

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 19

NJSA: 45:11-53 to 45:11-67

(Massage, Bodywork, and Somatic Therapist Certification Act)

BILL NO: A843 (Substituted for S1047 -- 2nd Reprint)

SPONSOR(S): Impreveduto and Kelly

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Consumer Affairs and Regulated Professions

SENATE: ~~~~

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

ASSEMBLY: December 17, 1998

SENATE: December 17, 1998

DATE OF APPROVAL: February 8, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *Yes* 2nd Reprint

(Amendments during passage denoted by superscript numbers)

A843

SPONSORS STATEMENT: *Yes* (Begins on page 6 of original bill.)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

2nd REPRINT: (Final version) *Yes*

S1047

SPONSORS STATEMENT: *Yes* (Begins on page 6 of original bill.)
(Bill and Sponsor's Statement identical to A843)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *Yes*
(Identical to Floor Amendment Statement to A843)

LEGISLATIVE FISCAL ESTIMATE: *No*
(Identical to Legislative Fiscal Statement to A843)

2nd REPRINT: (Final version) *Yes*

S533

SPONSORS STATEMENT: *Yes* (Begins on page 6 of original bill.)
(WITHDRAWN)

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

*To check for circulating copies contact New Jersey State Government Publications at the State Library
(609) 278-2640 ext. 102 or refdesk@njstatelib.org*

REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES:

"Whitman creates overseer for massage therapists," 2-9-99, Newark Star Ledger, p.16

P.L. 1999, CHAPTER 19, *approved February 8, 1999*
Assembly, No. 843 (*Second Reprint*)

1 AN ACT providing for the ²[licensing] certification² of massage,
2 bodywork and somatic therapists and supplementing P.L.1947,
3 c.262 (C.45:11-23 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the "Massage,
9 Bodywork and Somatic Therapist ²[Licensing] Certification² Act."
10

11 2. The Legislature finds and declares that:

12 a. the public interest requires the ²[regulation of the practice of
13 massage, bodywork and somatic therapies and the]² establishment of
14 clear ²[licensure] certification² standards for massage, bodywork and
15 somatic therapists;

16 b. the health and welfare of the citizens of this State will be
17 protected by identifying to the public those individuals who are
18 ²[best]² qualified to ²[practice massage, bodywork and somatic
19 therapies] call themselves massage, bodywork and somatic therapists²;
20 and

21 c. the regulation of massage, bodywork and somatic therapists will
22 benefit the public by encouraging it to take advantage of massage,
23 bodywork and somatic therapies as a viable complement to traditional
24 medicine.
25

26 3. As used in this act:

27 "Board" means the New Jersey Board of Nursing.

28 "Committee" means the Massage, Bodywork and Somatic Therapy
29 Examining Committee established pursuant to section ²[5] 4² of this
30 act.

31 "Licensee" means any person who holds a ²[license to practice
32 massage, bodywork and somatic therapies] certification² pursuant to
33 the provisions of this act.

34 "Massage, bodywork and somatic therapist" means a person
35 ²[licensed to practice massage, bodywork and somatic therapies]

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted October 15, 1998.

² Assembly floor amendments adopted November 23, 1998.

1 certified² pursuant to the provisions of this act.

2 "Massage, bodywork and somatic therapies" or "massage,
3 bodywork and somatic" means systems of activity of structured touch
4 which include, but are not limited to, holding, applying pressure,
5 positioning and mobilizing soft tissue of the body by manual technique
6 and use of visual, kinesthetic, auditory and palpating skills to assess
7 the body for purposes of applying therapeutic massage, bodywork or
8 somatic principles. Such application may include, but is not limited to,
9 the use of therapies such as heliotherapy or hydrotherapy, the use of
10 moist hot and cold external applications, external application of herbal
11 or topical preparations not classified as prescription drugs,
12 ¹[movement and neural] explaining and describing¹ myofascial
13 ¹[education] movement¹, ¹[and education in]¹ self-care and stress
14 management ¹as it relates to massage, bodywork and somatic
15 therapies¹. Massage, bodywork and somatic therapy practices are
16 designed to affect the energetic system of the body for the purpose of
17 promoting and maintaining the health and well-being of the client.
18 Massage, bodywork and somatic therapies do not include the diagnosis
19 or treatment of illness, disease, impairment or disability.

20

21 ²[4. Nothing in this act shall be construed to prohibit any person
22 licensed to practice in this State under any other law from engaging in
23 the practice for which he is licensed or to prohibit any student enrolled
24 in a program of massage, bodywork and somatic therapies recognized
25 by the committee from performing massage, bodywork and somatic
26 therapies which is necessary to his course of study.]²

27

28 ²[5.] 4.² a. There is created within the Division of Consumer
29 Affairs in the Department of Law and Public Safety, under the New
30 Jersey Board of Nursing, a Massage, Bodywork and Somatic Therapy
31 Examining Committee. The committee shall consist of six members
32 who are residents of the State and are ²[licensed] certified² massage,
33 bodywork and somatic therapists who have been actively engaged in
34 the practice of massage, bodywork and somatic therapies in this State
35 for at least five years immediately preceding their appointment, except
36 that the committee shall not have at any one time more than two
37 members who practice a particular method and manner of treatment of
38 massage, bodywork and somatic therapies.

39 b. For a period of one year after the effective date of this act and
40 notwithstanding any other provisions of this act to the contrary, the
41 first six massage, bodywork and somatic therapists appointed as
42 members of the committee shall not be required, at the time of their
43 first appointment, to be ²[licensed] certified² to practice massage,
44 bodywork and somatic therapies.

45 c. The Governor shall appoint each committee member with the
46 advice and consent of the Senate. The Governor shall appoint each

1 member for a term of three years, except that of the members first
2 appointed, two shall serve for terms of three years, two shall serve for
3 terms of two years and two shall serve for a term of one year. Each
4 member shall hold office until his successor has been qualified. Any
5 vacancy in the membership of the committee shall be filled for the
6 unexpired term in the manner provided for the original appointment.
7 No member of the committee may serve more than two successive
8 terms in addition to any unexpired term to which he has been
9 appointed.

10
11 ²[6.] 5.² The members of the committee shall serve without
12 compensation. Members shall be reimbursed by the State Treasurer
13 for their actual expenses arising out of their service on the committee.
14 All reimbursements shall be paid from the revenues of the board.

15
16 ²[7.] 6.² The committee shall annually elect from among its
17 members a chairman and a vice-chairman and may appoint a secretary,
18 who need not be a member of the committee. The committee shall
19 meet at least twice per year and may hold additional meetings as
20 necessary to discharge its duties.

21
22 ²[8.] 7.² The committee shall:

23 a. Review the qualifications of applicants for ²[licensure]
24 certification²;

25 b. Insure the proper conduct and standards of examinations;

26 c. Issue and renew ²[licenses] certificates of certification² to
27 massage, bodywork and somatic therapists pursuant to this act;

28 d. Suspend, revoke or fail to renew the ²[license] certificate of
29 certification² of a massage, bodywork and somatic therapist pursuant
30 to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

31 e. Establish any standards for the continuing education of licensees
32 as it deems necessary;

33 f. Prescribe or change the charges for examinations, ²[licensures]
34 certifications², renewals and other services performed pursuant to
35 P.L.1974, c.46 (C.45:1-3.1 et seq.); and

36 g. Maintain a record of every massage, bodywork and somatic
37 therapist ²[licensed] certified² in this State, and the date and number
38 of his ²[license] certificate of certification², and publish a list of the
39 names and addresses of all licensees annually.

40
41 ²[9.] 8.² To be eligible for ²[licensure] certification² as a
42 massage, bodywork and somatic therapist, an applicant shall ¹be of
43 good moral character and¹ submit to the committee satisfactory
44 evidence of:

45 a. Successful completion of a minimum of 500 hours in class study

1 in the field of massage, bodywork and somatic therapies ¹approved by
2 the committee¹; or

3 b. Successful completion of the written examination offered by The
4 National Certification Board for Therapeutic Massage and Bodywork
5 or a substantially equivalent examination approved by the committee
6 to determine the applicant's competence to ²[practice massage,
7 bodywork and somatic therapies] call himself a massage, bodywork
8 and somatic therapist². The successful completion of any such
9 examination may have been accomplished before the effective date of
10 this act.

11

12 ²[10.] 9.² For 720 days after the date procedures are established
13 by the committee for applying for ²[licensure] certification² under
14 section ²[9] 8² of this act, any person who engaged in the full-time
15 practice, as determined by the committee, of massage, bodywork and
16 somatic therapies for two years preceding the enactment date of this
17 act, or ¹[any person who engaged]¹ in the part-time practice, as
18 determined by the committee, of massage, bodywork and somatic
19 therapies for five years preceding the enactment date of this act, ¹[or
20 any person who] and¹ has successfully completed ¹[1,000 hours in the
21 practice of massage, bodywork and somatic therapies with]¹ a
22 minimum ¹[completion]¹ of 200 hours of education or training in
23 massage, bodywork and somatic therapies as determined by the
24 committee, may acquire a ²[license to practice massage, bodywork
25 and somatic therapies] certificate of certification² without satisfying
26 ¹either¹ the ¹[requirements] education or examination requirement¹
27 of section ²[9] 8² of this act.

28

29 ²[11.] 10.² A fee to be determined by the committee shall
30 accompany each application for ²[licensure] certification².
31 ²[Licenses] Certificates of certification² shall expire biennially and
32 may be renewed upon submission of a renewal application provided by
33 the board and payment of a fee. If the renewal fee is not paid by that
34 date, the ²[license] certificate of certification² shall automatically
35 expire, but may be renewed within two years of its expiration date on
36 payment to the board of a sum determined by the committee for each
37 year or part thereof during which the ²[license] certificate of
38 certification² was expired and an additional restoration fee. After a
39 two-year period, a ²[license] certificate of certification² may only be
40 renewed by complying with the provisions of this act regarding initial
41 ²[licensure] certification².

42

43 ²[12.] 11.² The committee shall issue a ²[license] certificate of
44 certification² to each applicant for ²[licensure] certification² as a
45 massage, bodywork and somatic therapist who qualifies pursuant to

1 this act and any rules and regulations promulgated by the board and
2 who is not disqualified for ²[licensure] certification² pursuant to the
3 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).
4

5 ²[13.] 12.² Upon payment to the board of a fee and the submission
6 of a written application on forms provided by it, the committee shall
7 issue without examination a ²[license] certificate of certification² to
8 a massage, bodywork and somatic therapist who holds a valid license
9 or certification issued by another state or possession of the United
10 States or the District of Columbia which has education and experience
11 requirements substantially equivalent to the requirements of this act;
12 provided, however, that the applicant has not previously failed any
13 examination referred to in section ²[9] 8² of this act that is approved
14 by the committee, in which case ²[licensing] the granting of
15 certification² shall be at the discretion of the committee.
16

17 ²[14.] 13.² Nothing in this act shall be construed to prohibit any
18 person from rendering massage, bodywork and somatic therapy
19 services, provided that person shall not be identified by the titles
20 "massage, bodywork and somatic therapist," "registered massage,
21 bodywork and somatic therapist," ²["licensed massage, bodywork and
22 somatic therapist,"] "certified massage, bodywork and somatic
23 therapist," "certified massage therapist."² or the abbreviations "MBT,"
24 "RMBT," ²["LMBT," "LOBT," "LMT"] "CMBT," "COBT," "CMT"²
25 unless ²[licensed to practice massage, bodywork and somatic
26 therapies] certified² under the provisions of this act.
27

28 ²[15.] 14.² Any person who holds a ²[license] certificate of
29 certification² as a massage, bodywork and somatic therapist pursuant
30 to this act may use the title "massage, bodywork and somatic
31 therapist" or ²["licensed massage, bodywork and somatic therapist,"]
32 "certified massage, bodywork and somatic therapist"² or the
33 abbreviations "MBT," ²["LMBT," "LOBT" or "LMT."] "CMBT,"
34 "COBT," or "CMT."² Every holder of a ²[license] certificate of
35 certification² shall display it in a conspicuous place in his principal
36 office, place of business or employment.
37

38 ²[16.] 15.² The board, after consultation with the committee, shall
39 adopt rules and regulations pursuant to the "Administrative Procedure
40 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate
41 the purposes of this act.
42

43 ²[17.] 16.² This act shall take effect on the 180th day after
44 enactment.

1

2

3 "Massage, Bodywork and Somatic Therapist Certification Act."

ASSEMBLY, No. 843

STATE OF NEW JERSEY

208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

"Massage, Bodywork and Somatic Therapist Licensing Act."

CURRENT VERSION OF TEXT

As Introduced.



1 AN ACT providing for the licensing of massage, bodywork and somatic
2 therapists and supplementing P.L.1947, c.262 (C.45:11-23 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Massage,
8 Bodywork and Somatic Therapist Licensing Act."

9
10 2. The Legislature finds and declares that:

11 a. the public interest requires the regulation of the practice of
12 massage, bodywork and somatic therapies and the establishment of
13 clear licensure standards for massage, bodywork and somatic
14 therapists;

15 b. the health and welfare of the citizens of this State will be
16 protected by identifying to the public those individuals who are best
17 qualified to practice massage, bodywork and somatic therapies; and

18 c. the regulation of massage, bodywork and somatic therapists will
19 benefit the public by encouraging it to take advantage of massage,
20 bodywork and somatic therapies as a viable complement to traditional
21 medicine.

22
23 3. As used in this act:

24 "Board" means the New Jersey Board of Nursing.

25 "Committee" means the Massage, Bodywork and Somatic Therapy
26 Examining Committee established pursuant to section 5 of this act.

27 "Licensee" means any person who holds a license to practice
28 massage, bodywork and somatic therapies pursuant to the provisions
29 of this act.

30 "Massage, bodywork and somatic therapist" means a person
31 licensed to practice massage, bodywork and somatic therapies
32 pursuant to the provisions of this act.

33 "Massage, bodywork and somatic therapies" or "massage,
34 bodywork and somatic" means systems of activity of structured touch
35 which include, but are not limited to, holding, applying pressure,
36 positioning and mobilizing soft tissue of the body by manual technique
37 and use of visual, kinesthetic, auditory and palpating skills to assess
38 the body for purposes of applying therapeutic massage, bodywork or
39 somatic principles. Such application may include, but is not limited to,
40 the use of therapies such as heliotherapy or hydrotherapy, the use of
41 moist hot and cold external applications, external application of herbal
42 or topical preparations not classified as prescription drugs, movement
43 and neural myofascial education, and education in self-care and stress
44 management. Massage, bodywork and somatic therapy practices are
45 designed to affect the energetic system of the body for the purpose of
46 promoting and maintaining the health and well-being of the client.

1 Massage, bodywork and somatic therapies do not include the diagnosis
2 or treatment of illness, disease, impairment or disability.

3

4 4. Nothing in this act shall be construed to prohibit any person
5 licensed to practice in this State under any other law from engaging in
6 the practice for which he is licensed or to prohibit any student enrolled
7 in a program of massage, bodywork and somatic therapies recognized
8 by the committee from performing massage, bodywork and somatic
9 therapies which is necessary to his course of study.

10

11 5. a. There is created within the Division of Consumer Affairs in
12 the Department of Law and Public Safety, under the New Jersey Board
13 of Nursing, a Massage, Bodywork and Somatic Therapy Examining
14 Committee. The committee shall consist of six members who are
15 residents of the State and are licensed massage, bodywork and somatic
16 therapists who have been actively engaged in the practice of massage,
17 bodywork and somatic therapies in this State for at least five years
18 immediately preceding their appointment, except that the committee
19 shall not have at any one time more than two members who practice
20 a particular method and manner of treatment of massage, bodywork
21 and somatic therapies.

22 b. For a period of one year after the effective date of this act and
23 notwithstanding any other provisions of this act to the contrary, the
24 first six massage, bodywork and somatic therapists appointed as
25 members of the committee shall not be required, at the time of their
26 first appointment, to be licensed to practice massage, bodywork and
27 somatic therapies.

28 c. The Governor shall appoint each committee member with the
29 advice and consent of the Senate. The Governor shall appoint each
30 member for a term of three years, except that of the members first
31 appointed, two shall serve for terms of three years, two shall serve for
32 terms of two years and two shall serve for a term of one year. Each
33 member shall hold office until his successor has been qualified. Any
34 vacancy in the membership of the committee shall be filled for the
35 unexpired term in the manner provided for the original appointment.
36 No member of the committee may serve more than two successive
37 terms in addition to any unexpired term to which he has been
38 appointed.

39

40 6. The members of the committee shall serve without
41 compensation. Members shall be reimbursed by the State Treasurer
42 for their actual expenses arising out of their service on the committee.
43 All reimbursements shall be paid from the revenues of the board.

44

45 7. The committee shall annually elect from among its members a
46 chairman and a vice-chairman and may appoint a secretary, who need

1 not be a member of the committee. The committee shall meet at least
2 twice per year and may hold additional meetings as necessary to
3 discharge its duties.

4

5 8. The committee shall:

6 a. Review the qualifications of applicants for licensure;

7 b. Insure the proper conduct and standards of examinations;

8 c. Issue and renew licenses to massage, bodywork and somatic
9 therapists pursuant to this act;

10 d. Suspend, revoke or fail to renew the license of a massage,
11 bodywork and somatic therapist pursuant to the provisions of
12 P.L.1978, c.73 (C.45:1-14 et seq.);

13 e. Establish any standards for the continuing education of licensees
14 as it deems necessary;

15 f. Prescribe or change the charges for examinations, licensures,
16 renewals and other services performed pursuant to P.L.1974, c.46
17 (C.45:1-3.1 et seq.); and

18 g. Maintain a record of every massage, bodywork and somatic
19 therapist licensed in this State, and the date and number of his license,
20 and publish a list of the names and addresses of all licensees annually.

21

22 9. To be eligible for licensure as a massage, bodywork and somatic
23 therapist, an applicant shall submit to the committee satisfactory
24 evidence of:

25 a. Successful completion of a minimum of 500 hours in class study
26 in the field of massage, bodywork and somatic therapies; or

27 b. Successful completion of the written examination offered by The
28 National Certification Board for Therapeutic Massage and Bodywork
29 or a substantially equivalent examination approved by the committee
30 to determine the applicant's competence to practice massage,
31 bodywork and somatic therapies. The successful completion of any
32 such examination may have been accomplished before the effective
33 date of this act.

34

35 10. For 720 days after the date procedures are established by the
36 committee for applying for licensure under section 9 of this act, any
37 person who engaged in the full-time practice, as determined by the
38 committee, of massage, bodywork and somatic therapies for two years
39 preceding the enactment date of this act, or any person who engaged
40 in the part-time practice, as determined by the committee, of massage,
41 bodywork and somatic therapies for five years preceding the
42 enactment date of this act, or any person who has successfully
43 completed 1,000 hours in the practice of massage, bodywork and
44 somatic therapies with a minimum completion of 200 hours of
45 education or training in massage, bodywork and somatic therapies as
46 determined by the committee, may acquire a license to practice

1 massage, bodywork and somatic therapies without satisfying the
2 requirements of section 9 of this act.

3

4 11. A fee to be determined by the committee shall accompany each
5 application for licensure. Licenses shall expire biennially and may be
6 renewed upon submission of a renewal application provided by the
7 board and payment of a fee. If the renewal fee is not paid by that date,
8 the license shall automatically expire, but may be renewed within two
9 years of its expiration date on payment to the board of a sum
10 determined by the committee for each year or part thereof during
11 which the license was expired and an additional restoration fee. After
12 a two-year period, a license may only be renewed by complying with
13 the provisions of this act regarding initial licensure.

14

15 12. The committee shall issue a license to each applicant for
16 licensure as a massage, bodywork and somatic therapist who qualifies
17 pursuant to this act and any rules and regulations promulgated by the
18 board and who is not disqualified for licensure pursuant to the
19 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

20

21 13. Upon payment to the board of a fee and the submission of a
22 written application on forms provided by it, the committee shall issue
23 without examination a license to a massage, bodywork and somatic
24 therapist who holds a valid license or certification issued by another
25 state or possession of the United States or the District of Columbia
26 which has education and experience requirements substantially
27 equivalent to the requirements of this act; provided, however, that the
28 applicant has not previously failed any examination referred to in
29 section 9 of this act that is approved by the committee, in which case
30 licensing shall be at the discretion of the committee.

31

32 14. Nothing in this act shall be construed to prohibit any person
33 from rendering massage, bodywork and somatic therapy services,
34 provided that person shall not be identified by the titles "massage,
35 bodywork and somatic therapist," "registered massage, bodywork and
36 somatic therapist," "licensed massage, bodywork and somatic
37 therapist," or the abbreviations "MBT," "RMBT," "LMBT," "LOBT,"
38 "LMT" unless licensed to practice massage, bodywork and somatic
39 therapies under the provisions of this act.

40

41 15. Any person who holds a license as a massage, bodywork and
42 somatic therapist pursuant to this act may use the title "massage,
43 bodywork and somatic therapist" or "licensed massage, bodywork and
44 somatic therapist," or the abbreviations "MBT," "LMBT," "LOBT" or
45 "LMT." Every holder of a license shall display it in a conspicuous
46 place in his principal office, place of business or employment.

A843 IMPREVEDUTO, KELLY

7

1 examination approved by the committee to determine the applicant's
2 competence to practice massage, bodywork and somatic therapies.
3 The successful completion of any such examination may have been
4 accomplished before the effective date of this bill.

5 As provided in the bill, nothing in this act shall be construed to
6 prohibit any person from rendering massage, bodywork and somatic
7 therapy services, provided that person shall not be identified by the
8 titles "massage, bodywork and somatic therapist," "registered massage,
9 bodywork and somatic therapist," "licensed massage, bodywork and
10 somatic therapist," or the abbreviations "MBT," "RMBT," "LMBT,"
11 "LOBT" or "LMT" unless licensed to practice massage, bodywork and
12 somatic therapy under the provisions of the bill.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 843

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1998

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 843.

This bill, to be known as the "Massage, Bodywork and Somatic Therapist Licensing Act," provides for the licensure of massage, bodywork and somatic therapists and establishes a Massage, Bodywork and Somatic Therapy Examining Committee under the New Jersey Board of Nursing. The committee shall consist of six residents of this State who shall be appointed by the Governor with the advice and consent of the Senate. The six committee members shall be licensed massage, bodywork and somatic therapists who have been actively engaged in the practice of massage, bodywork and somatic therapies in the State for at least five years immediately preceding their appointment, except that the committee shall not have at any one time more than two members who practice a particular method and manner of treatment of massage, bodywork and somatic therapies.

The bill provides for the regulation and licensing of massage, bodywork and somatic therapists, and establishes requirements and standards for licensure. The bill defines massage, bodywork and somatic therapy as systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork and somatic therapies. Massage, bodywork and somatic therapy practices are designed to affect the energetic system of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage,

bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

The bill also provides that to be eligible for licensure as a massage, bodywork and somatic therapist, an applicant shall be of good moral character and submit to the committee satisfactory evidence of successful completion of a minimum of 500 hours in class study in the field of massage, bodywork and somatic therapies approved by the committee or successful completion of the written examination offered by The National Certification Board for Therapeutic Massage and Bodywork, or a substantially equivalent examination approved by the committee, to determine the applicant's competence to practice massage, bodywork and somatic therapies. The successful completion of any such examination may have been accomplished before the effective date of this bill.

As provided in the bill, nothing in the bill shall be construed to prohibit any person from rendering massage, bodywork and somatic therapy services, provided that person shall not be identified by the titles "massage, bodywork and somatic therapist," "registered massage, bodywork and somatic therapist," "licensed massage, bodywork and somatic therapist," or the abbreviations "MBT," "RMBT," "LMBT," "LOBT" or "LMT" unless licensed to practice massage, bodywork and somatic therapies under the provisions of the bill.

For two years after the procedures are established for applying for licensure under the bill, a person who engaged in the full-time practice of massage, bodywork and somatic therapies for two years preceding the enactment date of this bill, or in the part-time practice of massage, bodywork and somatic therapies for five years preceding the enactment date of this bill, and has successfully completed a minimum of 200 hours of education or training in massage, bodywork and somatic therapies, may acquire a license to practice massage, bodywork and somatic therapies without satisfying either the education or examination requirement of the bill.

The bill requires the committee to issue a license to a person who applies and holds a valid massage, bodywork and somatic therapist license or certification issued by another state which has education and experience requirements substantially equivalent to the requirements of this bill.

The committee adopted amendments requiring that an applicant for licensure be of good moral character. In addition, the amendments make some revisions concerning eligibility for licensure in accordance with the "grandfather" provision and clarify the definition of "massage, bodywork and somatic therapies."

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 843

with Assembly Floor Amendments
(Proposed By Assemblymen IMPREVEDUTO and KELLY)

ADOPTED: NOVEMBER 23, 1998

These amendments provide for certification of massage, bodywork and somatic therapists rather than for the licensing of massage, bodywork and somatic therapists. In addition, the amendments specify the titles and abbreviations that only persons certified in accordance with the provisions of the bill may call themselves.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 843

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 11, 1999

Assembly Bill No. 843 (2R) of 1998 creates a Massage, Bodywork and Somatic Therapy Examining Committee under the New Jersey Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety. The six-member committee would be appointed by the Governor and be responsible for the certification of practitioners of massage, bodywork and somatic therapies. These therapies are defined by the bill as systems of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing the soft tissue of the body.

Specific duties of the committee include reviewing the qualifications of applicants for certification, overseeing the conduct of examinations, establishing standards for continuing education of therapists, and maintaining a roster of licensees. Candidates for certification would be required by the bill to have completed 500 hours of class study in a relevant therapy or an approved apprenticeship program or to pass a written examination. The bill further provides that its provisions shall not be construed to prohibit a person from rendering massage, bodywork or somatic therapy services, provided that person does not identify himself as a certified or registered therapist.

The bill provides for the issuance of biennial certificates of certification and for the payment of certification application and renewal fees. Although the bill does not specify the amount of these fees, existing State law would allow the committee, as a component of the New Jersey Board of Nursing, to establish these fees at an amount sufficient to defray its proper expenses. The bill would take effect six months after its enactment.

The Division of Consumer Affairs informally estimated, in connection with a similar version of this bill introduced in the prior legislative session, that approximately 3,000 therapists would be certified under the bill, based on information provided by the National Certification Board of Therapeutic Massage and Bodywork. Based on

experience with implementing similar programs, the division estimated that the program created by that bill would not become operational until the third year after enactment. The division estimated that approximately \$50,000 per year would be required in the first two years as the certification process is phased in. This amount includes approximately \$23,000 in salaries and fringe benefits for an executive director (one day a week) and principal clerk (10.5 hours a week) and \$27,000 for other administrative costs. The division estimated that the examining committee's costs of implementation would climb to \$316,000 in the third year, primarily through the addition of a full time data entry clerk and payment for legal, enforcement and other services. The Office of Legislative Services (OLS) concurs with the division's estimate of the full operational cost of this certification program. However, OLS observes that two years appears to be an inordinately long startup period for this program, particularly considering that this bill's delayed effective date allows an additional six months for preparation.

Consequently, OLS estimates that this program should be operational in the second year after the bill's effective date. Based on the division's projection of 3,000 certified therapists, OLS estimates that a biennial certification and certification renewal fee of approximately \$210 will be required to defray program costs in the second year and beyond. Fees received as the program is phased-in should be adequate to cover the examining committee's startup costs in the first year.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[Second Reprint]

ASSEMBLY, No. 843

STATE OF NEW JERSEY

208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

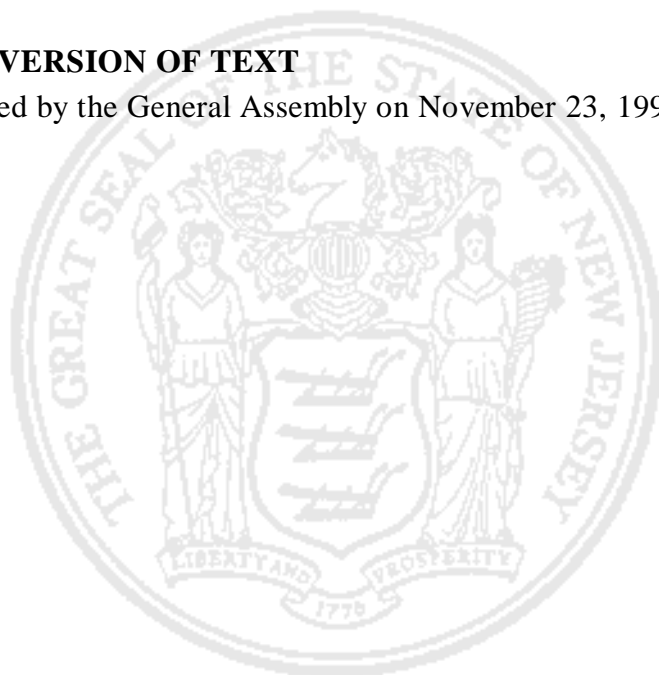
Senators Sinagra and Lynch

SYNOPSIS

"Massage, Bodywork and Somatic Therapist Certification Act."

CURRENT VERSION OF TEXT

As amended by the General Assembly on November 23, 1998.



(Sponsorship Updated As Of: 12/18/1998)

1 AN ACT providing for the ²[licensing] certification² of massage,
2 bodywork and somatic therapists and supplementing P.L.1947,
3 c.262 (C.45:11-23 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. This act shall be known and may be cited as the "Massage,
9 Bodywork and Somatic Therapist ²[Licensing] Certification² Act."
10

11 2. The Legislature finds and declares that:

12 a. the public interest requires the ²[regulation of the practice of
13 massage, bodywork and somatic therapies and the]² establishment of
14 clear ²[licensure] certification² standards for massage, bodywork and
15 somatic therapists;

16 b. the health and welfare of the citizens of this State will be
17 protected by identifying to the public those individuals who are
18 ²[best]² qualified to ²[practice massage, bodywork and somatic
19 therapies] call themselves massage, bodywork and somatic therapists²;
20 and

21 c. the regulation of massage, bodywork and somatic therapists will
22 benefit the public by encouraging it to take advantage of massage,
23 bodywork and somatic therapies as a viable complement to traditional
24 medicine.
25

26 3. As used in this act:

27 "Board" means the New Jersey Board of Nursing.

28 "Committee" means the Massage, Bodywork and Somatic Therapy
29 Examining Committee established pursuant to section ²[5] 4² of this
30 act.

31 "Licensee" means any person who holds a ²[license to practice
32 massage, bodywork and somatic therapies] certification² pursuant to
33 the provisions of this act.

34 "Massage, bodywork and somatic therapist" means a person
35 ²[licensed to practice massage, bodywork and somatic therapies]
36 certified² pursuant to the provisions of this act.

37 "Massage, bodywork and somatic therapies" or "massage,
38 bodywork and somatic" means systems of activity of structured touch
39 which include, but are not limited to, holding, applying pressure,
40 positioning and mobilizing soft tissue of the body by manual technique

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted October 15, 1998.

² Assembly floor amendments adopted November 23, 1998.

1 and use of visual, kinesthetic, auditory and palpating skills to assess
2 the body for purposes of applying therapeutic massage, bodywork or
3 somatic principles. Such application may include, but is not limited to,
4 the use of therapies such as heliotherapy or hydrotherapy, the use of
5 moist hot and cold external applications, external application of herbal
6 or topical preparations not classified as prescription drugs,
7 ¹~~movement and neural~~ explaining and describing¹ myofascial
8 ¹~~education~~ movement¹, ¹~~and education in~~¹ self-care and stress
9 management ¹as it relates to massage, bodywork and somatic
10 therapies¹. Massage, bodywork and somatic therapy practices are
11 designed to affect the energetic system of the body for the purpose of
12 promoting and maintaining the health and well-being of the client.
13 Massage, bodywork and somatic therapies do not include the diagnosis
14 or treatment of illness, disease, impairment or disability.

15

16 ²~~4.~~ Nothing in this act shall be construed to prohibit any person
17 licensed to practice in this State under any other law from engaging in
18 the practice for which he is licensed or to prohibit any student enrolled
19 in a program of massage, bodywork and somatic therapies recognized
20 by the committee from performing massage, bodywork and somatic
21 therapies which is necessary to his course of study.]²

22

23 ²~~5.] 4.~~² a. There is created within the Division of Consumer
24 Affairs in the Department of Law and Public Safety, under the New
25 Jersey Board of Nursing, a Massage, Bodywork and Somatic Therapy
26 Examining Committee. The committee shall consist of six members
27 who are residents of the State and are ²~~licensed~~ certified² massage,
28 bodywork and somatic therapists who have been actively engaged in
29 the practice of massage, bodywork and somatic therapies in this State
30 for at least five years immediately preceding their appointment, except
31 that the committee shall not have at any one time more than two
32 members who practice a particular method and manner of treatment of
33 massage, bodywork and somatic therapies.

34 b. For a period of one year after the effective date of this act and
35 notwithstanding any other provisions of this act to the contrary, the
36 first six massage, bodywork and somatic therapists appointed as
37 members of the committee shall not be required, at the time of their
38 first appointment, to be ²~~licensed~~ certified² to practice massage,
39 bodywork and somatic therapies.

40 c. The Governor shall appoint each committee member with the
41 advice and consent of the Senate. The Governor shall appoint each
42 member for a term of three years, except that of the members first
43 appointed, two shall serve for terms of three years, two shall serve for
44 terms of two years and two shall serve for a term of one year. Each
45 member shall hold office until his successor has been qualified. Any
46 vacancy in the membership of the committee shall be filled for the

1 unexpired term in the manner provided for the original appointment.
2 No member of the committee may serve more than two successive
3 terms in addition to any unexpired term to which he has been
4 appointed.

5
6 ²[6.] 5.² The members of the committee shall serve without
7 compensation. Members shall be reimbursed by the State Treasurer
8 for their actual expenses arising out of their service on the committee.
9 All reimbursements shall be paid from the revenues of the board.

10
11 ²[7.] 6.² The committee shall annually elect from among its
12 members a chairman and a vice-chairman and may appoint a secretary,
13 who need not be a member of the committee. The committee shall
14 meet at least twice per year and may hold additional meetings as
15 necessary to discharge its duties.

16
17 ²[8.] 7.² The committee shall:

18 a. Review the qualifications of applicants for ²[licensure]
19 certification²;

20 b. Insure the proper conduct and standards of examinations;

21 c. Issue and renew ²[licenses] certificates of certification² to
22 massage, bodywork and somatic therapists pursuant to this act;

23 d. Suspend, revoke or fail to renew the ²[license] certificate of
24 certification² of a massage, bodywork and somatic therapist pursuant
25 to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

26 e. Establish any standards for the continuing education of licensees
27 as it deems necessary;

28 f. Prescribe or change the charges for examinations, ²[licensures]
29 certifications², renewals and other services performed pursuant to
30 P.L.1974, c.46 (C.45:1-3.1 et seq.); and

31 g. Maintain a record of every massage, bodywork and somatic
32 therapist ²[licensed] certified² in this State, and the date and number
33 of his ²[license] certificate of certification², and publish a list of the
34 names and addresses of all licensees annually.

35
36 ²[9.] 8.² To be eligible for ²[licensure] certification² as a
37 massage, bodywork and somatic therapist, an applicant shall ¹be of
38 good moral character and¹ submit to the committee satisfactory
39 evidence of:

40 a. Successful completion of a minimum of 500 hours in class study
41 in the field of massage, bodywork and somatic therapies ¹approved by
42 the committee¹; or

43 b. Successful completion of the written examination offered by The
44 National Certification Board for Therapeutic Massage and Bodywork
45 or a substantially equivalent examination approved by the committee

1 to determine the applicant's competence to ²[practice massage,
2 bodywork and somatic therapies] call himself a massage, bodywork
3 and somatic therapist². The successful completion of any such
4 examination may have been accomplished before the effective date of
5 this act.

6
7 ²[10.] 9.² For 720 days after the date procedures are established
8 by the committee for applying for ²[licensure] certification² under
9 section ²[9] 8² of this act, any person who engaged in the full-time
10 practice, as determined by the committee, of massage, bodywork and
11 somatic therapies for two years preceding the enactment date of this
12 act, or ¹[any person who engaged]¹ in the part-time practice, as
13 determined by the committee, of massage, bodywork and somatic
14 therapies for five years preceding the enactment date of this act, ¹[or
15 any person who] and¹ has successfully completed ¹[1,000 hours in the
16 practice of massage, bodywork and somatic therapies with]¹ a
17 minimum ¹[completion]¹ of 200 hours of education or training in
18 massage, bodywork and somatic therapies as determined by the
19 committee, may acquire a ²[license to practice massage, bodywork
20 and somatic therapies] certificate of certification² without satisfying
21 ¹either¹ the ¹[requirements] education or examination requirement¹
22 of section ²[9] 8² of this act.

23
24 ²[11.] 10.² A fee to be determined by the committee shall
25 accompany each application for ²[licensure] certification².
26 ²[Licenses] Certificates of certification² shall expire biennially and
27 may be renewed upon submission of a renewal application provided by
28 the board and payment of a fee. If the renewal fee is not paid by that
29 date, the ²[license] certificate of certification² shall automatically
30 expire, but may be renewed within two years of its expiration date on
31 payment to the board of a sum determined by the committee for each
32 year or part thereof during which the ²[license] certificate of
33 certification² was expired and an additional restoration fee. After a
34 two-year period, a ²[license] certificate of certification² may only be
35 renewed by complying with the provisions of this act regarding initial
36 ²[licensure] certification².

37
38 ²[12.] 11.² The committee shall issue a ²[license] certificate of
39 certification² to each applicant for ²[licensure] certification² as a
40 massage, bodywork and somatic therapist who qualifies pursuant to
41 this act and any rules and regulations promulgated by the board and
42 who is not disqualified for ²[licensure] certification² pursuant to the
43 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

1 ²[13.] 12.² Upon payment to the board of a fee and the submission
2 of a written application on forms provided by it, the committee shall
3 issue without examination a ²[license] certificate of certification² to
4 a massage, bodywork and somatic therapist who holds a valid license
5 or certification issued by another state or possession of the United
6 States or the District of Columbia which has education and experience
7 requirements substantially equivalent to the requirements of this act;
8 provided, however, that the applicant has not previously failed any
9 examination referred to in section ²[9] 8² of this act that is approved
10 by the committee, in which case ²[licensing] the granting of
11 certification² shall be at the discretion of the committee.
12

13 ²[14.] 13.² Nothing in this act shall be construed to prohibit any
14 person from rendering massage, bodywork and somatic therapy
15 services, provided that person shall not be identified by the titles
16 "massage, bodywork and somatic therapist," "registered massage,
17 bodywork and somatic therapist," ²["licensed massage, bodywork and
18 somatic therapist,"] "certified massage, bodywork and somatic
19 therapist," "certified massage therapist,"² or the abbreviations "MBT,"
20 "RMBT," ²["LMBT," "LOBT," "LMT"] "CMBT," "COBT," "CMT"²
21 unless ²[licensed to practice massage, bodywork and somatic
22 therapies] certified² under the provisions of this act.
23

24 ²[15.] 14.² Any person who holds a ²[license] certificate of
25 certification² as a massage, bodywork and somatic therapist pursuant
26 to this act may use the title "massage, bodywork and somatic
27 therapist" or ²["licensed massage, bodywork and somatic therapist,"]
28 "certified massage, bodywork and somatic therapist"² or the
29 abbreviations "MBT," ²["LMBT," "LOBT" or "LMT."] "CMBT,"
30 "COBT," or "CMT."² Every holder of a ²[license] certificate of
31 certification² shall display it in a conspicuous place in his principal
32 office, place of business or employment.
33

34 ²[16.] 15.² The board, after consultation with the committee, shall
35 adopt rules and regulations pursuant to the "Administrative Procedure
36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate
37 the purposes of this act.
38

39 ²[17.] 16.² This act shall take effect on the 180th day after
40 enactment.

SENATE, No. 1047

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MAY 14, 1998

Sponsored by:

Senator JACK SINAGRA

District 18 (Middlesex)

Senator JOHN A. LYNCH

District 17 (Middlesex, Somerset and Union)

SYNOPSIS

"Massage, Bodywork and Somatic Therapist Licensing Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for the licensing of massage, bodywork and somatic
2 therapists and supplementing P.L.1947, c.262 (C.45:11-23 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Massage,
8 Bodywork and Somatic Therapist Licensing Act."

9
10 2. The Legislature finds and declares that:

11 a. the public interest requires the regulation of the practice of
12 massage, bodywork and somatic therapies and the establishment of
13 clear licensure standards for massage, bodywork and somatic
14 therapists;

15 b. the health and welfare of the citizens of this State will be
16 protected by identifying to the public those individuals who are best
17 qualified to practice massage, bodywork and somatic therapies; and

18 c. the regulation of massage, bodywork and somatic therapists will
19 benefit the public by encouraging it to take advantage of massage,
20 bodywork and somatic therapies as a viable complement to traditional
21 medicine.

22
23 3. As used in this act:

24 "Board" means the New Jersey Board of Nursing.

25 "Committee" means the Massage, Bodywork and Somatic Therapy
26 Examining Committee established pursuant to section 5 of this act.

27 "Licensee" means any person who holds a license to practice
28 massage, bodywork and somatic therapies pursuant to the provisions
29 of this act.

30 "Massage, bodywork and somatic therapist" means a person
31 licensed to practice massage, bodywork and somatic therapies
32 pursuant to the provisions of this act.

33 "Massage, bodywork and somatic therapies" or "massage,
34 bodywork and somatic" means systems of activity of structured touch
35 which include, but are not limited to, holding, applying pressure,
36 positioning and mobilizing soft tissue of the body by manual technique
37 and use of visual, kinesthetic, auditory and palpating skills to assess
38 the body for purposes of applying therapeutic massage, bodywork or
39 somatic principles. Such application may include, but is not limited to,
40 the use of therapies such as heliotherapy or hydrotherapy, the use of
41 moist hot and cold external applications, external application of herbal
42 or topical preparations not classified as prescription drugs, movement
43 and neural myofascial education, and education in self-care and stress
44 management. Massage, bodywork and somatic therapy practices are
45 designed to affect the energetic system of the body for the purpose of
46 promoting and maintaining the health and well-being of the client.

1 Massage, bodywork and somatic therapies do not include the diagnosis
2 or treatment of illness, disease, impairment or disability.

3

4 4. Nothing in this act shall be construed to prohibit any person
5 licensed to practice in this State under any other law from engaging in
6 the practice for which he is licensed or to prohibit any student enrolled
7 in a program of massage, bodywork and somatic therapies recognized
8 by the committee from performing massage, bodywork and somatic
9 therapies which is necessary to his course of study.

10

11 5. a. There is created within the Division of Consumer Affairs in
12 the Department of Law and Public Safety, under the New Jersey Board
13 of Nursing, a Massage, Bodywork and Somatic Therapy Examining
14 Committee. The committee shall consist of six members who are
15 residents of the State and are licensed massage, bodywork and somatic
16 therapists who have been actively engaged in the practice of massage,
17 bodywork and somatic therapies in this State for at least five years
18 immediately preceding their appointment, except that the committee
19 shall not have at any one time more than two members who practice
20 a particular method and manner of treatment of massage, bodywork
21 and somatic therapies.

22 b. For a period of one year after the effective date of this act and
23 notwithstanding any other provisions of this act to the contrary, the
24 first six massage, bodywork and somatic therapists appointed as
25 members of the committee shall not be required, at the time of their
26 first appointment, to be licensed to practice massage, bodywork and
27 somatic therapies.

28 c. The Governor shall appoint each committee member with the
29 advice and consent of the Senate. The Governor shall appoint each
30 member for a term of three years, except that of the members first
31 appointed, two shall serve for terms of three years, two shall serve for
32 terms of two years and two shall serve for a term of one year. Each
33 member shall hold office until his successor has been qualified. Any
34 vacancy in the membership of the committee shall be filled for the
35 unexpired term in the manner provided for the original appointment.
36 No member of the committee may serve more than two successive
37 terms in addition to any unexpired term to which he has been
38 appointed.

39

40 6. The members of the committee shall serve without
41 compensation. Members shall be reimbursed by the State Treasurer
42 for their actual expenses arising out of their service on the committee.
43 All reimbursements shall be paid from the revenues of the board.

44

45 7. The committee shall annually elect from among its members a
46 chairman and a vice-chairman and may appoint a secretary, who need

1 not be a member of the committee. The committee shall meet at least
2 twice per year and may hold additional meetings as necessary to
3 discharge its duties.

4
5 8. The committee shall:

6 a. Review the qualifications of applicants for licensure;

7 b. Insure the proper conduct and standards of examinations;

8 c. Issue and renew licenses to massage, bodywork and somatic
9 therapists pursuant to this act;

10 d. Suspend, revoke or fail to renew the license of a massage,
11 bodywork and somatic therapist pursuant to the provisions of
12 P.L.1978, c.73 (C.45:1-14 et seq.);

13 e. Establish any standards for the continuing education of licensees
14 as it deems necessary;

15 f. Prescribe or change the charges for examinations, licensures,
16 renewals and other services performed pursuant to P.L.1974, c.46
17 (C.45:1-3.1 et seq.); and

18 g. Maintain a record of every massage, bodywork and somatic
19 therapist licensed in this State, and the date and number of his license,
20 and publish a list of the names and addresses of all licensees annually.

21
22 9. To be eligible for licensure as a massage, bodywork and somatic
23 therapist, an applicant shall submit to the committee satisfactory
24 evidence of:

25 a. Successful completion of a minimum of 500 hours in class study
26 in the field of massage, bodywork and somatic therapies; or

27 b. Successful completion of the written examination offered by The
28 National Certification Board for Therapeutic Massage and Bodywork
29 or a substantially equivalent examination approved by the committee
30 to determine the applicant's competence to practice massage,
31 bodywork and somatic therapies. The successful completion of any
32 such examination may have been accomplished before the effective
33 date of this act.

34
35 10. For 720 days after the date procedures are established by the
36 committee for applying for licensure under section 9 of this act, any
37 person who engaged in the full-time practice, as determined by the
38 committee, of massage, bodywork and somatic therapies for two years
39 preceding the enactment date of this act, or any person who engaged
40 in the part-time practice, as determined by the committee, of massage,
41 bodywork and somatic therapies for five years preceding the
42 enactment date of this act, or any person who has successfully
43 completed 1,000 hours in the practice of massage, bodywork and
44 somatic therapies with a minimum completion of 200 hours of
45 education or training in massage, bodywork and somatic therapies as
46 determined by the committee, may acquire a license to practice

1 massage, bodywork and somatic therapies without satisfying the
2 requirements of section 9 of this act.

3

4 11. A fee to be determined by the committee shall accompany each
5 application for licensure. Licenses shall expire biennially and may be
6 renewed upon submission of a renewal application provided by the
7 board and payment of a fee. If the renewal fee is not paid by that date,
8 the license shall automatically expire, but may be renewed within two
9 years of its expiration date on payment to the board of a sum
10 determined by the committee for each year or part thereof during
11 which the license was expired and an additional restoration fee. After
12 a two-year period, a license may only be renewed by complying with
13 the provisions of this act regarding initial licensure.

14

15 12. The committee shall issue a license to each applicant for
16 licensure as a massage, bodywork and somatic therapist who qualifies
17 pursuant to this act and any rules and regulations promulgated by the
18 board and who is not disqualified for licensure pursuant to the
19 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

20

21 13. Upon payment to the board of a fee and the submission of a
22 written application on forms provided by it, the committee shall issue
23 without examination a license to a massage, bodywork and somatic
24 therapist who holds a valid license or certification issued by another
25 state or possession of the United States or the District of Columbia
26 which has education and experience requirements substantially
27 equivalent to the requirements of this act; provided, however, that the
28 applicant has not previously failed any examination referred to in
29 section 9 of this act that is approved by the committee, in which case
30 licensing shall be at the discretion of the committee.

31

32 14. Nothing in this act shall be construed to prohibit any person
33 from rendering massage, bodywork and somatic therapy services,
34 provided that person shall not be identified by the titles "massage,
35 bodywork and somatic therapist," "registered massage, bodywork and
36 somatic therapist," "licensed massage, bodywork and somatic
37 therapist," or the abbreviations "MBT," "RMBT," "LMBT," "LOBT,"
38 "LMT" unless licensed to practice massage, bodywork and somatic
39 therapies under the provisions of this act.

40

41 15. Any person who holds a license as a massage, bodywork and
42 somatic therapist pursuant to this act may use the title "massage,
43 bodywork and somatic therapist" or "licensed massage, bodywork and
44 somatic therapist," or the abbreviations "MBT," "LMBT," "LOBT" or
45 "LMT." Every holder of a license shall display it in a conspicuous
46 place in his principal office, place of business or employment.

S1047 SINAGRA, LYNCH

7

1 competence to practice massage, bodywork and somatic therapies.
2 The successful completion of any such examination may have been
3 accomplished before the effective date of this bill.

4 As provided in the bill, nothing in this act shall be construed to
5 prohibit any person from rendering massage, bodywork and somatic
6 therapy services, provided that person shall not be identified by the
7 titles "massage, bodywork and somatic therapist," "registered massage,
8 bodywork and somatic therapist," "licensed massage, bodywork and
9 somatic therapist," or the abbreviations "MBT," "RMBT," "LMBT,"
10 "LOBT" or "LMT" unless licensed to practice massage, bodywork and
11 somatic therapy under the provisions of the bill.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1047

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1047.

As amended, this bill, to be known as the "Massage, Bodywork and Somatic Therapist Licensing Act," provides for the licensure of massage, bodywork and somatic therapists and establishes a Massage, Bodywork and Somatic Therapy Examining Committee under the New Jersey Board of Nursing. The committee shall consist of six residents of this State who shall be appointed by the Governor with the advice and consent of the Senate. The six committee members shall be licensed massage, bodywork and somatic therapists who have been actively engaged in the practice of massage, bodywork and somatic therapies in the State for at least five years immediately preceding their appointment, except that the committee shall not have at any one time more than two members who practice a particular method and manner of treatment of massage, bodywork and somatic therapies.

The bill provides for the regulation and licensing of massage, bodywork and somatic therapists, and establishes requirements and standards for licensure. The bill defines massage, bodywork and somatic therapies as systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork and somatic therapies. Massage, bodywork and somatic therapy practices are designed to affect the energetic system of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

The bill also provides that to be eligible for licensure as a massage, bodywork and somatic therapist, an applicant shall be of good moral character and submit to the committee satisfactory evidence of successful completion of a minimum of 500 hours in class study in the field of massage, bodywork and somatic therapies approved by the committee or successful completion of the written examination offered by The National Certification Board for Therapeutic Massage and Bodywork, or a substantially equivalent examination approved by the committee, to determine the applicant's competence to practice massage, bodywork and somatic therapies. The successful completion of any such examination may have been accomplished before the effective date of this bill.

For two years after the procedures are established for applying for licensure under the bill, a person who engaged in the full-time practice of massage, bodywork and somatic therapies for two years preceding the enactment date of this bill, or in the part-time practice of massage, bodywork and somatic therapies for five years preceding the enactment date of this bill, and has successfully completed a minimum of 200 hours of education or training in massage, bodywork and somatic therapies, may acquire a license to practice massage, bodywork and somatic therapies without satisfying either the education or examination requirement of the bill.

The bill requires the committee to issue a license to a person who applies and holds a valid massage, bodywork and somatic therapist license or certification issued by another state which has education and experience requirements substantially equivalent to the requirements of this bill.

As provided in the bill, nothing in this bill shall be construed to prohibit any person from rendering massage, bodywork and somatic therapy services, provided that person shall not be identified by the titles "massage, bodywork and somatic therapist," "registered massage, bodywork and somatic therapist," "licensed massage, bodywork and somatic therapist," or the abbreviations "MBT," "RMBT," "LMBT," "LOBT" or "LMT" unless licensed to practice massage, bodywork and somatic therapies under the provisions of the bill.

STATEMENT TO

[First Reprint]

SENATE, No. 1047

with Senate Floor Amendments
(Proposed By Senator SINAGRA)

ADOPTED: DECEMBER 10, 1998

These amendments provide for certification of massage, bodywork and somatic therapists rather than for the licensing of massage, bodywork and somatic therapists. In addition, the amendments specify the titles and abbreviations that only persons certified in accordance with the provisions of the bill may call themselves.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1047

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 11, 1999

Senate Bill No. 1047 (2R) of 1998 creates a Massage, Bodywork and Somatic Therapy Examining Committee under the New Jersey Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety. The six-member committee would be appointed by the Governor and be responsible for the certification of practitioners of massage, bodywork and somatic therapies. These therapies are defined by the bill as systems of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing the soft tissue of the body.

Specific duties of the committee include reviewing the qualifications of applicants for certification, overseeing the conduct of examinations, establishing standards for continuing education of therapists, and maintaining a roster of licensees. Candidates for certification would be required by the bill to have completed 500 hours of class study in a relevant therapy or an approved apprenticeship program or to pass a written examination. The bill further provides that its provisions shall not be construed to prohibit a person from rendering massage, bodywork or somatic therapy services, provided that person does not identify himself as a certified or registered therapist.

The bill provides for the issuance of biennial certificates of certification and for the payment of certification application and renewal fees. Although the bill does not specify the amount of these fees, existing State law would allow the committee, as a component of the New Jersey Board of Nursing, to establish these fees at an amount sufficient to defray its proper expenses. The bill would take effect six months after its enactment.

The Division of Consumer Affairs informally estimated, in connection with a similar version of this bill introduced in the prior legislative session, that approximately 3,000 therapists would be certified under the bill, based on information provided by the National Certification Board of Therapeutic Massage and Bodywork. Based on

experience with implementing similar programs, the division estimated that the program created by that bill would not become operational until the third year after enactment. The division estimated that approximately \$50,000 per year would be required in the first two years as the certification process is phased in. This amount includes approximately \$23,000 in salaries and fringe benefits for an executive director (one day a week) and principal clerk (10.5 hours a week) and \$27,000 for other administrative costs. The division estimated that the examining committee's costs of implementation would climb to \$316,000 in the third year, primarily through the addition of a full time data entry clerk and payment for legal, enforcement and other services. The Office of Legislative Services (OLS) concurs with the division's estimate of the full operational cost of this certification program. However, OLS observes that two years appears to be an inordinately long startup period for this program, particularly considering that this bill's delayed effective date allows an additional six months for preparation.

Consequently, OLS estimates that this program should be operational in the second year after the bill's effective date. Based on the division's projection of 3,000 certified therapists, OLS estimates that a biennial certification and certification renewal fee of approximately \$210 will be required to defray program costs in the second year and beyond. Fees received as the program is phased-in should be adequate to cover the examining committee's startup costs in the first year.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[Second Reprint]

SENATE, No. 1047

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MAY 14, 1998

Sponsored by:

Senator JACK SINAGRA

District 18 (Middlesex)

Senator JOHN A. LYNCH

District 17 (Middlesex, Somerset and Union)

SYNOPSIS

"Massage, Bodywork and Somatic Therapist Certification Act."

CURRENT VERSION OF TEXT

As amended by the Senate on December 10, 1998.



1 AN ACT providing for the ²[licensing] certification² of massage,
2 bodywork and somatic therapists and supplementing P.L.1947,
3 c.262 (C.45:11-23 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. This act shall be known and may be cited as the "Massage,
9 Bodywork and Somatic Therapist ²[Licensing] Certification² Act."
10

11 2. The Legislature finds and declares that:

12 a. the public interest requires the ²[regulation of the practice of
13 massage, bodywork and somatic therapies and the]² establishment of
14 clear ²[licensure] certification² standards for massage, bodywork and
15 somatic therapists;

16 b. the health and welfare of the citizens of this State will be
17 protected by identifying to the public those individuals who are
18 ²[best]² qualified to ²[practice massage, bodywork and somatic
19 therapies] call themselves massage, bodywork and somatic therapists²;
20 and

21 c. the regulation of massage, bodywork and somatic therapists will
22 benefit the public by encouraging it to take advantage of massage,
23 bodywork and somatic therapies as a viable complement to traditional
24 medicine.
25

26 3. As used in this act:

27 "Board" means the New Jersey Board of Nursing.

28 "Committee" means the Massage, Bodywork and Somatic Therapy
29 Examining Committee established pursuant to section ²[5] 4² of this
30 act.

31 "Licensee" means any person who holds a ²[license to practice
32 massage, bodywork and somatic therapies] certification² pursuant to
33 the provisions of this act.

34 "Massage, bodywork and somatic therapist" means a person
35 ²[licensed to practice massage, bodywork and somatic therapies]
36 certified² pursuant to the provisions of this act.

37 "Massage, bodywork and somatic therapies" or "massage,
38 bodywork and somatic" means systems of activity of structured touch
39 which include, but are not limited to, holding, applying pressure,
40 positioning and mobilizing soft tissue of the body by manual technique

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted June 15, 1998.

² Senate floor amendments adopted December 10, 1998.

1 and use of visual, kinesthetic, auditory and palpating skills to assess
2 the body for purposes of applying therapeutic massage, bodywork or
3 somatic principles. Such application may include, but is not limited to,
4 the use of therapies such as heliotherapy or hydrotherapy, the use of
5 moist hot and cold external applications, external application of herbal
6 or topical preparations not classified as prescription drugs,
7 ¹~~movement and neural~~ explaining and describing ¹ myofascial
8 ¹~~education~~ movement¹, ¹~~and education in~~ ¹ self-care and stress
9 management ¹as it relates to massage, bodywork and somatic
10 therapies¹. Massage, bodywork and somatic therapy practices are
11 designed to affect the energetic system of the body for the purpose of
12 promoting and maintaining the health and well-being of the client.
13 Massage, bodywork and somatic therapies do not include the diagnosis
14 or treatment of illness, disease, impairment or disability.

15

16 ²~~4.~~ Nothing in this act shall be construed to prohibit any person
17 licensed to practice in this State under any other law from engaging in
18 the practice for which he is licensed or to prohibit any student enrolled
19 in a program of massage, bodywork and somatic therapies recognized
20 by the committee from performing massage, bodywork and somatic
21 therapies which is necessary to his course of study. ²

22

23 ²~~5.] 4.~~² a. There is created within the Division of Consumer
24 Affairs in the Department of Law and Public Safety, under the New
25 Jersey Board of Nursing, a Massage, Bodywork and Somatic Therapy
26 Examining Committee. The committee shall consist of six members
27 who are residents of the State and are ²~~licensed~~ certified² massage,
28 bodywork and somatic therapists who have been actively engaged in
29 the practice of massage, bodywork and somatic therapies in this State
30 for at least five years immediately preceding their appointment, except
31 that the committee shall not have at any one time more than two
32 members who practice a particular method and manner of treatment of
33 massage, bodywork and somatic therapies.

34 b. For a period of one year after the effective date of this act and
35 notwithstanding any other provisions of this act to the contrary, the
36 first six massage, bodywork and somatic therapists appointed as
37 members of the committee shall not be required, at the time of their
38 first appointment, to be ²~~licensed~~ certified² to practice massage,
39 bodywork and somatic therapies.

40 c. The Governor shall appoint each committee member with the
41 advice and consent of the Senate. The Governor shall appoint each
42 member for a term of three years, except that of the members first
43 appointed, two shall serve for terms of three years, two shall serve for
44 terms of two years and two shall serve for a term of one year. Each
45 member shall hold office until his successor has been qualified. Any
46 vacancy in the membership of the committee shall be filled for the

1 unexpired term in the manner provided for the original appointment.
2 No member of the committee may serve more than two successive
3 terms in addition to any unexpired term to which he has been
4 appointed.

5
6 ²[6.] 5.² The members of the committee shall serve without
7 compensation. Members shall be reimbursed by the State Treasurer
8 for their actual expenses arising out of their service on the committee.
9 All reimbursements shall be paid from the revenues of the board.

10
11 ²[7.] 6.² The committee shall annually elect from among its
12 members a chairman and a vice-chairman and may appoint a secretary,
13 who need not be a member of the committee. The committee shall
14 meet at least twice per year and may hold additional meetings as
15 necessary to discharge its duties.

16
17 ²[8.] 7.² The committee shall:

18 a. Review the qualifications of applicants for ²[licensure]
19 certification²;

20 b. Insure the proper conduct and standards of examinations;

21 c. Issue and renew ²[licenses] certificates of certification² to
22 massage, bodywork and somatic therapists pursuant to this act;

23 d. Suspend, revoke or fail to renew the ²[license] certificate of
24 certification² of a massage, bodywork and somatic therapist pursuant
25 to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

26 e. Establish any standards for the continuing education of licensees
27 as it deems necessary;

28 f. Prescribe or change the charges for examinations, ²[licensures]
29 certifications², renewals and other services performed pursuant to
30 P.L.1974, c.46 (C.45:1-3.1 et seq.); and

31 g. Maintain a record of every massage, bodywork and somatic
32 therapist ²[licensed] certified² in this State, and the date and number
33 of his ²[license] certificate of certification², and publish a list of the
34 names and addresses of all licensees annually.

35
36 ²[9.] 8.² To be eligible for ²[licensure] certification² as a
37 massage, bodywork and somatic therapist, an applicant shall ¹be of
38 good moral character and¹ submit to the committee satisfactory
39 evidence of:

40 a. Successful completion of a minimum of 500 hours in class study
41 in the field of massage, bodywork and somatic therapies ¹approved by
42 the committee¹; or

43 b. Successful completion of the written examination offered by The
44 National Certification Board for Therapeutic Massage and Bodywork
45 or a substantially equivalent examination approved by the committee

1 to determine the applicant's competence to ²[practice massage,
2 bodywork and somatic therapies] call himself a massage, bodywork
3 and somatic therapist². The successful completion of any such
4 examination may have been accomplished before the effective date of
5 this act.

6
7 ²[10.] 9.² For 720 days after the date procedures are established
8 by the committee for applying for ²[licensure] certification² under
9 section ²[9] 8² of this act, any person who engaged in the full-time
10 practice, as determined by the committee, of massage, bodywork and
11 somatic therapies for two years preceding the enactment date of this
12 act, or ¹[any person who engaged]¹ in the part-time practice, as
13 determined by the committee, of massage, bodywork and somatic
14 therapies for five years preceding the enactment date of this act, ¹[or
15 any person who] and¹ has successfully completed ¹[1,000 hours in the
16 practice of massage, bodywork and somatic therapies with]¹ a
17 minimum ¹[completion]¹ of 200 hours of education or training in
18 massage, bodywork and somatic therapies as determined by the
19 committee, may acquire a ²[license to practice massage, bodywork
20 and somatic therapies] certificate of certification² without satisfying
21 ¹either¹ the ¹[requirements] education or examination requirement¹
22 of section ²[9] 8² of this act.

23
24 ²[11.] 10.² A fee to be determined by the committee shall
25 accompany each application for ²[licensure] certification².
26 ²[Licenses] Certificates of certification² shall expire biennially and
27 may be renewed upon submission of a renewal application provided by
28 the board and payment of a fee. If the renewal fee is not paid by that
29 date, the ²[license] certificate of certification² shall automatically
30 expire, but may be renewed within two years of its expiration date on
31 payment to the board of a sum determined by the committee for each
32 year or part thereof during which the ²[license] certificate of
33 certification² was expired and an additional restoration fee. After a
34 two-year period, a ²[license] certificate of certification² may only be
35 renewed by complying with the provisions of this act regarding initial
36 ²[licensure] certification².

37
38 ²[12.] 11.² The committee shall issue a ²[license] certificate of
39 certification² to each applicant for ²[licensure] certification² as a
40 massage, bodywork and somatic therapist who qualifies pursuant to
41 this act and any rules and regulations promulgated by the board and
42 who is not disqualified for ²[licensure] certification² pursuant to the
43 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

1 ²[13.] 12.² Upon payment to the board of a fee and the submission
2 of a written application on forms provided by it, the committee shall
3 issue without examination a ²[license] certificate of certification² to
4 a massage, bodywork and somatic therapist who holds a valid license
5 or certification issued by another state or possession of the United
6 States or the District of Columbia which has education and experience
7 requirements substantially equivalent to the requirements of this act;
8 provided, however, that the applicant has not previously failed any
9 examination referred to in section ²[9] 8² of this act that is approved
10 by the committee, in which case ²[licensing] the granting of
11 certification² shall be at the discretion of the committee.

12
13 ²[14.] 13.² Nothing in this act shall be construed to prohibit any
14 person from rendering massage, bodywork and somatic therapy
15 services, provided that person shall not be identified by the titles
16 "massage, bodywork and somatic therapist," "registered massage,
17 bodywork and somatic therapist," ²["licensed massage, bodywork and
18 somatic therapist,"] "certified massage, bodywork and somatic
19 therapist," "certified massage therapist,"² or the abbreviations "MBT,"
20 "RMBT," ²["LMBT," "LOBT," "LMT"] "CMBT," "COBT," "CMT"²
21 unless ²[licensed to practice massage, bodywork and somatic
22 therapies] certified² under the provisions of this act.

23
24 ²[15.] 14.² Any person who holds a ²[license] certificate of
25 certification² as a massage, bodywork and somatic therapist pursuant
26 to this act may use the title "massage, bodywork and somatic
27 therapist" or ²["licensed massage, bodywork and somatic therapist,"]
28 "certified massage, bodywork and somatic therapist"² or the
29 abbreviations "MBT," ²["LMBT," "LOBT" or "LMT."] "CMBT,"
30 "COBT," or "CMT."² Every holder of a ²[license] certificate of
31 certification² shall display it in a conspicuous place in his principal
32 office, place of business or employment.

33
34 ²[16.] 15.² The board, after consultation with the committee, shall
35 adopt rules and regulations pursuant to the "Administrative Procedure
36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate
37 the purposes of this act.

38
39 ²[17.] 16.² This act shall take effect on the 180th day after
40 enactment.

SENATE, No. 533

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator JACK SINAGRA

District 18 (Middlesex)

Senator JOHN A. LYNCH

District 17 (Middlesex, Somerset and Union)

SYNOPSIS

"Massage, Bodywork and Somatic Therapist Licensing Act."

CURRENT VERSION OF TEXT

Withdrawn.



(Sponsorship Updated As Of: 2/24/1998)

1 AN ACT providing for the licensing of massage, bodywork and somatic
2 therapists and supplementing P.L.1947, c.262 (C.45:11-23 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. This act shall be known and may be cited as the "Massage,
8 Bodywork and Somatic Therapist Licensing Act."
9

10 2. The Legislature finds and declares that: the public interest
11 requires the regulation of the practice of massage, bodywork and
12 somatic therapies and the establishment of clear licensure standards for
13 massage, bodywork and somatic therapists; the health and welfare of
14 the citizens of this State will be protected by identifying to the public
15 those individuals who are best qualified to practice massage,
16 bodywork and somatic therapies; and the regulation of massage,
17 bodywork and somatic therapists will benefit the public by
18 encouraging it to take additional advantage of massage, bodywork and
19 somatic therapies as a viable complement to traditional medicine.
20

21 3. As used in this act:

22 "Board" means the New Jersey Board of Nursing.

23 "Committee" means the Massage, Bodywork and Somatic Therapy
24 Examining Committee established pursuant to section 5 of this act.

25 "Licensee" means any person who holds a license to practice
26 massage, bodywork and somatic therapies pursuant to the provisions
27 of this act.

28 "Massage, bodywork and somatic therapist" means a person
29 licensed to practice massage, bodywork and somatic therapies
30 pursuant to the provisions of this act.

31 "Massage, bodywork and somatic therapies" or "massage,
32 bodywork and somatic" means systems of activity of structured touch
33 which include, but are not limited to, holding, applying pressure,
34 positioning and mobilizing soft tissue of the body by manual technique
35 and use of visual, kinesthetic, auditory and palpating skills to assess
36 the body for purposes of applying therapeutic massage, bodywork or
37 somatic principles. Such application may include, but is not limited to,
38 the use of therapies such as heliotherapy or hydrotherapy, the use of
39 moist hot and cold external applications, external application of herbal
40 or topical preparations not classified as prescription drugs, movement
41 and neural myofascial education, and education in self-care and stress
42 management. Massage, bodywork and somatic therapy practices are
43 designed to affect the energetic system of the body for the purpose of
44 promoting and maintaining the health and well-being of the client.
45 Massage, bodywork and somatic therapies do not include the diagnosis
46 or treatment of illness, disease, impairment or disability.

1 4. Nothing in this act shall be construed to prohibit any person
2 licensed to practice in this State under any other law from engaging in
3 the practice for which he is licensed or to prohibit any student enrolled
4 in a program of massage, bodywork and somatic therapies recognized
5 by the committee from performing massage, bodywork and somatic
6 therapies which is necessary to his course of study.

7
8 5. a. There is created within the Division of Consumer Affairs in
9 the Department of Law and Public Safety, under the New Jersey Board
10 of Nursing, a Massage, Bodywork and Somatic Therapy Examining
11 Committee. The committee shall consist of six members who are
12 residents of the State and are licensed massage, bodywork and somatic
13 therapists who have been actively engaged in the practice of massage,
14 bodywork and somatic therapies in this State for at least five years
15 immediately preceding their appointment, except that the committee
16 shall not have at any one time more than two members who practice
17 a particular method and manner of treatment of massage, bodywork
18 and somatic therapies.

19 b. For a period of one year after the effective date of this act and
20 notwithstanding any other provisions of this act to the contrary, the
21 first six massage, bodywork and somatic therapists appointed as
22 members of the committee shall not be required, at the time of their
23 first appointment, to be licensed to practice massage, bodywork and
24 somatic therapies.

25 c. The Governor shall appoint each committee member with the
26 advice and consent of the Senate. The Governor shall appoint each
27 member for a term of three years, except that of the members first
28 appointed, two shall serve for terms of three years, two shall serve for
29 terms of two years and two shall serve for a term of one year. Each
30 member shall hold office until his successor has been qualified. Any
31 vacancy in the membership of the committee shall be filled for the
32 unexpired term in the manner provided for the original appointment.
33 No member of the committee may serve more than two successive
34 terms in addition to any unexpired term to which he has been
35 appointed.

36
37 6. The members of the committee shall serve without
38 compensation. Members shall be reimbursed by the State Treasurer
39 for their actual expenses arising out of their service on the committee.
40 All reimbursements shall be paid from the revenues of the board.

41
42 7. The committee shall annually elect from among its members a
43 chairman and a vice-chairman and may appoint a secretary, who need
44 not be a member of the committee. The committee shall meet at least
45 twice per year and may hold additional meetings as necessary to
46 discharge its duties.

- 1 8. The committee shall:
- 2 a. Review the qualifications of applicants for licensure;
- 3 b. Insure the proper conduct and standards of examinations;
- 4 c. Issue and renew licenses to massage, bodywork and somatic
- 5 therapists pursuant to this act;
- 6 d. Suspend, revoke or fail to renew the license of a massage,
- 7 bodywork and somatic therapist pursuant to the provisions of
- 8 P.L.1978, c.73 (C.45:1-14 et seq.);
- 9 e. Establish any standards for the continuing education of licensees
- 10 as it deems necessary;
- 11 f. Prescribe or change the charges for examinations, licensures,
- 12 renewals and other services performed pursuant to P.L.1974, c.46
- 13 (C.45:1-3.1 et seq.); and
- 14 g. Maintain a record of every massage, bodywork and somatic
- 15 therapist licensed in this State, and the date and number of his license,
- 16 and publish a list of the names and addresses of all licensees annually.
- 17
- 18 9. To be eligible for licensure as a massage, bodywork and somatic
- 19 therapist, an applicant shall submit to the committee satisfactory
- 20 evidence of:
- 21 a. Successful completion of a minimum of 500 hours in class study
- 22 in the field of massage, bodywork and somatic therapies; and
- 23 b. (1) Successful completion of the written examination offered by
- 24 The National Certification Board for Therapeutic Massage and
- 25 Bodywork or a substantially equivalent examination approved by the
- 26 committee to determine the applicant's competence to practice
- 27 massage, bodywork and somatic therapies. The successful completion
- 28 of any such examination may have been accomplished before the
- 29 effective date of this act; or
- 30 (2) Successful completion of an apprenticeship program as
- 31 approved by the committee.
- 32
- 33 10. For 720 days after the date procedures are established by the
- 34 committee for applying for licensure under section 9 of this act, any
- 35 person who engaged in the full-time practice, as determined by the
- 36 committee, of massage, bodywork and somatic therapies for two years
- 37 preceding the enactment date of this act, or any person who engaged
- 38 in the part-time practice, as determined by the committee, of massage,
- 39 bodywork and somatic therapies for five years preceding the
- 40 enactment date of this act, or any person who has completed
- 41 successfully 1,000 hours in the practice of massage, bodywork and
- 42 somatic therapies with a minimum completion of 200 hours of
- 43 education or training in massage, bodywork and somatic therapies as
- 44 determined by the committee, may acquire a license to practice
- 45 massage, bodywork and somatic therapies without satisfying the
- 46 requirements of section 9 of this act.

1 11. A fee to be determined by the committee shall accompany each
2 application for licensure. Licenses shall expire biennially and may be
3 renewed upon submission of a renewal application provided by the
4 board and payment of a fee. If the renewal fee is not paid by that date,
5 the license shall automatically expire, but may be renewed within two
6 years of its expiration date on payment to the board of a sum
7 determined by the committee for each year or part thereof during
8 which the license was expired and an additional restoration fee. After
9 a two-year period, a license may only be renewed by complying with
10 the provisions of this act regarding initial licensure.

11
12 12. The committee shall issue a license to each applicant for
13 licensure as a massage, bodywork and somatic therapist who qualifies
14 pursuant to this act and any rules and regulations promulgated by the
15 board and who is not disqualified for licensure pursuant to the
16 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

17
18 13. Upon payment to the board of a fee and the submission of a
19 written application on forms provided by it, the committee shall issue
20 without examination a license to a massage, bodywork and somatic
21 therapist who holds a valid license or certification issued by another
22 state or possession of the United States or the District of Columbia
23 which has education and experience requirements substantially
24 equivalent to the requirements of this act; provided, however, the
25 applicant has not previously failed any examination referred to in
26 section 9 of this act that is approved by the committee, in which case
27 licensing shall be at the discretion of the committee.

28
29 14. Nothing in this act shall be construed to prohibit any person
30 from rendering massage, bodywork and somatic therapy services,
31 provided that person shall not be identified by the titles "massage,
32 bodywork and somatic therapist," "registered massage, bodywork and
33 somatic therapist," "licensed massage, bodywork and somatic
34 therapist," or the abbreviations "MBT," "RMBT," "LMBT," "LOBT,"
35 "LMT" unless licensed to practice massage, bodywork and somatic
36 therapies under the provisions of this act.

37
38 15. Any person who holds a license as a massage, bodywork and
39 somatic therapist pursuant to this act may use the title "massage,
40 bodywork and somatic therapist" or "licensed massage, bodywork and
41 somatic therapist," or the abbreviations "MBT," "LMBT," "LOBT" or
42 "LMT." Every holder of a license shall display it in a conspicuous
43 place in his principal office, place of business or employment.

44
45 16. The board, after consultation with the committee, shall adopt
46 rules and regulations pursuant to the "Administrative Procedure Act,"

1 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the
2 purposes of this act.

3

4 17. (New section) This act shall take effect on the 180th day after
5 enactment.

6

7

8

STATEMENT

9

10 This bill provides for the licensure of massage, bodywork and
11 somatic therapists and establishes a Massage, Bodywork and Somatic
12 Therapy Examining Committee under the New Jersey Board of
13 Nursing. The committee shall consist of six residents of this State who
14 shall be appointed by the Governor with the advice and consent of the
15 Senate. The committee is to consist of licensed massage, bodywork
16 and somatic therapists who have been actively engaged in the practice
17 of massage, bodywork and somatic therapies in the State for at least
18 five years immediately preceding their appointment, except that the
19 committee shall not have at any one time more than two members who
20 practice a particular method and manner of treatment of massage,
21 bodywork and somatic therapies.

22 The bill provides for the regulation and licensing of massage,
23 bodywork and somatic therapists, and establishes requirements and
24 standards for licensure. The bill defines massage, bodywork and
25 somatic therapy as systems of activity of structured touch which
26 include, but are not limited to, holding, applying pressure, positioning
27 and mobilizing soft tissue of the body by manual technique and use of
28 visual, kinesthetic, auditory and palpating skills to assess the body for
29 purposes of applying therapeutic massage, bodywork or somatic
30 principles. Such application may include, but is not limited to, the use
31 of therapies such as heliotherapy or hydrotherapy, the use of moist hot
32 and cold external applications, external application of herbal or topical
33 preparations not classified as prescription drugs, movement and neural
34 myofascial education, and education in self-care and stress
35 management. Massage, bodywork and somatic therapy practices are
36 designed to affect the energetic system of the body for the purpose of
37 promoting and maintaining the health and well-being of the client.

38 The bill also provides that to be eligible for licensure as a massage,
39 bodywork and somatic therapist, an applicant shall submit to the
40 committee satisfactory evidence of: successful completion of a
41 minimum of 500 hours in class study in the field of massage, bodywork
42 and somatic therapy; and either (1) successful completion of the
43 written examination offered by The National Certification Board for
44 Therapeutic Massage and Bodywork or a substantially equivalent
45 examination approved by the committee, to determine the applicant's
46 competence to practice massage, bodywork and somatic therapies; or

1 (2) successful completion of an apprenticeship program as approved
2 by the committee. The successful completion of any such examination
3 may have been accomplished before the effective date of this bill.

4 As provided in the bill, nothing in this act shall be construed to
5 prohibit any person from rendering massage, bodywork and somatic
6 therapy services, provided that person shall not be identified by the
7 titles "massage, bodywork and somatic therapist," "registered
8 massage, bodywork and somatic therapist," "licensed massage,
9 bodywork and somatic therapist," or the abbreviations "MBT,"
10 "RMBT," "LMBT," "LOBT" or "LMT" unless licensed to practice
11 massage, bodywork and somatic therapy under the provisions of the
12 bill.

WITHDRAWN