

53 N.J.R. 1569(a)

VOLUME 53, ISSUE 18, SEPTEMBER 20, 2021

RULE ADOPTIONS

Reporter

53 N.J.R. 1569(a)

NJ - New Jersey Register > 2021 > SEPTEMBER > SEPTEMBER 20, 2021 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > BOARD OF MASSAGE AND BODYWORK THERAPY

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:37A-4.1 and 4.2

Text

Physically Attending CPR Courses; Jurisprudence Continuing Education; Continuing Education Course Approval

Proposed: November 18, 2019, at 51 N.J.R. 1666(a) (The notice of proposal would have expired on November 18, 2020, but was extended by Executive Order No. 127 (2020) and P.L. 2021, c. 103, to January 1, 2022).

Adopted: February 23, 2021, by the Board of Massage and Bodywork Therapy, David Bank, Chair.

Filed: August 19, 2021, as R.2021 d.103, **with the proposed amendments at N.J.A.C. 13:37A-2.1, 2.2, and 2.3 not adopted.**

Authority: N.J.S.A. 45:11-67.

Effective Date: September 20, 2021.

Expiration Date: October 17, 2026.

Summary of Public Comments and Agency Responses:

The official comment period ended January 17, 2020. The Board received comments from the following individuals:

1. Marisa Savino
2. Alexa Marie Chicarell, NJ/NY Licensed Massage Therapist
3. Nicole Lerario, LMT, A Kneaded Vacation Massage & Wellness
4. Amanda Mancinelli, LMT, Hoboken Therapeutic Massage, The Massage Clinique
5. Betty Surette
6. Ralph M. Shenefelt, Senior Vice President, Health and Safety Institute
7. Cynthia Sinicropi-Philibosian, LMBT, Chair, NJ AMTA Government Relations
8. Cheri Twardus-Sheridan

1. COMMENT: One commenter supports the adopted amendments at N.J.A.C. 13:37A-2.1, 2.2, 2.3, 4.1, and 4.2. Two commenters support requiring applicants to physically attend a course in CPR, First Aid, and use of an automated external defibrillator. The commenters believe that those who attend in-person courses will be more prepared to respond to emergencies.

RESPONSE: The Board thanks the commenters for their support. The amendments at N.J.A.C. 13:37A-2.1, 2.2, and 2.3 were proposed prior to the COVID-19 pandemic. Given the nature of the pandemic, the continuing need to encourage social distancing, the difficulty of ensuring sterile conditions when providing courses in CPR, First Aid, and the use of an automated external defibrillator, and the fact that the benefits and efficacy of distance learning were made apparent during the pandemic, the Board has determined that it is not appropriate or necessary at this time to require physical attendance at a course in CPR, First Aid, and the use of an automated external defibrillator. The Board is not adopting the proposed amendments at N.J.A.C. 13:37A-2.1, 2.2, and 2.3.

2. COMMENT: A commenter points out that the Health & Safety Institute is composed of three entities, the American Safety and Health Institute, EMS Safety Services Inc., and MEDIC First Aid, which was previously known as EMP International Inc. The commenter recommends that N.J.A.C. 13:37A-2.1, 2.2, and 2.3 be amended to replace the names of these three entities with the Health & Safety Institute.

RESPONSE: The Board recognizes that references to the American Safety and Health Institute, EMP International Inc., or EMS Safety Services

Inc. should be replaced with a reference to the Health and Safety Institute. However, as discussed in the Response to Comment 1, the Board is not adopting proposed amendments at N.J.A.C. 13:37A-2.1, 2.2, and 2.3. The Board will propose amendments to refer to the Health and Safety Institute as the commenter recommended at a later date.

[page=1570] 3. COMMENT: A commenter asks if the amendments at N.J.A.C. 13:37A-2.1, 2.2, and 2.3 will require licensees to have defibrillators in their offices.

RESPONSE: As discussed in the Response to Comment 1, the Board is not adopting proposed amendments at N.J.A.C. 13:37A-2.1, 2.2, and 2.3. The Board points out that the proposed amendments would not have required licensees to have defibrillators in their offices.

4. COMMENT: A commenter opposes requiring applicants to physically attend a course in CPR, First Aid, and use of an automated external defibrillator. The commenter contends that there is no difference between such a course when it is presented in-person or online. The commenter recommends increasing the number of hours of initial education taken at a massage therapy school as opposed to requiring applicants to physically attend such courses.

RESPONSE: As discussed in the Response to Comment 1, the Board is not adopting proposed amendments at N.J.A.C. 13:37A-2.1, 2.2 and 2.3 that would have required applicants to physically attend a course in CPR, First Aid, and use of an automated external defibrillator.

5. COMMENT: A commenter opposes amendments at N.J.A.C. 13:37A-4.1 that require licensees to complete one hour in laws and rules pertinent to the practice of massage and bodywork therapy every biennial renewal period. The commenter questions if other licensed professionals are required to complete such a requirement. The commenter is concerned that it will be difficult to complete this requirement, particularly in light of the fact that there is a limitation on the number of credits that may be completed online. The commenter recommends that the Board increase the number of continuing education credits that may be completed online and contends that she does not need to read the rules every two years.

RESPONSE: Many other licensed professionals are required to complete continuing education courses in laws and rules pertinent to their professional practice. The Board points out that N.J.A.C. 13:37A-4.1(c) establishes that up to six of the 20 required continuing education credit hours may be completed online. This means that licensees may complete all of the required hours in ethics and in the laws and rules pertinent to the practice of massage and bodywork therapy and will be able to complete an additional three credit hours online. The Board

believes this is an appropriate portion of continuing education requirements to complete online and will not change N.J.A.C. 13:37A-4.1, as the commenter recommends. The Board points out that the continuing education requirement in laws and rules does not require licensees to read the rules, it requires licensees to complete credit hours taught by continuing education providers who have been approved to provide such courses.

6. COMMENT: A commenter asks if courses in ethics and law offered by the American Massage Therapy Association (AMTA) will satisfy the Board's new requirements.

RESPONSE: Yes, courses in ethics and laws offered by one of the 13 entities recognized at N.J.A.C. 13:37A-4.1(a)1, which includes the AMTA, will satisfy the Board's continuing education requirement in ethics and laws and rules pertinent to the practice of massage and bodywork therapy.

7. COMMENT: A commenter asks whether amendments at N.J.A.C. 13:37A-4.2 mean that continuing education courses taken at a massage school, college, or university will no longer count towards continuing education requirements or if the amendments require a teacher at such a course to be accredited by an entity recognized at N.J.A.C. 13:37A-4.1(a)1. If it is the latter, the commenter supports the amendment. The commenter is concerned that if all massage school, college, or university continuing education courses are no longer recognized, it will make it difficult for licensees to satisfy continuing education requirements. The commenter recommends that the Board develop a database of approved continuing education courses, so that licensees will easily be able to find accredited courses. The commenter contends that it is the responsibility of a school or facility to ensure that continuing education courses are accredited.

RESPONSE: The adopted amendments at N.J.A.C. 13:37A-4.2 will end the automatic approval of any continuing education course given by a school, college, or university. If such courses are approved by an entity recognized at N.J.A.C. 13:37A-4.2(a)1, the courses will satisfy Board continuing education requirements. The Board does not approve continuing education providers and does not have the ability to develop a database of approved courses. Such information is available from the entities recognized at N.J.A.C. 13:37A-4.2(a)1. The Board agrees that a school or facility should ensure that continuing education courses are accredited. It is also the responsibility of licensees to ensure that the courses they attend are accredited.

8. COMMENT: A commenter asks where licensees can obtain continuing education credits if courses from schools, colleges, or universities will no longer satisfy continuing education requirements.

RESPONSE: Licensees may obtain continuing education credits by completing courses approved by any of the 13 entities recognized at N.J.A.C. 13:37A-4.1(a)1. They may also obtain continuing education credits by teaching continuing education courses, authoring a textbook or an article, or by presenting a seminar or lecture to professional peers.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

Full text of the adoption follows:

SUBCHAPTER 4. CONTINUING EDUCATION

13:37A-4.1 Continuing education

(a) (No change.)

(b) Each applicant for biennial license renewal shall be required to complete during the preceding biennial period 20 credit hours of continuing education related to the practice of massage and bodywork therapy, except as provided in (d) below. These 20 credit hours shall include at least two hours in ethics and one hour in the laws and rules pertinent to the practice of massage and bodywork therapy, specifically, N.J.S.A. 45:11-53 et seq., and this chapter. Courses that are related solely to the business practices of licensees and courses in practices in which licensees are prohibited from engaging pursuant to N.J.A.C. 13:37A-3.1(b) shall not satisfy continuing education requirements.

(c)-(e) (No change.)

13:37A-4.2 Continuing education programs

(a) A licensee may obtain continuing education credit hours from the following:

1. (No change.)

Recodify existing 3.-6. as 2.-5. (No change in text.)

End of Document