

**MASSAGE, BODYWORK AND SOMATIC THERAPY  
MINUTES  
REGULAR OPEN COMMITTEE MEETING  
NOVEMBER 28, 2007**

A meeting of the Massage, Bodywork and Somatic Therapy Examining Committee was held on November 28, 2007 in the Essex Conference Room on the 7th Floor, 124 Halsey Street, Newark, New Jersey. Alan G. Vonderahe, Committee Chair called the meeting to order at 9:00 a.m.

**ROLL CALL**

**COMMITTEE MEMBER(S) PRESENT**

Alan G. Vonderahe  
Deborah Overholt  
Donda Kraus-Sternberg

**ALSO PRESENT**

George J. Hebert, Executive Director  
Margaret Howard, Field Representative  
Ginger Provost, Deputy Attorney General  
Charles Manning, Regulatory Analyst (present for a portion of the meeting to discuss A4455)  
Diane Scott, and Alba R. Jaramillo, Support Staff

**QUORUM WAS DECLARED PRESENT**

In accordance with Chapter 231 of P.L. 1975, more commonly referred to as the Sunshine Law, adequate notice of this meeting was provided by mailing on November 27, 2006. A schedule of all 2007 Regular Open Committee Meetings of the Massage, Bodywork and Somatic Therapy Examining Committee to be held during 2007 was provided to the Office of the Secretary of State, Star Ledger, Trenton-Times, The New York Times, Camden Courier Post, The Press of Atlantic City and The Philadelphia Inquirer. The schedule has also been posted on the bulletin board at the New Jersey State Board of Nursing Office.

A reading and approval of the Open Session Agenda of November 28, 2007 Committee Meeting.

Change to the Agenda:

Review of Legislative Bill 4455 after the first Agenda Item.

**AFTER DISCUSSION, THE COMMITTEE UPON A MOTION MADE BY DEBORAH OVERHOLT AND DULY SECONDED BY DONDA KRAUS-STERNBERG, VOTED TO APPROVE THE OPEN AGENDA OF THE NOVEMBER 28, 2007, COMMITTEE MEETING AS AMENDED. THE MOTION CARRIED.**

A reading and approval of the Open Session Minutes of October 31, 2007, Committee Meeting.

**AFTER DISCUSSION, THE COMMITTEE UPON A MOTION MADE BY DEBORAH OVERHOLT AND DULY SECONDED BY DONDA KRAUS-STERNBERG, VOTED TO TABLE REVIEW OF THE OCTOBER 31, 2007, COMMITTEE MINUTES UNTIL JANUARY 23, 2008 COMMITTEE MEETING. THE MOTION CARRIED.**

**NEW BUSINESS:**

Review of Legislative Bill 4455

Charles Manning, Regulatory Analyst, reported to the Committee Proposed Amendments to Legislative Bill 4455.

The Massage, Bodywork and Somatic Therapy Examining Committee (Committee) discussed the proposed mandatory licensing bill A4455 and will submit its recommendations as follows: 1) The definition of "massage and bodywork therapy" be amended to include the following definition for "bodywork therapy:" "Bodywork therapy" means the application of a therapeutic system of touch for the purpose of promoting and maintaining health and well-being by restoring whole body balance within the scope of practice of a bodywork professional including, but not limited to, affecting the energy systems, occupants or Qi meridians (channels of energy) of the body; assessing and balancing energy flow in accordance with Chinese Medical principles or Ayurvedic principles; restoring postural balance and functional ease by aligning and integrating the body in gravity based on a system of facial manipulation, awareness and education developed by Dr. Ida P. Rolf. Such practices include, but are not limited to, Polarity Therapy, Polarity Bodywork Therapy, Asian Bodywork Therapy, Acupressure, Jin Shin Do, Bodymind Acupressure, Qigong, Shiatsu, Tuina, Rolfing, Structural Integration, The Rolf Method of Structural Integration, Hellerwork and SOMA Neuromuscular Integration. Bodywork Therapy does not include the diagnosis of illness, disease, impairment or disability.

the definition of "massage and bodywork therapy" be further amended to require that a licensee only practice those methods of massage or bodywork in which the licensee has received an education as determined by the Board.

If this bill is enacted, N.J.S.A. 45:11-56, which created the Committee, will be repealed 90 days after the bill is enacted. The Committee is concerned that members for the Board created by this bill will not be appointed during the 90 days between enactment of the bill and the effective date of the repeal of N.J.S.A. 45:11-56. This will result in a period during which there is no legal authority for the Committee to exist and due to members not being appointed, there is no Board to regulate massage and bodywork therapists. Certifications issued by the Committee would become defunct. 4) N.J.S.A. 45:11-67 authorizes the Board of Nursing to adopt regulations. By amending the definition of "Board" in N.J.S.A. 45:11-55, this bill will revoke the Board of Nursing's authority to adopt regulations for massage and bodywork therapists. This revocation will result in all of N.J.A.C. 13:37-16, the regulations governing the Committee, becoming ineffective. There will be no regulations governing massage and bodywork therapists until the Board adopts new regulations. The Committee is concerned that this would result in a long time period, probably over two years, during which there will be no regulation of massage and bodywork therapists. The Committee believes that this bill must be amended to permit the Committee to continue functioning until such time as all Board members are appointed and the Board has its first meeting. This bill also must provide that any regulations currently governing massage and bodywork therapists will continue to be effective until the Board has adopted new regulations effectuating this bill. 5) This bill be amended so that grandfathering provisions will only apply for applicants who began practicing massage and bodywork prior to 2004. The Committee believes that there are adequate opportunities for individuals who began their practice after 2004 to obtain the education required for new applicants. This was not the case for those who began practicing prior to 2004. 6) This bill be amended to permit the Board to issue temporary permits to individuals who are qualified to take an examination, have filed a completed application to take the examination and are waiting to take the examination. If an applicant fails the examination, his or her temporary permit should be revoked. Section 13 permits an individual who is licensed or certified in another state as a massage and bodywork therapist to work in New Jersey for up to 45 days. The Committee recommends that this provision be amended to require such an individual to send a letter to the Board, informing it as to when and where he or she will be working in New Jersey. Without this amendment, it will be impossible to track who is engaging in this authorized unlicensed practice and it will encourage abuses of this provision.

The Committee has previously recommended that this bill be amended to delete registration requirements for employers. The Committee still recommends that this section be deleted but also recommends that, if its recommended amendment is not accepted, this section be amended so that an employer that registers with the Board will be required to submit a registration fee.

The Committee will support this bill only if it is amended as suggested.

AFTER DISCUSSION, THE COMMITTEE UPON A MOTION MADE BY DEBORAH OVERHOLT AND DULY SECONDED BY DONDA KRAUS-STERNBERG, VOTED TO SUPPORT LEGISLATIVE BILL 4455 ONLY IF IT IS AMENDED AS SUGGESTED. THE MOTION CARRIED.

**OPEN FORUM:**

Alan G. Vonderahe asked the public to share with the committee any concerns, issues or questions: Pew Margones, supports the amendments to the Assembly Bill 4455. Susan Ring, expressed appreciation for the comments to the Bill 4455. Ms. Ring thanked the Committee for its work. Dominick J. Tierno, Esq., stated that he is pleased with the Committee's work.

AFTER DISCUSSION, THE COMMITTEE UPON A MOTION MADE BY DEBORAH OVERHOLT AND DULY SECONDED BY DONDA KRAUS-STERNBERG, VOTED TO GO INTO EXECUTIVE SESSION FOR ADVISE COUNSEL CONCERNING THE HEARING ON ANGELA PARK. THE MOTION CARRIED.

**OPEN SESSION RESUMED**

**OLD BUSINESS:**

A Hearing regarding revocation of Angela Park's certification took place. Jane Park, Korean interpreter from Inlingua Translation Services, performed the translation.

AFTER DISCUSSION, THE COMMITTEE UPON A MOTION MADE BY DEBORAH OVERHOLT AND DULY SECONDED BY DONDA KRAUS-STERNBERG, VOTED TO GO INTO EXECUTIVE SESSION TO OBTAIN ADVICE FROM COUNSEL ON ANGELA PARK'S HEARING. THE MOTION CARRIED.

**HEARING:**

Angela Park, revocation of certification.

The parties asked the Committee to consider approving a settlement they reached. The Committee asked counsel for the Committee to ask questions concerning Ms. Park's background and the circumstances of her criminal history as well as her practice. Ms. Park did not wish to answer all of the Committee's questions, and therefore the Committee would not agree to the settlement. The hearing commenced and counsel delivered their opening statements. The hearing was then adjourned to January 23, 2008. A transcript was made of the proceedings.

AFTER DISCUSSION, THE COMMITTEE UPON A MOTION MADE BY DEBORAH OVERHOLT AND DULY SECONDED BY DONDA KRAUS-STERNBERG, VOTED TO ADJOURN THE ANGELA PARK HEARING UNTIL THE JANUARY 23, 2008 COMMITTEE MEETING. THE MOTION CARRIED.

AFTER DISCUSSION, THE COMMITTEE UPON A MOTION MADE BY DEBORAH OVERHOLT AND DULY SECONDED BY DONDA KRAUS-STERNBERG, VOTED TO GO INTO EXECUTIVE SESSION TO REVIEW THE APPLICATIONS FOR CERTIFICATION AND DISCIPLINARY MATTERS. THE MOTION CARRIED.

**ADJOURNMENT:**

A motion was made by Deborah Overholt and duly seconded by Donda Kraus-Sternberg to adjourn the Massage, Bodywork and Somatic Therapy Examining Committee Meeting. Whereupon the meeting was adjourned at 3:00 p.m. The next Massage, Bodywork and Somatic Therapy Examining Committee Meeting will be held on January 23, 2008.

Respectfully Submitted,

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Alan G. Vonderahe  
Committee Chair