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New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey Board of Massage and Bodywork Therapy
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NEW JERSEY STATE BOARD OF MASSAGE AND BODYWORK THERAPY PUBLIC SESSION MINUTES February 26, 2014

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A regular meeting of the New Jersey State Board of Massage and Bodywork Therapy was held at 124 Halsey Street Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Wednesday February 26, 2014. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Deborah Overholt, Chairperson of the Board** called the meeting to order at 9:45 A.M. and a roll call was taken and the following attendance was recorded:

MARK J. CARANGELO	Present
DEBORAH OVERHOLT	Present
CYNTHIA SINICROPI-PHILIBOSIAN	Present
DEBORAH ZASTOCKI	Excused
CHRISTINE GILL ROSE	Present

Also present were: Susan Carboni, Deputy Attorney General; Laura L. Anderson, Executive Director; Terri Goldberg, Assistant Deputy Director; Charles Manning, Regulatory Analyst; Gerard Tobia, Administrative Staff.

OPENING STATEMENT "Reading of the Sunshine Law" **A 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 28, 2013. A schedule of all 2014 Regular Open Meetings of the Board of Massage and Bodywork Therapy to be held during 2014 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 at the New Jersey State Board of Massage and Bodywork Therapy Office.

PUBLIC COMMENTS:

Rena Margolis addressed the Board concerning licensure application's back log, and to offer her assistance based on conversations held with the Division.

Jean Robinson commented about developing policies and requested the Board's review on a letter she submitted regarding continuing education vs. back log of initial applications. Lori Keefe, President of NJ Chapter/AMTA addressed the Board regarding the Association services.

Mr. Sardina and Mr. Goldstein submitted a request regarding status on their applications.

I. APPROVAL OF THE PUBLIC SESSION MINUTES

A. December 4, 2013

A motion was made by Mark Carangelo and seconded by Cynthia Sinicropi-Philibosian, the Board voted to accept the minutes of the December 4, 2013 Board Meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. 2014 MEETINGS SCHEDULE

January 22, 2014	Canceled
February 26, 2014	
March 26, 2014	
April 23, 2014	
May 28, 2014	
June 25, 2014	
July 23, 2014	
August 27, 2014	
September 24, 2014	
October 22, 2014	
December 3, 2014	

A motion was made by Cynthia Sinicropi-Philibosian and seconded by Christine Gill Rose, to approve the 2014 Board Meetings Schedule as presented. A vote was taken and the motion carried by a unanimous vote.

III. LEGISLATION

(Charles Manning-Regulatory Analyst)

Bills

1) Assembly Bills

A-1545

This bill recently signed by the Governor, revises laws concerning certain professional and occupational licenses.

This bill has been passed and approved. Since this bill revises the general provisions related to licensure, renewal, and reinstatements of suspended or inactive professional and occupational licenses, regulatory analyst Manning will present the Board with revised rules.

2) Senate Bills

S-3035

This bill exempts persons practicing certain techniques from the provisions of the "Massage and Bodywork Therapist Licensing Act." Introduced November 14, 2013.

The Board decided to table this matter because this bill has not yet been introduced and there is no effective bill at this time.

IV. NEW BUSINESS

1. Pursuant to **N.J.A.C. 13:37A-4.1** Continuing Education.
Board to review continuing education courses regarding a licensee's personal care, such as Yoga or Tai Chi should not count towards continuing education requirements.

This matter was tabled until the April 23, 2014 Board Meeting.

2. ELECTION OF OFFICERS FOR 2014

Laura Anderson, Executive Director, took the chair to conduct the election of Board Officers for 2014.

Ms. Anderson called for nominations for Chairperson.

Mark Carangelo nominated himself.

A motion was made by Mark Carangelo and seconded by Christine Gill Rose to nominate Cynthia Sinicropi-Philibosian for Chairperson of the Board for 2014.

Ms. Anderson called for further nominations and there were none.

Mark Carangelo then made a motion, seconded by Christine Gill Rose to close the nominations.

The Board proceeded to vote and elect **Cynthia Sinicropi-Philibosian Chairperson of the Board** by acclamation.

The vote of the Board was unanimous.

Ms. Anderson called for nominations for Vice Chairperson and a motion was made by Deborah Overholt and seconded by Christine Gill Rose to nominate Mark Carangelo for Vice Chairperson of the Board for 2014.

Ms. Anderson called for further nominations and there were none.

Deborah Overholt then made a motion, seconded by Christine Gill Rose to close the nominations.

The proceeded to vote and elect **Mark Carangelo Vice Chairperson of the Board** by acclamation.
The vote of the Board was unanimous.

Ms. Anderson called for nominations for Secretary.

A motion was made by Mark Carangelo and seconded by Cynthia Sinicropi-Philibosian to nominate Christine Gill Rose for Secretary of the Board for 2014.

Ms. Anderson called for further nominations and there were none.

Mark Carangelo then made a motion, seconded by Cynthia Sinicropi-Philibosian to close the nominations.

The Board proceeded to vote and elect **Christine Gill Rose Secretary of the Board** by acclamation.

The vote of the Board was unanimous.

3. Inquiry from Kathleen Vintaloro, LMT
RE: Continuing Education

Ms. Vintaloro wrote the Board to ask if she is still required to take a two hour ethics class to fulfill the New Jersey licensing requirement. Ms. Vintaloro teaches a 12 hour ethics class every year at Warren County Community College. She states that NCBTMB allows for her teaching hours upon her renewal with them every 4 years.

Upon a motion made by Mark Carangelo and seconded by Cynthia Sinicropi-Philibosian, the Board determined to contact Ms. Vintaloro and request detail on classes she is teaching to be considered as part of continuing education.

4. 1) Board Discussion: Pursuant to N.J.A.C. 13:37A-2.2
RE: Licensure in another state./ Endorsement Application Guidelines

The Board had a discussion regarding endorsement applications guidelines.

The Board determined to have all the applicants applying by endorsement to provide the statutes and regulations regarding Massage and Bodywork Therapy from the State that the applicant is licensed or certified in and the Board will determine if the statutes and regulations of that state are substantially similar to the educational requirements in this State.

- 2) **ENDORSEMENT / CALIFORNIA**

A motion was made by Cynthia Sinicropi-Philibosian and seconded by Mark Carangelo, to advise that California's Statutes and Regulations are not substantially similar to this State and therefore applicants applying by endorsement from the State of California shall not be eligible for licensure in this State.

A vote was taken and the motion carried by a unanimous vote.

5. Board Discussion: Pursuant to N.J.A.C 13:37A-6.1
RE: Business Registration

This matter was tabled until the March 26, 2014 Board Meeting.

6. Inquiry from Joseph Roth, Lic # 18KT00444200 (Initial Lic 1/17/2013)
RE: Rescinding License

Mr. Roth submitted a written request to the Board asking for guidelines regarding his license. He lives in another state and he would like to rescind his license.

Pursuant to N.J.A.C. 13:37A-2.3(g) Renewal applications for all licensees shall provide the licensee with the option of either active or inactive renewal. Licensees electing to renew as inactive shall not practice or hold themselves out to the public as State-licensed massage and bodywork therapists. The Board request a written response to be sent to Mr. Roth, as there no policies, it is part of the Board's regulations to place a license in "inactive" status if the individual is not going to be practicing the profession in this State.

7. Letter from Marie-Jose A. Matheson
RE: Rescinding License Application # 1774365

Ms. Matheson wrote the Board requesting a full refund of the \$75 application fee and to rescind her application as she is a Jin Shin Jyutsu practitioner who is not required to obtain a license from the Board.

The Board will advise Ms. Matheson in writing that the \$75.00 application fee is non-refundable and will close application.

8. Board Discussion/Guidelines
RE: Policy on Voluntary Rescinding a License (Not through an Order)

At its annual Federation meeting, it was found that individuals were voluntarily surrendering their licenses and going to another states to submit an application by endorsement.

The Board announced that there is no policy on voluntary rescinding a license. Pursuant to N.J.A.C. 13:37A-2.3(g) Renewal applications for all licensees shall provide the licensee with the option of either active or **inactive renewal**. Licensees electing to renew as inactive shall not practice or hold themselves out to the public as State-licensed massage and bodywork therapists.

V. PUBLIC ORDERS

A. FINALIZATION OF PROVISIONAL ORDERS OF DENIAL OF LICENSURE

1. Guiqin Yan; Applicant ID# 1749718; Provisional Order of Denial of Licensure filed November 12, 2013

The Provisional Order of Denial of Licensure was filed on November 12, 2013 was sent to the wrong address, the certified mailing was delivered on February 8, 2014 with no response.

A motion was made by Cynthia Sinicropi-Philibosian and seconded by Mark Carangelo to finalize Mr. Yan's Order after service is confirmed.

A vote was taken and the motion carried by a unanimous vote.

2. Xuelan Bian; Applicant ID# 1746661; Provisional Order of Denial of Licensure filed October 4, 2013. **No response-unclaimed**
3. Jin Yu Berninger; Applicant ID# 1736251; Provisional Order of Denial of Licensure filed October 4, 2013. **Service made and confirmed**
4. Longshi Yu; Applicant ID# 1748884; Provisional Order of Denial of

Licensure filed November 12, 2013. **Service made and confirmed**

5. Jian Hua Li; Applicant ID# 1723903; Provisional Order of Denial of Licensure filed November 12, 2013. **Service made and confirmed**
6. Lian Hua Huang; License # 18KT00168900; Provisional Order of Denial of Reinstatement filed October 21, 2013. **Returned. Unclaimed**

Upon motion made by Mark Carangelo and seconded by Cynthia Sinicropi-Philibosian, the Board voted to finalize the provisional orders from 2-6 above.

B. FINALIZATION OF PROVISIONAL ORDERS WITH RESPONSES

1. Shu Zhen Liu; Applicant ID# 1739417; Provisional Order of Denial of Licensure filed October 28, 2013.

Deputy Attorney General Joseph Donofrio counseled the Board on this matter.

Upon a motion made by Cynthia Sinicropi-Philibosian and seconded by Mark Carangelo, the Board voted to affirm the previous decision with prejudice and finalize the Provisional Order of Denial of licensure to applicant Liu for three years.

A vote was taken and the motion carried by a unanimous vote.

C. PROVISIONAL ORDER OF DISCIPLINE (No Response)

1. Felipe D. Cruz; License # 18KT00075900
POD filed January 2, 2014

A motion was made by Cynthia Sinicropi-Philibosian and seconded by Mark Carangelo, the Board voted to affirm and finalize the Provisional Order of Discipline for failure to respond to a Board Order. A vote was taken and the motion carried by a unanimous vote.

At 11:50 A.M. , the Board, upon a motion made by Mark Carangelo and seconded by Christine Gill Rose, voted to move into Executive Session to consider and review consumer complaints, investigative reports and other information received pursuant to the Boards' regulations. The result of these deliberations will be made known when and if the Board determines to initiate disciplinary or other enforcement action. If the Board determines to issue any sanction, action will be taken in public session immediately after the Executive Session. A vote was taken and the motion carried by a unanimous vote.

VI. ADJOURNMENT

The Board returned to Public Session and a motion was made by Mark Carangelo and seconded by Christine Gill Rose, to adjourn the meeting at 11:50 A.M.

A vote was taken and the motion carried by a unanimous vote.

The meeting was adjourned at 3:15 P.M.

Respectfully submitted,

Laura L. Anderson,
Executive Director