ("Regulatory Credential") to engage in the occupation, a minimum of two years (4,000 hours) of acceptable full or part-time equivalent employment/work experience must be documented. Any licensure, certification(s), registration(s), journeyman's card(s) or other similar regulatory credential(s) which must be continuously maintained and in good-standing shall be required. "

NCBTMB -

"New Instructor Qualifications (All New Applicants)

- Holds a minimum of a Bachelor's Degree from a college or university accredited by a regional accrediting body recognized by the U.S. Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered; OR
- Has completed at least five years of professional experience in the practice of massage therapy; OR
- Has a minimum of two years teaching experience; OR
- Has completed a NCBTMB approved teacher training program in the area of interest; OR
- Has completed at least 100 hours of non-entry level education in the subject matter to be offered and has a minimum of two years of professional experience in the subject"

DPOS Fee Requirements

These are fees that are charged for anyone wanting to teach a course in Colorado. In order for an individual instructor to teach a single continuing education course or workshop they must first apply to become an Occupational School. This costs \$5,000.00. If they want to teach another course it is an additional \$500 fee per course.

FEE SCHEDULE

Effective Date January 31, 2017

FEE TYPE		FEE AMOUNT
Provisional School:	Initial Application for Certificate of Approval (COA)*	\$ 5,000.00/ school*
	*includes all new Programs and Stand Alone Courses Initial COA Application for Additional Campus	\$ 2,500.00/ campus
		Per School/Campus
Renewal School:	Standard COA – three (3) year period	\$ 2,000.00
		Per Program and/or Stand Alone Course
Programs/Courses:	New Program/Stand Alone Course per Campus <i>for already approved schools</i>	\$ 500.00
	Major Revision Program/Stand Alone Course per campus	\$ 500.00
	Minor Revision Program/Stand Alone Course per campus	\$ 125.00
		Per Agent
In-State Agent Permit:		\$ 300.00
In-State Agent Permit for Multiple Campus Locations under same ownership with same school name: One (1) Permit per agent—valid at all campus locations (Provisional or Standard COA)		\$ 300.00
		Per Agent
Out-of-State Initial/Renewal: Initial application and annual renewal		\$ 2,500.00
Out-of-State Agent Permit per Year under same ownership with same school name: One (1) Permit per agent—valid at all campus locations		\$ 300.00
		Per Enrolled Student
Student Assessment: In-State and Out-of State, Quarterly per Enrolled Student (out-of-state is Colorado resident that resides with-in Colorado receiving training or Colorado resident recruited to attended out-of-state school)		\$ 5.00 (Subject to Change)

DPOS Bond Requirements

In addition to the \$5000.00 application fee DPOS requires a minimum surety of \$5,000.00 to be provided to cover possible student tuition loss. This kind of surety makes sense when we are talking about 10 grand and a year of someone's time invested in a new career. It is unreasonable for a \$200-\$500 weekend workshop that no one's future career is depending on. This presents a huge burden to someone that just wants to teach a couple of weekend workshops to other professionals.

Private Occupational Schools Act:

23-64-121 (3) - "The amount of the bond to be submitted with an application for a certificate of approval shall be equal to a reasonable estimate of the maximum prepaid, unearned tuition and fees of the school for a period or term during the applicable school training year for which programs of instruction are offered, including, but not limited to, on a semester, quarter, monthly, or class basis; except that the period or term of greatest duration and expense shall be utilized for this computation where a school's training year consists of one or more such periods or terms. Following the initial filing of the surety bond with the division, the amount of the bond shall be recalculated annually based upon a reasonable estimate of the maximum prepaid, unearned tuition and fees received by the school for such period or term. In no case shall the amount of the bond be less than five thousand dollars."

DPOS Fiscal Note

The Fiscal note says basically what we have been claiming. That the bill is not a new exemption and that all it does is allow instructors that have been approved by their professional organizations to teach. This represents no change in DPOS budget.

DPOS however is concerned that some courses that are being taught at Occupational Schools might fall under this exemption, and that this will cost them \$487,610 of their budget. They go further to say that they would have to make this shortfall up by increasing fees.

These are confusing statements for several reasons.

The first is that there is already a provision for such courses to be exempt, and they have not been thus far:

DPOS rules and regulations- III B (4)

“Continuing Education Courses - All continuing education courses not meeting the exemption provided in §23-64-104(1)(o), C.R.S., will be considered under the provisions of III.B.

Administrative approval (Division level) may be granted to an approved school when the course is approved and approval documented for continuing education courses through the relevant regulatory or governing agency, national professional association or trade organization, or through an accredited community college, college, or university. “

Even more curious however is why DPOS would need to make up the revenue from these courses that they then would not be regulating. Isn't the fee supposed to be for the purpose of regulating the course? If so then why if they are no longer regulating the course would they still need the money?

The implication is that they do not use the money collected for the purpose of regulating the classes in the first place.