

SUBCHAPTER 1. PURPOSE AND DEFINITIONS

13:37A-1.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 2007, c. 337 (N.J.S.A. 45:11-53 et seq.), which created the “New Jersey Board of Massage and Bodywork Therapy.”

(b) This subchapter shall apply to all applicants who seek license by the Board as a massage and bodywork therapist and to all persons who are licensed by the Board as massage and bodywork therapists in this State.

(c) This chapter does not apply to any person who is:

1. Licensed to practice in this State under any other law and is practicing or using titles consistent with the practice for which he or she is licensed;
2. A student enrolled in a program of massage and bodywork therapies which meets the requirements of N.J.A.C. 13:37A-2.2 when that student is performing massage and bodywork therapies which are necessary to his or her course of study;
3. Licensed, certified or registered to practice massage and bodywork therapy in another state or the District of Columbia if that person is performing massage and bodywork therapy in this State for 45 days or less in a calendar year and no more than 30 days in any 60 consecutive day period;
4. Manipulating the soft tissue of the human body contained on hands, feet or ears, as long as the client receiving such services does not remove any clothing other than shoes or socks;
5. A teacher who is demonstrating massage and bodywork techniques while teaching a class or workshop. If such a teacher is a resident of a state or possession of the

United States which requires a license in order to practice massage and bodywork therapies, or is a resident of the District of Columbia, he or she shall be licensed in that state or possession or in the District of Columbia; and

6. Using touch, words and directed movement to deepen awareness of existing patterns of movement in the body, or to suggest new possibilities of movement provided that these services are not designated or implied to be massage and bodywork therapy and the client receiving such services is fully clothed.

13:37A-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meaning:

"Act" means the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

"Board" means the New Jersey Board of Massage and Bodywork Therapy.

"Full-time practice" means a person has provided a minimum of 500 hours of massage and bodywork therapies to clients and/or students during a year.

"License" means the document, issued by the Board, which authorizes a person to practice massage and bodywork therapies pursuant to N.J.S.A. 45:11-53 et seq.

"Licensee" means any person who holds a license from the Board as a massage and bodywork therapist.

"Massage and bodywork therapies" or "massage and bodywork" means systems of activity of structured touch offered or provided to the public which involve applying pressure and/or movement of soft tissue of the body and include holding, and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage or bodywork

principles. Such application may include the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, explaining and describing myofascial movement, self-care and stress management as it relates to massage and bodywork therapies. Massage and bodywork therapy practices are designed to affect the soft tissue of the body, including practices of structured touch of the soft tissues that affect energy fields of the body, for the purpose of promoting and maintaining the health and well-being of the client. Massage and bodywork therapies do not include the diagnosis of illness, disease, impairment or disability.

“NCBTMB” means the National Certification Board for Therapeutic Massage and Bodywork.

“NCCAOM” means the National Certification Commission for Acupuncture and Oriental Medicine examination.

"Part-time practice" means a person has provided a minimum of 250 hours of massage and bodywork therapies to clients and/or students during a year.

SUBCHAPTER 2. LICENSURE

13:37A-2.1 License without education or examination MOVE TO END OF SUBCHAPTER?

(a) Prior to *(360 days from the effective date of this rule)*, a person may apply for license without satisfying the education or examination requirements of N.J.A.C. 13:37A-2.2 if the person has completed a minimum of 200 hours of education and training as required in (b) below and the person has:

1. Practiced full-time as a massage and bodywork therapist for at least two years prior to

(effective date of this rule); or

2. Practiced part-time as a massage and bodywork therapist for five years prior to *(effective date of this rule)*.

(b) The 200 hours of education and training required pursuant to (a) above shall consist of anatomy and physiology, theory and practice (in-class instruction as to massage and bodywork theory and modalities and in-class demonstration and practice of massage and bodywork modalities), and ethics, of which at least 150 hours shall be in theory and practice.

(c) The 200 hours of education and training required pursuant to (a) above shall be taken in a massage and bodywork training program which is accredited or approved by:

1. The New Jersey Department of Education;
2. The New Jersey Department of Labor and Workforce Development;
3. The New Jersey Commission on Higher Education; or
4. An agency of another state or a program which substantially meets the approval requirements of the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education.

(d) An applicant shall submit to the Board a completed application which shall include:

1. A statement that the applicant has worked full-time for the past two years or part-time for the past five years and indicating what methods of massage and bodywork therapy the applicant practiced;
2. Evidence that the applicant has completed 200 hours of education or training in massage and bodywork therapies consistent with (b) and (c) above;
3. Proof that the applicant has current certification in Heartsaver CPR, Firstaid and use

of an automated external defibrillator (AED) from courses approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.; and

4. The application fee set forth in N.J.A.C. 13:37A-7.1.

(d) The Board shall issue a license to an applicant who qualifies pursuant to (a), (b) and (c) above if the applicant is not disqualified for license pursuant to the provisions of N.J.S.A. 45:1-14 et seq.

13:37A-2.2 Application for licensure

(a) An applicant for licensure shall qualify for licensure by either:

1. Completing a course of study in massage and bodywork therapies; or
2. Successfully passing either the NCBTMB or the NCCAOM examination.

(b) An applicant who qualifies for license pursuant to (a)1 above shall submit to the Board:

1. A completed application;
2. An official transcript, which indicates that the applicant has completed an associates degree in massage and bodywork or a course of study outlined in (d) below from a school accredited or approved by:
 - i. The New Jersey Department of Education;
 - ii. The New Jersey Department Labor and Workforce Development;
 - iii. The New Jersey Commission on Higher Education; or
 - iv. An agency of another state which substantially meets the requirements of the

New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education;

3. Proof that the applicant has current certification in Heartsaver CPR, Firstaid and use of an automated external defibrillator (AED) from courses approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.; and
4. The application fee set forth in N.J.A.C. 13:37A-7.1.

(c) An applicant who qualifies for license pursuant to (a)2 above shall submit to the Board:

1. A completed application;
2. Proof that the applicant has successfully passed the written examination offered by the NCBTMB or the NCCAOM;
3. Proof that the applicant has current certification in Heartsaver CPR, Firstaid and use of an automated external defibrillator (AED) from courses approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.; and
4. The application fee set forth in N.J.A.C. 13:37A-7.1.

(d) A course of study in massage and bodywork therapy of at least 500 hours shall include:

1. At least 90 hours of anatomy/physiology/pathophysiology;
2. Ethics and Law;
3. Theory and Practice (in-class instruction as to massage and bodywork theory and

modalities and in-class demonstration and practice of massage and bodywork modalities);

4. Electives directly related to the practice of massage and bodywork therapy; and

5. At least 100 hours of clinical practice which is supervised by a faculty member who is present on-site while services are being performed and is either a licensed massage and bodywork therapist or is legally authorized to perform massage and bodywork in the state in which the school exists.

(e) For purposes of (d) above, one credit in a course taken in a college or university shall constitute 15 hours of course study.

(f) Hours completed during one area of a course of study in massage, bodywork and somatic therapy shall not be counted towards completion of another area of that course. For example, one hour spent performing massage, bodywork and somatic therapy that is completed as part of theory and practice pursuant to (d)3 above shall not be counted towards the 100 hours of clinical practice required by (d)5 above.

(g) The Board shall issue a license to an applicant who qualifies pursuant to (a)1 or (a)2 above if the applicant is not disqualified for license pursuant to the provisions of N.J.A.C. 45:1-14 et seq.

13:37A-2.3 License without examination based on licensure in another State

(a) A person who is licensed or certified in another state as a massage and bodywork therapist shall be eligible for licensure in this State if the educational requirements of the state in which he or she is licensed or certified are substantially similar to the educational requirements of this State.

(b) An applicant for license who is licensed or certified in another state shall submit to the

Board:

1. A completed application form;
2. Written or electronic verification of status of licensure or certification from every state, territory of the United States, or the District of Columbia, in which the applicant was ever licensed or certified. The verification shall either be forwarded directly to the Board from the applicable state board or committee, if written or, if electronic, issued by the applicable state board or committee;
3. Proof that the applicant has current certification in Heartsaver CPR, Firstaid and use of an automated external defibrillator (AED) from courses approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.; and
6. The application fee set forth in N.J.A.C. 13:37A-7.1.

(c) The Board shall determine if the educational requirements of the state in which the applicant is licensed or certified are substantially similar to the educational requirements in this State, and if the applicant meets the other requirements for license set forth in (b) above. If the Board finds that the educational requirements are substantially similar, and that the applicant meets the requirements for license set forth in (b) above, it shall issue a license to the applicant if the applicant is not disqualified for license pursuant to the provisions of N.J.A.C. 45:1-14 et seq.

13:37A-2.4 Renewal of license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant shall

attest that the continuing education requirements of N.J.A.C. 13:37A-4.1 have been completed during the prior biennial period and that the applicant is are currently certified in Heartsaver CPR, Firstaid and use of an automated external defibrillator (AED) from courses approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.

(b) The Board shall send a notice of renewal to each licensee at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of 60 before the renewals were issued

(c) The licensee shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:37A-7.1 prior to the date of expiration of the license. A licensee who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(d) Individuals who continue to practice or hold themselves out as State licensed massage and bodywork therapists after being suspended shall be deemed to have violated N.J.S.A. 45:11-73, even if no notice of suspension had been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a license shall submit the following to the Board:

1. A completed reinstatement application;
2. Payment of the past delinquent renewal fee as set forth in N.J.A.C. 13:37A-7.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:37A-7.1;
4. A certification verifying completion of the continuing education credits for each biennial period that the applicant was suspended; and
5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a license shall satisfy the requirements of (e) above and shall:

1. For a person who obtained his or her initial license pursuant to N.J.A.C. 13:37A-2.1 or 2.2(a)1, take a course designed to prepare a person to pass the NCBTMB or NCCAOM examination from a school that meets the requirements of N.J.A.C. 13:37A-2.2(b)2; or
2. For a person who obtained his or her initial license pursuant to N.J.A.C. 13:37-2.2(a)2, retake and successfully pass the NCBTMB or NCCAOM examination.

(g) A person who has worked during the period of administrative suspension as a massage and bodywork therapist in another state that requires licensure or certification in order to work shall be permitted to reinstate licensure without meeting the requirement of (f) above if he or she submits:

1. Proof that he or she held a license or certification in good standing in the state in which he or she worked;
2. A certification verifying completion of the continuing education credits for each biennial period that the applicant was suspended; and
3. An affidavit to the Board which indicates that the person worked during the period of suspension as a massage and bodywork therapist in the other state.

(h) Renewal applications for all licenses shall provide the licensee with the option of either active or inactive renewal. Licensees electing to renew as inactive shall not practice or hold themselves out to the public as State-licensed massage and bodywork therapists.

(i) Upon application to the Board, the Board may permit a licensee who has been on inactive status to return to active status provided such applicant completes the continuing education credits that are required per biennial period for each biennial period that the applicant is on inactive status and holds current certification in Heartsaver CPR, Firstaid and use of an automated external defibrillator (AED) from courses approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.

13:37A-2.5 Licensure for individuals certified by Massage, Bodywork and Somatic Therapy Examining Committee

An individual who was certified as a massage, bodywork and somatic therapist by the Massage, Bodywork and Somatic Therapy Examining Committee on (*effective date of these rules*) will be issued a license as a massage and bodywork therapist by the Board.

SUBCHAPTER 3. PROFESSIONAL PRACTICE

13:37A-3.1 Scope of practice

(a) A licensee shall only practice those methods of massage and bodywork therapy which:

1. The licensee learned during his or her initial training as outlined in N.J.A.C. 13:37A-2.1(b) or 2.2;

2. The licensee learned during a course offered by:

i. A provider approved by the NCBTMB, NCCAOM, American Massage Therapy Association (AMTA) or Associated Bodywork and Massage Professionals (ABMP);

ii A school which is approved by an agency recognized by the United States Department of Education; or

iii. A school which is accredited or approved by the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development, the New Jersey Commission on Higher Education, or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education; or

3. The licensee developed and which are taught in a course offered by a provider approved by the NCBTMB, NCCAOM, American Massage Therapy Association (AMTA) or Associated Bodywork and Massage Professionals (ABMP).

(b) Notwithstanding any training received as permitted by (a) above, a licensee shall not perform:

1. Vaginal or penile massages;

2. Animal therapies prohibited by the Veterinary Medical Act, N.J.S.A. 45:16-1, et seq.;

3. Any application of electrical current to the body (Transcutaneous Electronic Nerve

Stimulation, TENS, machine); and

4. Diagnosis of illness, disease, impairment or disability.

13:37A-3.2 Infection control precautions

(a) Licensees shall comply with the precautions for infection control set forth in this section.

(b) Licensees shall wash hands with liquid disinfectant soap and water in the following instances:

1. Before and after providing massage and bodywork therapies for each client; or
2. Immediately upon contact with blood, body fluids, secretions or any item that has touched a patient or that has been contaminated with blood, bodily fluids or secretions, not including sweat.

(c) If hand washing facilities are not available, licensees shall disinfect their hands with a bactericidal agent.

(d) Clean linens and drapes or disposable coverings shall be used for each client.

(e) Soiled disposable items shall be discarded into a container lined with a plastic bag, securely fastened, and disposed daily into the regular trash disposal, unless otherwise specified by state and local health regulations.

(f) A hospital-grade disinfectant registered with the Environmental Protection Agency (EPA) shall be used to disinfect:

1. Any equipment that comes in contact with a client, prior to the provision of massage and bodywork therapies for a client;
2. Exposed surfaces such as counter tops, tables and sinks on a daily basis.
3. Any implements or tools used during massage and bodywork therapy;

4. Face cradles and arm rests on all massage chairs and tables, prior to the provision of massage and bodywork therapies for a client;
5. All ice and heat pack equipment;
6. Any tool or utensil used to transfer a lubricant from one container to another or from a container to a client which is not disposed of after use; and
7. Any portion of a lubricant pump dispenser or lubricant tube touched by the licensee during the provision of massage and bodywork therapy services.

(g) If a licensee uses massage lubricants, the licensee shall:

1. Store massage lubricants in sanitary containers;
2. Keep lubricant containers free of debris; and
3. Store lubricants according to manufacturer's recommendations and separately from cleaning supplies.

(h) If a licensee uses a massage lubricant that is contained in a pump dispenser or a tube, the licensee shall, after every client, disinfect pursuant to (f) above any portion of the container that he or she has touched during the provision of massage and bodywork therapy services after the completion of services.

(i) If a licensee uses a massage lubricant that is not contained in a pump dispenser, tube or squeeze bottle, the licensee shall, for every client, remove the lubricant from the main container with a disposable instrument or an instrument that is disinfected pursuant to (f) above after each use and place the lubricant in a separate container which shall be discarded or disinfected pursuant to (f) above after the completion of services.

(j) Licensees shall store all single service materials and linens off the floor in shelves, containers,

cabinets or closets.

(k) Soiled linens and draping materials shall be commercially laundered or washed in a clothes washing machine, in hot water with detergent and at least one cup of bleach or an antibacterial agent, and dried on the high heat setting in a clothes dryer.

(l) Clean linens and dirty linens shall be stored separately.

(m) Clean linens and trash shall be stored separately.

(n) When a licensee is providing massage and bodywork therapy in a temporary location, such as a sporting event, the licensee shall sanitize all equipment in accordance with this section.

(o) Licensees shall maintain a clean environment in the massage and bodywork therapy establishment and shall ensure that the massage and bodywork therapy establishment is well-lit and ventilated. Licensees shall maintain the area where massage and bodywork therapy is being performed free of animals except as permitted by law.

(p) Licensees shall provide access to a restroom for clients in the massage and bodywork therapy establishment.

(q) Licensees shall repair any holes and tears in the treatment surface so as to maintain the surface integrity of the treatment surface.

13:37A-3.3 Designations for licensed persons, prohibitions on unlicensed persons

(a) An active licensee shall use the title "licensed massage and bodywork therapist" or the acronym "LMBT."

(b) Unless actively licensed pursuant to the provisions of this chapter, no person or business entity shall use:

1. The titles “massage and bodywork therapist” or “licensed massage and bodywork therapist;”
2. Any title or designation that includes the words “massage,” “bodywork,” “masseur,” “masseuse,” “shiatsu,” “acupressure,” “accupressure,” “accu-pressure,” “nuad bo’rarn,” “amma,” “anma,” “chi nei tsang,” “tuina,” “polarity educator,” “polarity therapist,” “polarity therapy” or “polarity practitioner;” or
3. The abbreviations “AB,” “ABT,” “BT,” “CMT,” “CMBT,” “COBT,” “LABT,” “LBT,” “LMBST,” “LMBT,” “LMT,” “LOBT,” “MBST,” “MBT,” “MP,” “MT,” “OB,” or “RPP.”

(c) Notwithstanding (b) above, an individual who is licensed or certified by another New Jersey State entity shall be permitted to use any title or abbreviation that describes a practice that the individual is permitted to engage in pursuant to his or her license or certification.

13:37A-3.4 Display of license

(a) Licensees shall display their license in view of clients whenever providing massage and bodywork services in their place of business or office.

(b) Whenever licensees provide massage and bodywork services outside of their place of business or office they shall display the license while providing services.

(c) A licensee shall display either the original license or a duplicate license obtained from the Board.

13:37A-3.5 Sexual misconduct

(a) The purpose of this section is to identify for licensees conduct which shall be deemed sexual misconduct.

(b) As used in this section, the following terms have the following meanings:

"Licensee" means any person who holds a license from the Board as a massage and bodywork therapist.

"Client" means any person who is the recipient of massage or bodywork therapy.

"Client-therapist relationship" means a relationship between a licensee and a client in which the licensee owes a continuing duty to the client to render massage or bodywork therapy services consistent with his or her training and experience.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a client's body which is necessary during the performance of a generally accepted and recognized massage and bodywork therapy procedure.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, which occurs in connection with a licensee's activities or role as a provider of massage and bodywork therapy services that is unwelcome or offensive to a reasonable person, or creates a hostile workplace environment, and the licensee

knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee.

"Spouse" means the husband, wife or fiancée of the licensee or an individual involved in a long-term committed relationship with the licensee. For purposes of the definition of "spouse," a long-term committed relationship means a relationship which is at least six months in duration.

(c) A licensee shall not engage in sexual contact with a client with whom he or she has a client-therapist relationship. The client-therapist relationship is ongoing for purposes of this section, unless more than three months has elapsed since the last massage and bodywork therapy was rendered.

(d) A licensee shall not seek or solicit sexual contact with a client with whom he or she has a client-therapist relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a person with whom the licensee has a client-therapist relationship, unless that discussion is directly related to a proper massage and bodywork therapy purpose. Such discussion shall not include disclosure by the licensee of his or her own sexual relationships.

(f) A licensee shall provide privacy and therapy conditions which prevent the exposure of the unclothed body of the client. Appropriate draping measures shall be employed to protect client privacy.

(g) A licensee shall not engage in sexual harassment either within or outside of the professional setting.

(h) A licensee shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or which is for the sexual arousal, or sexual gratification, of the licensee or client or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(j) Nothing in this section shall be construed to prevent a licensee from rendering massage or bodywork therapy to a spouse, providing that the rendering of such massage or bodywork therapy is consistent with accepted standards of massage or bodywork therapy and that the performance of therapy is not utilized to exploit the spouse for the sexual arousal or sexual gratification of the licensee.

(k) It shall not be a defense to any action under this section that:

1. The client solicited or consented to sexual contact with the licensee; or
2. The licensee is in love with or held affection for the client.

13:37A-3.6 Change in address of record or name

(a) A licensee shall notify the Board in writing within 30 days of changes to:

1. The licensee's address of record. Service to the address of record registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2; or
2. The licensee's legal name. Notification of a name change shall include a copy of the

marriage license or a court order which authorized the legal name change.

13:37A-3.7 Informed consent

(a) Prior to providing an initial service to a client, a licensee shall have the client read and sign an informed consent form which includes the following statement:

“Massage and bodywork therapy practices are designed to promote and maintain the health and well-being of the client. Massage and bodywork therapies do not include the diagnosis of illness, disease, impairment or disability. If I experience any pain or discomfort during this session, I will immediately inform the therapist so that the pressure and/or strokes may be adjusted to my level of comfort. Because massage and bodywork therapy may be contraindicated due to certain medical conditions, I affirm that I have informed the therapist of all my known medical conditions and will keep the therapist updated as to any changes in my medical condition.”

SUBCHAPTER 4. CONTINUING EDUCATION

13:37A-4.1 Continuing education

(a) Upon biennial license renewal, licensees shall attest that they have completed courses of continuing education of the types and number of credit hours specified in (b), (c), (d) below and N.J.A.C. 13:37A-4.2. Falsification of any information submitted on the renewal application may require an appearance before the Board and may subject a licensee to penalties and/or suspension or revocation of the license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for biennial license renewal shall be required to complete during the preceding biennial period 20 credit hours of continuing education related to the practice of massage and bodywork therapy, except as provided in (c) below. These 20 credit hours shall include at least two hours in ethics. Courses that are related solely to the business practices of licensees shall not satisfy continuing education requirements.

(c) A licensee who is licensed in the second year of a biennial renewal period shall be required to complete 10 credit hours of continuing education, of which at least two hours shall be in ethics.

(d) A licensee who completes more than the minimum continuing education credit hours set forth above in any biennial registration period may carry no more than 18 of the additional credit hours into a succeeding biennial period. A licensee who carries over credits into a biennial period shall complete, during that biennial period, at least two hours of ethics.

13:37A-4.2 Continuing education programs

(a) A licensee may obtain continuing education credit hours from the following:

1. Successful completion of continuing education courses or programs related to the practice of massage and bodywork therapy, one credit hour for each hour of instruction.

Courses and programs shall be approved by, or offered by providers approved by:

- i. NCBTMB;
- ii. NCCAOM;
- iii. American Massage Therapy Association (AMTA);
- iv. American Organization for Bodywork Therapies of Asia (AOBTA);
- v. Association of Bodywork and Massage Professionals (ABMP);

- vi. American Nurses Credentialing Center (ANCC);
 - vii. American Polarity Therapy Association (APTA); or
 - viii. American Physical Therapy Association (APTA);
2. Successful completion of a course, related to the practice of massage and bodywork therapy, given by a school, college or university, one credit hour for each hour of instruction. A school, college or university shall be:
- i. Accredited by the New Jersey Department of Education;
 - ii. Approved by the New Jersey Department of Labor and Workforce Development;
 - iii. Approved by the New Jersey Commission on Higher Education; or
 - iv. Approved by an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education;
3. Teaching a new continuing education program related to massage and bodywork therapy that is approved pursuant to 1 or 2 above. "New" means that the licensee has never taught or developed curriculum for that course or program in any educational setting; one credit hour for each hour taught;
4. Authorship of a textbook or a chapter of a textbook directly related to the practice of massage and bodywork therapy; four credit hours for each chapter up to 20 credit hours;
5. Authorship of a published article, which has been refereed through peer review, related to the practice of massage and bodywork therapy, in a medical or health related journal;

four credit hours; and

6. Presenting a new seminar or lecture to professional peers, provided the seminar or lecture is at least one hour long; "New" means that the licensee has never presented the seminar or lecture before; one credit hour for each hour of presentation.

13:37A-4.3 Continuing Education audits; Records of continuing education

(a) The Board shall perform audits on randomly selected licensees to determine compliance with continuing education requirements.

(b) A licensee shall maintain the following documentation for a period of four years after completion of the credit hours and shall submit such documentation to the Board upon request:

1. For attendance at programs or courses: a certificate of completion from the sponsor;
2. For publication of textbook or article: the published item, including the date of publication;
3. For developing curriculum or teaching a course or program: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from sponsor confirming that the licensee developed or taught the course or program; and
4. For presenting a lecture or seminar: documentation including the location, date and duration of the lecture or seminar.

13:37A-4.4 Waiver of continuing education requirements

(a) The Board may waive the continuing education requirements of this section on an individual

basis for reasons of hardship, such as severe illness, disability, or military service.

1. A licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Board with supplemental materials that support the request for waiver.
2. A waiver of continuing education requirements granted pursuant to this subsection shall be effective only for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue(s) into the next biennial period, a licensee shall apply to the Board for the renewal of such waiver for the new biennial period.

13:37A-4.5 Additional continuing education requirements

- (a) The Board may direct or order a licensee to complete continuing education credit hours:
 1. As part of a disciplinary or remedial measure in addition to the required 20 hours of continuing education; or
 2. To correct a deficiency in the licensee's continuing education requirements.
- (b) Any continuing education credit hours completed by the licensee in compliance with an order or directive from the Board as set forth in (a) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

SUBCHAPTER 5. BUSINESS PRACTICES

13:37A-5.1 Advertising and solicitation practices

(a) A licensee may provide information to the public by advertising in print or electronic media pursuant to this section.

(b) The following words and terms, when used in this section, shall have the following meanings:

"Advertisement" means any attempt directly or indirectly by publication, dissemination, or circulation in print or electronic media which directly or indirectly induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services from a licensee.

"Electronic media" means radio, telephone, television, and internet.

"Print media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, business cards, matchcovers and other similar items, documents or comparable publications.

(c) A licensee who engages in the use of advertising that contains any of the following shall be deemed to be engaged in professional misconduct:

1. Any statement, claim or format which is false, fraudulent, misleading or deceptive;
2. Any promotion of a professional service for which:
 - i. The licensee has not received education or training to perform; or
 - ii. The licensee claims to have developed, unless the licensee developed such service and it is taught in a course offered by a provider approved by the NCBTMB, NCCAOM, American Massage Therapy Association (AMTA) or Associated Bodywork and Massage Professionals (ABMP); or
3. The communication of any fact, data or information which may personally identify a

client without that client's signed written permission obtained in advance.

(d) The Board may require a licensee to substantiate the truthfulness of any assertion or representation in an advertisement. Failure of a licensee to provide factual substantiation to support a representation or assertion when requested shall be deemed professional misconduct.

(e) All advertisements shall include:

1. The licensee's first name, or first initial of the first name, and the licensee's full last name;
2. The licensee's address or telephone number; and
3. The terms "N.J. Lic. #" followed by the licensee's license number.

(f) If an entity advertises under a professional name the entity must identify at least one licensee's first name, or first initial of the first name, and the licensee's full last name, licensee number and telephone or address.

(g) A video or audio tape, or other permanent recording for an internet advertisement, of every advertisement communicated by electronic media shall be retained by the licensee and shall be made available for review upon request by the Board or its designee. A copy of any advertisement appearing in the print media shall also be retained by the licensee and made available for review. The tapes and print media copies required to be retained under this subsection shall be kept for a minimum period of three years from the date of the last authorized publication or dissemination of the advertisement.

(h) Licensees who are on inactive status pursuant to N.J.A.C. 13:37A-2.4(h) shall not hold themselves out to the public as State licensed massage and bodywork therapists.

13:37A-5.2 Record keeping

(a) Licensees shall make contemporaneous, permanent entries into client records which shall accurately reflect the massage and bodywork services rendered. Client records shall be maintained for a period of seven years from the date of the most recent entry. The client record shall contain, at a minimum:

1. Intake record;
2. The dates of each service;
3. Reasons for visits, including a physician's prescription, if there is one;
4. The name of the licensee who provided services if there is more than one licensee practicing at the office;
5. Modalities used and areas of focus on the body; and
6. Any referral to another healthcare professional.

(b) Corrections and/or additions may be made to a client record, provided that each change is clearly identified as such, dated and initialed by the licensee.

13:37A-5.3 Computer recordkeeping requirements

(a) A client record which is prepared and maintained on a personal or other computer shall be prepared and maintained as follows:

1. The client record shall contain at least two forms of identification, for example, name and record number or any other specific identifying information;
2. The entry made by the licensee shall be made contemporaneously with the service and shall contain the date of service, date of entry, and full printed name of the licensee. The

licensee shall finalize or "sign" the entry by means of a confidential personal code ("CPC") and include the date of the "signing";

3. The computer system shall contain an internal permanently activated date and time recording for all entries, and shall automatically prepare a back-up copy of the file; and

4. Where more than one licensee is authorized to make entries of any provision of massage and bodywork therapies into the computer file, the licensee responsible for the practice shall assure that each such person obtains a CPC and uses the file program in the same manner.

13:37A-5.4 Client access to records; confidentiality

(a) Licensees shall provide access to client records to a client or an authorized representative in accordance with the following:

1. No later than 30 days from receipt of a written request from a client or an authorized representative, the licensee shall provide a copy of the client record, and/or billing records as may be requested;

2. The licensee may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less; and

3. If the client or a subsequent treating health care professional is unable to read the client record, because it is illegible, the licensee, upon request, shall provide a typed transcription of the record. If the record is in a language other than English, the licensee shall also provide a translation.

(b) Licensees shall maintain the confidentiality of client records, except that:

1. The licensee shall release client records as directed by a subpoena issued by the Board or the Office of the Attorney General, or by a demand for a statement in writing under oath, pursuant to N.J.S.A. 45:1-18. Such records shall be originals, unless otherwise specified, and shall be unedited, with full client names; and
2. The licensee shall release information as required by statute or regulation.

(c) Where the client has requested the release of all or a portion of a client record to a specified individual or entity, in order to protect the confidentiality of the records, the licensee shall:

1. Secure and maintain a current written authorization, bearing the signature of the client or an authorized representative;
 2. Assure that the scope of the release is consistent with the request;
 3. Forward the records to the attention of the specific individual identified in the request;
- and
4. Mark the material "Confidential."

SUBCHAPTER 6. BUSINESS REGISTRATION

13:37A-6.1 Registration of employers

(a) Pursuant to N.J.S.A. 45:11-76, an individual or entity that employs another person to engage in, or an individual or entity that employs another and advertises or holds itself out as providing, massage and bodywork therapies shall register with the Board.

(b) An individual or entity that employs another person to engage in, or an individual or entity that employs another person and advertises or holds itself out as providing, massage and

bodywork services shall not be required to register with the Board if the individual or entity is:

1. A school approved by the New Jersey Department of Education, The New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education; or
2. A health care institution licensed by the Department of Health and Senior Services.

(c) An applicant for registration shall submit to the Board a completed application that includes:

1. The name and residence of the individual or the owner or operator of the entity;
2. The municipality and location of the owner or operator's primary place of business and the location of any branches of the business;
3. A certification attesting that the individual or entity will employ only massage and bodywork therapists licensed by the Board;
4. The criminal history background of the individual or the owner or operator of the entity; and
5. The registration fee required pursuant to N.J.A.C. 13:37A-6.1.

(d) Registration will be valid for two years and shall be renewed by submitting the information and fees required by (c) above.

(d) If any of the information submitted pursuant to (c) above changes, the employer shall notify the Board within 30 days of the change.

13:37A-6.2 Suspension or revocation of registration

(a) The Board shall either suspend or revoke the registration of an entity that has:

1. Submitted false or misleading information in its application submitted pursuant to

N.J.A.C. 13:37A-6.1(c) or (d); or

2. Failed to demonstrate that every employee who is engaged in providing massage and bodywork therapy services is licensed to practice by the Board.

SUBCHAPTER 7. FEES

13:37A-7.1 Fee schedule

(a) The following fees shall be charged by the Board in connection with license of massage and bodywork therapists:

1. Application fee\$75.00
2. Initial license fee
 - i. If paid during the first year of a biennial renewal period\$120.00
 - ii. If paid during the second year of a biennial renewal period\$60.00
3. Renewal of license\$120.00
4. Late license renewal\$50.00

Plus the applicable
biennial license
renewal fee set forth
in (d)3 above
5. Lapsed license fee\$100.00

Plus the applicable
biennial license

renewal fee set forth
in (d)3 above

6. Continuing education sponsor fee.....	\$100.00
7. Duplicate certificate.....	\$35.00
8. Inactive license fee	\$60.00
9. Verification of certification for endorsement.....	\$
30.00	
10. Written verification of certification.....	\$ 25.00
11. Employer registration	\$150.00

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