



Associated Bodywork & Massage Professionals

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January 19, 2011

George Hebert, Executive Director
New Jersey Board of Massage and Bodywork Therapy
Post Office Box 45010
124 Halsey Street, Newark, NJ 07101

Dear Mr. Hebert and Board Members,

Associated Bodywork & Massage Professionals (ABMP) is a professional membership association for massage and bodywork therapists representing more than 3,000 members in New Jersey and more than 76,000 members nationally. ABMP is concerned about the following regulatory proposals, some are new policies and some were in effect under the certification law and are now being considering for the implementation of the licensing law as well.

200 hours of education and training (page 4)

Problem: 13:37A-2.1 License without education or examination, (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 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;

The board, in further defining the 200 hours of education in the grandfathering provision, has essentially nullified the opportunity to apply under this method because many schools which offer(ed) this type (sub-500 hour) of program are most likely not operating any longer. The standard massage program throughout the country today is a minimum of 500 hours. This provision was intended to help people who graduated a long time ago whose schools may be closed, or graduated from a program that has since increased its education hours to be consistent with the rest of the country.

The language in the law was approved by the legislature to ensure that people practicing massage and bodywork did not lose their livelihood, would not have to obtain additional education, or pass an exam in order to practice in a profession they've already been safely practicing in for years. ABMP is concerned that several hundred currently practicing therapists may be forced to either go back to school or pass an exam to qualify for a license. This policy would ignore legislative intent.

The massage education standards were different before regulation was adopted in the state; our wish is for the board to recognize the change that occurred and eliminate language stating the massage program must be state approved.

Official transcript (page 5)

Problem: 13:37A-2.2 Application for licensure, (b) An applicant who qualifies for license pursuant to (a)1 above (by education) shall submit to the Board:

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;

What if a school is closed and it is not possible to obtain an “official transcript?” Will the board accept a copy of the applicant’s transcript or diploma?

Approved examinations (page 6)

Problem: 13:37A-2.2 Application for licensure, (c) An applicant who qualifies for license pursuant to (a)2 above (by examination) shall submit to the Board:

2. Proof that the applicant has successfully passed the written examination offered by the NCBTMB or the NCCAOM;

The board’s proposed regulations currently reject the he Massage and Bodywork Licensing Exam (MBLEx) as a qualifying exam. The MBLEx, offered by the Federation of State Massage Therapy Boards (FSMTB), is accepted by twenty-nine states, the District of Columbia, and two U.S. territories (Puerto Rico, U.S. Virgin Islands). In addition, the exam has been endorsed as the preferred licensure examination by ABMP, the American Massage Therapy Association (AMTA), and the Alliance for Massage Therapy Education (AFMTE).

The exam was developed because of the need expressed by representatives from state regulatory boards for a valid, reliable licensing exam to measure entry-level knowledge and readiness to practice safely on the public and the desire to bring consistency in licensing requirements to assist with professional mobility. The exam is psychometrically valid (based on a job task analysis of more than 7,600 practitioners) and its development included the regulatory community at every step to ensure the exam’s focus on public protection—a regulatory board’s mission and responsibility. The MBLEx is administered through Pearson VUE at the highest level of security available in test centers across the United States.

One of the reasons ABMP supports the MBLEx is because the application process is easier for exam candidates resulting in better access to licensure and the right to practice. It helps licensure applicants meet the exam qualification for licensure more efficiently resulting in candidates getting their license in a more timely manner and therefore starting work more quickly after graduation.

There is no reason for the New Jersey Board not to accept the MBLEx and provide relief to applicants for licensure who may be delayed by independent certification boards and their specific qualifications to test. The MBLEx was developed specifically to measure entry-level knowledge needed to practice safely - the reason why a state typically requires an exam. Exams developed by independent certification organizations (such as the National Certification Board for Therapeutic Massage & Bodywork) measure the knowledge valued by the certification board for its specific certification.

It is also important to note that by accepting National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination, the board is essentially accepting all exams offered by the NCCAOM whether the exam focuses on Asian Bodywork, Acupuncture, Oriental Medicine, or Chinese Herbology. ABMP is hopeful that the board does not intend to limit exam options for massage therapists by excluding the MBLEx, while at the same time allowing passage of the Oriental Medicine of Herbology exam to suffice.

Jobs held while license suspended (page 10)

Problem: 13:37A-2.4 Renewal of license 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.

If a licensee reinstates their license within 5 years of not renewing they will be required to complete a reinstatement application, pay past renewal fees, pay a reinstatement fee, complete continuing education for each renewal cycle. Why does the applicant for reinstatement have to provide an employment listing of each job held during the time they weren't practicing massage/bodywork and include the names, addresses, and telephone numbers of each employer? This is an invasion of privacy. If the board is concerned that the applicant for license reinstatement has practiced massage/bodywork without a license, it should simply have the applicant attest that they haven't but it is none of the board's business what employment an individual was engaged in while not regulated.

Reinstatement of license after 5 years (page 10)

Problem: 13:37A-2.4 Renewal of license (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.*

This section seems unnecessary. Anyone who hasn't renewed their license in 5 years should have to reapply and meet the current qualifications for licensure whether the person grandfathered in, or met the education or exam requirement for licensure. No other state in the country allows an expired licensee to reinstate their license after 5 years without meeting current qualifications. The board has included a provision to reinstate a NJ license if the applicant for reinstatement had been licensed and working in another state and this is sufficient. There is also the option of an inactive renewal which further eliminates the need for this section.

Infection control (page 13)

Problem: 13:37A-3.2 Infection control precautions, (f) A hospital-grade disinfectant registered with the Environmental Protection Agency (EPA) shall be used to disinfect:

I have never this level of disinfectant required by a massage board. Most massage/bodywork therapists don't use this level of disinfectant and won't know how to find it. What was wrong with the simple statement of "broad spectrum anti-microbial disinfectant" as outlined in the previous regulations under certification?

Continuing education (page 20)

Clarification: 13:37A-4.1 Continuing education

Can the 20 hours of continuing education required be obtained online?

Additional continuing education requirements (page 24)

Problem: 13:37A-4.5 Additional continuing education requirements

- (a) The Board may direct or order a licensee to complete continuing education credit hours:*
- 2. To correct a deficiency in the licensee's continuing education requirements.*

While it may be appropriate for the board to require additional continuing education based on a disciplinary measure, the general statement "to correct a deficiency in the licensee's continuing education requirements" is

much too general. What would such a directive be based on? This is much too open-ended and the language should be eliminated.

Fees

Clarification: 13:37A-7.1 Fee schedule, The proposal mentions a "reinstatement fee" under 13:37A-2.4 Renewal of license

Is this the same as a "late license renewal" fee or "lapsed license fee"?

ABMP appreciates the opportunity to provide input on the proposed regulations. We sincerely thank the board members and staff of the Nursing Board and Division of Consumer Affairs for the time and effort spent drafting the proposed regulations.

Sincerely,

A handwritten signature in cursive script that reads "Jean Robinson".

Jean Robinson, Government Relations Director