

Massage and Bodywork Therapy Laws

45:11-53 Short title.

This act shall be known and may be cited as the "Massage, Bodywork and Somatic Therapist Certification Act."

45:11-54 Findings, declarations relative to massage, bodywork, somatic therapists.

The Legislature finds and declares that:

a. the public interest requires the establishment of clear certification standards for massage, bodywork and somatic therapists;

b. the health and welfare of the citizens of this State will be protected by identifying to the public those individuals who are qualified to call themselves massage, bodywork and somatic therapists; and

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

45:11-55 Definitions relative to massage, bodywork, somatic therapists.

As used in this act:

"Board" means the New Jersey Board of Nursing.

"Committee" means the Massage, Bodywork and Somatic Therapy Examining Committee established pursuant to section 4 of this act.

"Licensee" means any person who holds a certification pursuant to the provisions of this act.

"Massage, bodywork and somatic therapist" means a person certified pursuant to the provisions of this act.

"Massage, bodywork and somatic therapies" or "massage, bodywork and somatic" means 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.

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45:11-56 Massage, Bodywork and Somatic Therapy Examining Committee.

a. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the New Jersey Board of Nursing, a Massage, Bodywork and Somatic Therapy Examining Committee. The committee shall consist of six members who are residents of the State and are certified massage, bodywork and somatic therapists who have been actively engaged in the practice of massage, bodywork and somatic therapies in this 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.

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

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

45:11-57 Members, reimbursement.

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

45:11-58 Officers, meetings.

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

45:11-59 Duties, responsibilities of committee.

The committee shall:

a. Review the qualifications of applicants for certification;

b. Insure the proper conduct and standards of examinations;

c. Issue and renew certificates of certification to massage, bodywork and somatic therapists pursuant

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to this act;

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

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

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

g. Maintain a record of every massage, bodywork and somatic therapist certified in this State, and the date and number of his certificate of certification, and publish a list of the names and addresses of all licensees annually.

45:11-60 Eligibility for certification.

To be eligible for certification as a massage, bodywork and somatic therapist, an applicant shall be of good moral character and submit to the committee satisfactory evidence of:

a. 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

b. 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 call himself a massage, bodywork and somatic therapist. The successful completion of any such examination may have been accomplished before the effective date of this act.

45:11-61 Current practitioners, eligibility for certification.

For 720 days after the date procedures are established by the committee for applying for certification under section 8 of this act, any person who engaged in the full-time practice, as determined by the committee, of massage, bodywork and somatic therapies for two years preceding the enactment date of this act, or in the part-time practice, as determined by the committee, of massage, bodywork and somatic therapies for five years preceding the enactment date of this act, and has successfully completed a minimum of 200 hours of education or training in massage, bodywork and somatic therapies as determined by the committee, may acquire a certificate of certification without satisfying either the education or examination requirement of section 8 of this act.

45:11-62 Application; fee; renewal.

A fee to be determined by the committee shall accompany each application for certification. Certificates of certification shall expire biennially and may be renewed upon submission of a renewal application provided by the board and payment of a fee. If the renewal fee is not paid by that date, the certificate of certification shall automatically expire, but may be renewed within two years of its expiration date on payment to the board of a sum determined by the committee for each

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year or part thereof during which the certificate of certification was expired and an additional restoration fee. After a two-year period, a certificate of certification may only be renewed by complying with the provisions of this act regarding initial certification.

45:11-63 Issuance of certificate of certification.

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

45:11-64 Certification without examination based on out-of-State license.

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

45:11-65 Construction of act.

Nothing in this act 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," "certified massage, bodywork and somatic therapist," "certified massage therapist," or the abbreviations "MBT," "RMBT," "CMBT," "COBT," "CMT" unless certified under the provisions of this act.

45:11-66 Display of certificate, use of title.

Any person who holds a certificate of certification as a massage, bodywork and somatic therapist pursuant to this act may use the title "massage, bodywork and somatic therapist" or "certified massage, bodywork and somatic therapist" or the abbreviations "MBT," "CMBT," "COBT," or "CMT." Every holder of a certificate of certification shall display it in a conspicuous place in his principal office, place of business or employment.

45:11-67 Rules, regulations.

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