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NEW JERSEY ADMINISTRATIVE CODE  
TITLE 13  
LAW AND PUBLIC SAFETY  
CHAPTER 37A  
NEW JERSEY BOARD OF MASSAGE AND  
BODYWORK THERAPY

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## SUBCHAPTER 1. PURPOSE AND DEFINITIONS

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### 13:37A-1.1 PURPOSE AND SCOPE

- a) The purpose of this chapter is to implement the provisions of P.L. 2007, c. 337 (N.J.S.A. 45:11-53 et seq.), which created the "New Jersey Board of Massage and Bodywork Therapy.
- b) This subchapter shall apply to all applicants who seek licensure by the Board as a massage and bodywork therapist and to all persons who are licensed by the Board as massage and bodywork therapists in this State.
- c) This chapter does not apply to any person who is:
  - 1) Licensed to practice in this State under any other law and is practicing or using titles consistent with the practice for which he or she is licensed;
  - 2) A student enrolled in a program of massage and bodywork therapies which meets the requirements of N.J.A.C. 13:37A-2.1 when that student is performing massage and bodywork therapies which are necessary to his or her course of study;
  - 3) Licensed, certified or registered to practice massage and bodywork therapy in another state or the District of Columbia if that person is performing massage and bodywork therapy in this State for 45 days or less in a calendar year and no more than 30 days in any 60 consecutive day period;
  - 4) Manipulating the soft tissue of the human body contained on hands, feet or ears, as long as the client receiving such services does not remove any clothing other than shoes or socks;
  - 5) A teacher who is demonstrating massage and bodywork techniques while teaching a class or workshop. If such a teacher is a resident of a state or possession of the United States which requires a license in order to practice massage and bodywork therapies, or is a resident of the District of Columbia, he or she shall be licensed in that state or possession or in the District of Columbia; and
  - 6) Using touch, words and directed movement to deepen awareness of existing patterns of movement in the body, or to suggest new possibilities of movement provided that these services are not designated or implied to be massage and bodywork therapy and the client receiving such services is fully clothed.

**13:37A-1.2 DEFINITIONS**

The following words and terms, when used in this subchapter, shall have the following meaning:

“Act” means the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq. and 45:11-68 et seq.

“Board” means the New Jersey Board of Massage and Bodywork Therapy.

“Employer” means a person seeking to obtain individuals to perform services, tasks, or labor for which a salary, wage, or other compensation or benefits are to be paid.

“FSMTB” means the Federation of State Massage Therapy Boards.

“License” means the document, issued by the Board, which authorizes a person to practice massage and bodywork therapies pursuant to N.J.S.A. 45:11-53 et seq. and 45:11-68 et seq.

“Licensee” means any person who holds a license from the Board as a massage and bodywork therapist.

“Massage and bodywork therapies” or “massage and bodywork” means systems of activity of structured touch offered or provided to the public that includes 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 or bodywork principles. Such application may include the use of therapies such as heliotherapy or hydrotherapy, the use of moist, hot, and cold external applications, explaining and describing myofascial movement, self-care, and stress management as it relates to massage and bodywork therapies. Massage and bodywork therapy practices are designed to affect the soft tissue of the body, including practices of structured touch of the soft tissues that affect energy fields of the body, for the purpose of promoting and maintaining the health and well-being of the client. Massage and bodywork therapies do not include the diagnosis of illness, disease, impairment, or disability.

“NCBTMB” means the National Certification Board for Therapeutic Massage and Bodywork.

“NCCAOM” means the National Certification Commission for Acupuncture and Oriental Medicine.

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## **SUBCHAPTER 2. LICENSURE**

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### **13:37A-2.1 APPLICATION FOR LICENSURE**

- a) An applicant for licensure shall qualify for licensure by:
- 1) Successfully completing a course of study of at least 500 hours in massage and bodywork therapies; and
  - 2) Successfully passing either:
    - i. An examination offered by NCBTMB;
    - ii. The NCCAOM Asian Bodywork Therapy examination; or
    - iii. The Massage and Bodywork Licensing Examination (MBLEx) offered by the FSMTB.
- b) An applicant shall have completed the course of study required by (a) above no more than five years prior to submitting an application for licensure to the Board. A course of study completed more than five years prior to submission shall not qualify an applicant for licensure.
- c) An individual who applies for a license shall submit to the Board:
- 1) A completed application;
  - 2) An official transcript, which indicates that the applicant has completed an associate degree in massage and bodywork or a course of study outlined in (d) below from a school accredited or approved by:
    - i. The New Jersey Department of Education;

- ii. The New Jersey Department Labor and Workforce Development;
  - iii. The New Jersey Commission on Higher Education; or
  - iv. An agency of another state which substantially meets the requirements of the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education;
- 3) Proof that the applicant has successfully passed the written examination offered by the FSMTB, NCBTMB or NCCAOM;
  - 4) A completed Criminal History Certification of Authorization form;
  - 5) Proof that the applicant has current certification in CPR, Firstaid, and use of an automated external defibrillator (AED) from courses offered by the American Heart Association or a substantially similar course approved or offered by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute, EMP International Inc., or EMS Safety Services Inc.; and
  - 6) The application fee set forth in N.J.A.C. 13:37A-7.1.
- d) A course of study in massage and bodywork therapy of at least 500 hours shall include:
- 1) At least 90 hours of anatomy/physiology/pathophysiology;
  - 2) Ethics and Law;
  - 3) Theory and Practice (in-class instruction as to massage and bodywork theory and modalities and in-class demonstration and practice of massage and bodywork modalities);
  - 4) Electives directly related to the practice of massage and bodywork therapy; and
  - 5) At least 100 hours of clinical practice which is supervised by a faculty member who is present on-site while services are being performed and is either a licensed massage and bodywork therapist or is legally authorized to perform massage and bodywork in the state in which the school exists.
- e) For purposes of (d) above, one credit in a course taken in a college or university shall constitute 15 hours of course study.



- f) Hours completed during one area of a course of study in massage, bodywork and somatic therapy shall not be counted towards completion of another area of that course. For example, one hour spent performing massage, bodywork and somatic therapy that is completed as part of theory and practice pursuant to (d)3 above shall not be counted towards the 100 hours of clinical practice required by (d)5 above.
- g) The Board shall issue a license to an applicant who qualifies pursuant to (a) above if the applicant is not disqualified for license pursuant to the provisions of N.J.S.A. 45:1-14 et seq.

### **13:37A-2.2 LICENSURE BY RECIPROCITY**

- a) Upon receipt of a completed application, application fee, consent to a criminal history record background check, and requisite fee for such a check, the Board shall issue a license to any person who holds a valid, current license in good standing issued by another state, if:
  - 1) The Board determines that the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to the current Board standards;
  - 2) The applicant has been practicing massage and bodywork therapy for a period of at least three years within the five years prior to the date of application; and
  - 3) The requirements of (b) below are satisfied.
- b) Prior to the issuance of the license, the Board shall have received:
  - 1) Documentation from any state in which the applicant is, or was ever, licensed or certified that the applicant's license(s) is in good standing;
  - 2) The results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police that does not disclose a conviction for a disqualifying crime; and
  - 3) Designation of an agent in New Jersey for service of process if the applicant is not a New Jersey resident or does not have an office in New Jersey.
- c) For purposes of this section, "good standing" means that:
  - 1) No action has been taken against the applicant's license by any licensing board;

- 2) No action adversely affecting the applicant's privileges to practice massage and bodywork therapy has been taken by any out-of-State institution, organization, or employer;
  - 3) No disciplinary proceeding is pending that could affect the applicant's privileges to practice massage and bodywork therapy;
  - 4) All fines levied by any out-of-State board have been paid; and
  - 5) There is no pending or final action by any criminal authority for violation of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, New Jersey, or any other state, including: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or any offense involving any controlled dangerous substance or controlled dangerous substance analog.
- d) For purposes of this section, a "substantially equivalent" examination need not be identical to the current examination requirements of New Jersey, but such examination shall be nationally recognized and of comparable scope and rigor.
- e) The Board, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.
- f) The Board may grant a license to an applicant seeking reciprocity who does not meet the good standing requirement of (a) above due to a pending action by a licensing board, a pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding, or a pending criminal charge or arrest for a crime provided the alleged conduct of the applicant that is the subject of the action, proceeding, charge, or arrest does not demonstrate a serious inability to practice massage and bodywork therapy, adversely affect the public health, safety, or welfare, or result in economic or physical harm to a person, or create a significant threat of such harm.

### **13:37A-2.2A ABANDONMENT OF APPLICATION FOR LICENSURE**

- a) An application for a license submitted to the Board will be deemed abandoned if:
- 1) The individual applying for the license has not submitted to the Board all of the information and documentation required to obtain a license; and
  - 2) Two years have elapsed since the first notice to the applicant was sent by the Board informing him or her that the Board had not received all of the information and documentation required for licensure.

- b) If an application for licensure is deemed abandoned pursuant to (a) above, the Board shall administratively close the application without notice to the applicant and shall dispose of any information or documentation submitted by the applicant pursuant to the Division of Consumer Affairs' record retention plan.
- c) An individual whose application for licensure has been administratively closed by the Board pursuant to (a) above may reapply for licensure pursuant to N.J.A.C. 13:37A-2.1.

### **13:37A-2.3 RENEWAL OF LICENSE**

- a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant shall attest that the continuing education requirements of N.J.A.C. 13:37A-4.1 have been completed during the prior biennial period and that the applicant is currently certified in CPR and use of an automated external defibrillator (AED) from courses offered by the American Heart Association or a substantially similar course approved or offered by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute, EMP International Inc., or EMS Safety Services Inc.
- b) The Board shall send a notice of renewal to each licensee at the address registered with the Board, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.
- c) The licensee shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:37A-7.1 prior to the date of expiration of the license.
- d) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew as inactive shall not engage in the practice of massage and bodywork therapy, or hold him- or herself out as eligible to engage in the practice of massage and bodywork therapy, in New Jersey until such time as the license is returned to active status.
- e) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:37A-7.1. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

- f) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.
  
- g) Individuals who continue to practice or hold themselves out as State licensed massage and bodywork therapists with a suspended license shall be deemed to be engaged in the unlicensed practice of massage and bodywork therapy and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension had been provided to the person.

### **13:37A-2.4 LICENSE REACTIVATION**

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:37A-2.3(d) may apply to the Board for reactivation of an inactive license. A licensee seeking reactivation of an inactive license shall submit:
  - 1) A renewal application;
  - 2) A certification of employment listing each job held during the period of inactive license, which includes the names, addresses, and telephone number of each employer;
  - 3) The active renewal fee set forth in N.J.A.C. 13:37A-7.1; and
  - 4) Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:37A-4.1.
  
- b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of massage and bodywork therapy and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of (a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above apply.
  
- c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reactivation of licensure to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies

requiring remediation, the Board shall consider the following factors including, but not limited to:

- 1) Length of time license was inactive;
- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license or registration by any professional or occupational board;
- 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of massage and bodywork therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of massage and bodywork therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

### **13:37A-2.5 LICENSE REINSTATEMENT**

- a) (a) A licensee who has had his or her license suspended pursuant to N.J.A.C 13:37A-2.3(f) may apply to the Board for reinstatement. A licensee applying for reinstatement shall submit:
  - 1) A reinstatement application;
  - 2) A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone number of each employer;
  - 3) The renewal fee set forth in N.J.A.C. 13:37A-7.1 for the biennial period for which reinstatement is sought;
  - 4) The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;

- 5) The reinstatement fee set forth in N.J.A.C. 13:37A-7.1; and
  - 6) Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:37A-4.1.
- b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of massage and bodywork therapy and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above apply.
- c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the board may require the applicant as a condition of reinstatement of licensure to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:
- 1) Length of time license was suspended;
  - 2) Employment history;
  - 3) Professional history;
  - 4) Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
  - 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of massage and bodywork therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
  - 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

- 7) Civil litigation related to the practice of massage and bodywork therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

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### **SUBCHAPTER 3. PROFESSIONAL PRACTICE**

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#### **13:37A-3.1 SCOPE OF PRACTICE**

- a) A licensee shall practice only those methods of massage and bodywork therapy that:
  - 1) The licensee learned during his or her initial training as outlined in N.J.A.C. 13:37A-2.1 or 2.5;
  - 2) The licensee learned during a course offered by:
    - i. A provider approved by the NCBTMB, NCCAOM, American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), FSMTB, American Nurse Credentialing Center (ANCC), American Organization for Bodywork Therapies of Asia (AOBTA), American Polarity Therapy Association (APTA), American Physical Therapy Association (APTA), American Medical Association (AMA), International Association of Structural Integrators (IASI), Ida P. Rolf Research Foundation, a state board of massage, a state board of massage and bodywork, a state board of physical therapy or a state board of chiropractic;
    - ii. A school which is approved by an agency recognized by the United States Department of Education; or
    - iii. A school which is accredited or approved by the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development, the New Jersey Commission on Higher Education, or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education; or
  - 3) The licensee developed and which are taught, or have been taught, in a course offered by a provider approved by the NCBTMB, NCCAOM, American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), FSMTB, American Nurse Credentialing Center (ANCC), American Organization for Bodywork Therapies of Asia (AOBTA), American Polarity Therapy Association (APTA), American Physical Therapy Association (APTA), American Medical Association (AMA), International

Association of Structural Integrators (IASI), Ida P. Rolf Research Foundation, a state board of massage, a state board of massage and bodywork, a state board of physical therapy or a state board of chiropractic.

- b) Notwithstanding any training received as permitted by (a) above, a licensee shall not perform:
- 1) Vaginal or penile massages;
  - 2) Animal therapies prohibited by the Veterinary Medical Act, N.J.S.A. 45:16-1, et seq.;
  - 3) Any application of electrical current to the body (Transcutaneous Electronic Nerve Stimulation, TENS, machine); and
  - 4) Diagnosis of illness, disease, impairment or disability.

### **13:37A-3.2 INFECTION CONTROL PRECAUTIONS**

- a) Licensees shall wash hands and any part of his or her body that comes in contact with a client's body with liquid disinfectant soap and water, or hand sanitizer, in the following instances:
- 1) Before and after providing massage and bodywork therapies for each client; or
  - 2) Immediately upon contact with blood, body fluids, secretions or any item that has touched a patient or that has been contaminated with blood, bodily fluids or secretions, not including sweat.
- b) If hand washing facilities are not available, licensees shall disinfect their hands with a bactericidal agent.
- c) Clean linens and drapes or disposable coverings shall be used for each client.
- d) Soiled disposable items shall be discarded into a container lined with a plastic bag, securely fastened, and disposed of daily into the regular trash disposal, unless otherwise specified by state and local health regulations.
- e) A broad spectrum anti-microbial disinfectant shall be used to disinfect:



- 1) Any equipment that comes in contact with a client, prior to the provision of massage and bodywork therapies for a client;
  - 2) Exposed surfaces such as counter tops, tables and sinks on a daily basis.
  - 3) Any implements or tools used during massage and bodywork therapy;
  - 4) Face cradles and arm rests on all massage chairs and tables, prior to the provision of massage and bodywork therapies for a client;
  - 5) All ice and heat pack equipment;
  - 6) Any tool or utensil used to transfer a lubricant from one container to another or from a container to a client which is not disposed of after use; and
  - 7) Any portion of a lubricant pump dispenser or lubricant tube touched by the licensee during the provision of massage and bodywork therapy services.
- f) If a licensee uses massage lubricants, the licensee shall:
- 1) Store massage lubricants in sanitary containers;
  - 2) Keep lubricant containers free of debris; and
  - 3) Store lubricants according to manufacturer's recommendations and separately from cleaning supplies.
- g) If a licensee uses a massage lubricant that is contained in a pump dispenser or a tube, the licensee shall, after completion of services to every client, disinfect pursuant to (e) above any portion of the container that he or she has touched during the provision of massage and bodywork therapy services.
- h) If a licensee uses a massage lubricant that is not contained in a pump dispenser, tube or squeeze bottle, the licensee shall, for every client, remove the lubricant from the main container with a disposable instrument or an instrument that is disinfected pursuant to (e) above after each use and place the lubricant in a separate container which shall be discarded or disinfected pursuant to (e) above after the completion of services.
- i) Licensees shall store all single service materials and linens off the floor in shelves, containers, cabinets or closets.

- j) Soiled linens and draping materials shall be commercially laundered or washed in a clothes washing machine, in hot water with detergent and at least one cup of bleach or an antibacterial agent, and dried on the high heat setting in a clothes dryer.
- k) Clean linens and dirty linens shall be stored separately.
- l) Clean linens and trash shall be stored separately.
- m) When a licensee is providing massage and bodywork therapy in a temporary location, such as a sporting event, the licensee shall sanitize all equipment in accordance with this section.
- n) Licensees shall maintain a clean environment in the massage and bodywork therapy establishment and shall ensure that the massage and bodywork therapy establishment is well-lit and ventilated. Licensees shall maintain the area where massage and bodywork therapy is being performed free of animals, except as permitted by law.
- o) Licensees shall provide access to a restroom for clients in the massage and bodywork therapy establishment.
- p) Licensees shall repair any holes and tears in the treatment surface so as to maintain the surface integrity of the treatment surface.

### **13:37A-3.3 DESIGNATIONS FOR LICENSED PERSONS, PROHIBITIONS ON UNLICENSED PERSONS**

- a) An active licensee shall use the titles "licensed massage and bodywork therapist" or "licensed massage therapist" or the acronyms "LMBT" or "LMT."
- b) Unless actively licensed pursuant to the provisions of this chapter, no person or business entity shall use:
  - 1) The titles "massage and bodywork therapist" or "licensed massage and bodywork therapist;"
  - 2) Any title or designation that includes the words "massage," "bodywork," "masseur," "masseuse," "shiatsu," "acupressure," "accupressure," "accu-pressure," "nuad bo'rarn," "amma," "anma," "chi nei tsang," "tuina," "polarity educator," "polarity therapist," "polarity therapy" or "polarity practitioner;" or

- 3) The abbreviations "AB," "ABT," "BT," "CMT," "CMBT," "COBT," "LABT," "LBT," "LMBST," "LMBT," "LMT," "LOBT," "MBST," "MBT," "MP," "MT," "OB," or "RPP."
- c) Notwithstanding (b) above, an individual who is licensed or certified by another New Jersey State entity shall be permitted to use any title or abbreviation that describes a practice that the individual is permitted to engage in pursuant to his or her license or certification.

### **13:37A-3.4 DISPLAY OF LICENSE**

- a) Licensees shall display their license in view of clients whenever providing massage and bodywork services in their place of business or office.
- b) Whenever licensees provide massage and bodywork services outside of their place of business or office they shall produce their licenses for clients or other members of the public upon request.
- c) A licensee shall display either the original license or a duplicate license obtained from the Board.

### **13:37A-3.5 SEXUAL MISCONDUCT**

- a) The purpose of this section is to identify for licensees conduct that shall be deemed sexual misconduct.
- b) As used in this section, the following terms have the following meanings:

"Client" means any person who is the recipient of massage or bodywork therapy.

"Client therapist relationship" means a relationship between a licensee and a client in which the licensee owes a continuing duty to the client to render massage or bodywork therapy services consistent with his or her training and experience.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification.

"Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or

any part of a licensee or client's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a client's body which is necessary during the performance of a generally accepted and recognized massage and bodywork therapy procedure.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non verbal conduct that is sexual in nature, which occurs in connection with a licensee's activities or role as a provider of massage and bodywork therapy services that is unwelcome or offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee with a client, co worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee.

"Spouse" means the husband, wife or fiancée of the licensee or an individual involved in a long term committed relationship with the licensee. For purposes of the definition of "spouse," a long term committed relationship means a relationship which is at least six months in duration.

- c) A licensee shall not engage in sexual contact with a client with whom he or she has a client therapist relationship. The client therapist relationship is ongoing for purposes of this section, unless more than three months has elapsed since the last massage and bodywork therapy was rendered.
- d) A licensee shall not seek or solicit sexual contact with a client with whom he or she has a client therapist relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.
- e) A licensee shall not engage in any discussion of an intimate sexual nature with a person with whom the licensee has a client-therapist relationship, unless that discussion is directly related to a proper massage and bodywork therapy purpose. Such discussion shall not include disclosure by the licensee of his or her own sexual relationships.
- f) A licensee shall provide privacy and therapy conditions which prevent the exposure of the unclothed body of the client. Appropriate draping measures shall be employed to protect client privacy.

- g) A licensee shall not engage in sexual harassment either within or outside of the professional setting.
- h) A licensee shall not engage in any other activity that would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or which is for the sexual arousal, or sexual gratification, of the licensee or client or which constitutes an act of sexual abuse.
- i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall constitute professional misconduct pursuant to N.J.S.A. 45:1 21(e).
- j) Nothing in this section shall be construed to prevent a licensee from rendering massage or bodywork therapy to a spouse, providing that the rendering of such massage or bodywork therapy is consistent with accepted standards of massage or bodywork therapy and that the performance of therapy is not utilized to exploit the spouse for the sexual arousal or sexual gratification of the licensee.
- k) It shall not be a defense to any action under this section that:
  - 1) The client solicited or consented to sexual contact with the licensee; or
  - 2) The licensee is in love with or held affection for the client.

### **13:37A-3.6 CHANGE IN ADDRESS OF RECORD OR NAME**

- a) A licensee shall notify the Board in writing within 30 days of changes to:
  - 1) The licensee's address of record. Service to the address of record registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2; or
  - 2) The licensee's legal name. Notification of a name change shall include a copy of the marriage license or a court order which authorized the legal name change.

### **13:37A-3.7 PATIENT ACKNOWLEDGEMENT**

Prior to providing an initial service to a client, a licensee shall have the client read and sign a patient acknowledgement form which includes the following statement:

“Massage and bodywork therapy practices are designed to promote and maintain the health and well-being of the client. Massage and bodywork therapies do not include the diagnosis of illness, disease, impairment or disability. If I experience any pain or discomfort during this session, I will immediately inform the therapist so that the pressure and/or manipulations may be adjusted to my level of comfort. Because massage and bodywork therapy may be contraindicated due to certain medical conditions, I affirm that I have informed the therapist of all my known medical conditions and will keep the therapist updated as to any changes in my medical condition.”

### **13:37A-3.8 REPORTING OF MISCONDUCT**

- a) A licensee shall report to the Board any incident or series of incidents that the licensee, in good faith, believes is in violation of the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq., N.J.S.A. 45:1-14 et seq., N.J.A.C. 13:45C, or this chapter.
- b) Pursuant to N.J.A.C. 13:45E-3.2, a licensee who is in possession of information that reasonably indicates that another licensee or other health care professional has demonstrated an impairment, gross incompetence, or unprofessional conduct that would present an imminent danger to an individual or to the public health, safety, or welfare shall file a report with the Division of Consumer Affairs Health Care Professional Information Clearing House Coordinator and the Board.

### **13:37A-3.9 DUTY TO REPORT**

- a) The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

“Conviction” means a judgment of conviction entered following plea agreement or trial on an arrest, indictment, accusation, or bill of particulars in a state or Federal criminal proceeding, or the resolution of such charges, whether by a plea of no contest or nolo contendere or by pre-trial diversion program.

“Disciplinary order” means a disposition suspending or revoking licensure privileges or imposing civil penalties or ordering the restoration of money or ordering corrective action or medical or other professional treatment or monitoring, or censuring or reprimanding a licensee.

“Licensing authority” means any professional or occupational licensing board charged with granting, suspending, or revoking licensure or certification privileges.

“Medical condition” includes physiological, mental, or psychological conditions or disorders, such as, but not limited to, orthopedic, visual, speech, or hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional or mental illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction, and alcoholism.

- b) A licensee shall provide notice to the Board in writing within 10 days regarding any of the following:
- 1) If the licensee is incapable, for medical condition or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare;
  - 2) Pending or final actions by criminal authorities for violations of law, rule, or regulation, or any arrest or conviction for any criminal or quasi-criminal offense pursuant to the laws of the United States, this State, or another state, including, but not limited to, being indicted or convicted of a crime involving moral turpitude or a crime adversely relating to his or her practice;
  - 3) Being named as a defendant or respondent in a civil, criminal, or administrative investigation, complaint, or judgment involving alleged malpractice, negligence, or misconduct relating to his or her practice;
  - 4) Actions by an employer grounded, in whole or in part, upon client care concerns which actions condition, curtail, limit, suspend, or revoke employment;
  - 5) Disciplinary actions by state licensing authorities including, but not limited to, being the subject of any voluntary license or certification surrender or any disciplinary action or order by any state or Federal agency, board, or commission, including any order of limitation or preclusion;
  - 6) Actions by the Department of Health; or
  - 7) Actions by professional review organizations or utilization review organizations.
- c) For each item listed in (b) above, the licensee shall provide an explanation therefor.

- d) Failure by a licensee to provide the Board with notice of any information required pursuant to this section within the required time period of the change or the event necessitating the filing of the notice may be deemed professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

### **13:37A-3.10 CLIENT AGE**

- a) If a client is under the age of 18, a licensee shall provide massage and bodywork services only when the client's parent or legal guardian has provided written consent to the licensee providing services to the client.
- b) If a client is under the age of 16, a licensee shall provide massage and bodywork services only when the client's parent or legal guardian is in the room while services are being provided.

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## **SUBCHAPTER 4. CONTINUING EDUCATION**

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### **13:37A-4.1 CONTINUING EDUCATION**

- a) Upon biennial license renewal, licensees shall attest that they have completed courses of continuing education of the types and number of credit hours specified in (b), (c), (d) and (e) below and N.J.A.C. 13:37A-4.2. Falsification of any information submitted on the renewal application may require an appearance before the Board and may subject a licensee to penalties and/or suspension or revocation of the license pursuant to N.J.S.A. 45:1-21 through 25.
- 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. 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) Licensees shall be limited to completing a total of six credit hours through courses presented on-line or through DVDs.



- d) A licensee who is licensed in the second year of a biennial renewal period shall be required to complete 10 credit hours of continuing education, of which at least two hours shall be in ethics.
- e) A licensee who completes more than the minimum continuing education credit hours set forth in (b) or (d) above in any biennial registration period may carry no more than 18 of the additional credit hours into a succeeding biennial period. A licensee who carries over credits into a biennial period shall complete, during that biennial period, at least two hours of ethics.

### **13:37A-4.2 CONTINUING EDUCATION PROGRAMS**

- a) A licensee may obtain continuing education credit hours from the following:
  - 1) Successful completion of continuing education courses or programs related to the practice of massage and bodywork therapy, one credit hour for each hour of instruction. Courses and programs shall be approved by, or offered by providers approved by:
    - i. NCBTMB;
    - ii. NCCAOM;
    - iii. American Massage Therapy Association (AMTA);
    - iv. American Organization for Bodywork Therapies of Asia (AOBTA);
    - v. Association of Bodywork and Massage Professionals (ABMP);
    - vi. American Nurses Credentialing Center (ANCC);
    - vii. American Polarity Therapy Association (APTA);
    - viii. American Physical Therapy Association (APTA);
    - ix. FSMTB;
    - x. International Association of Structural Integrators (IASI);
    - xi. American Medical Association (AMA);

- xii. Ida P. Rolf Research Foundation; or
  - xiii. A state board of massage, massage and bodywork, physical therapy or chiropractic;
- 2) Successful completion of a course, related to the practice of massage and bodywork therapy, given by a school, college or university, one credit hour for each hour of instruction. A school, college or university shall be:
- i. Accredited by the New Jersey Department of Education;
  - ii. Approved by the New Jersey Department of Labor and Workforce Development;
  - iii. Approved by the New Jersey Commission on Higher Education; or
  - iv. Approved by an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education;
- 3) Teaching a new continuing education program related to massage and bodywork therapy that is approved pursuant to 1 or 2 above. As used in this paragraph, "new" means that the licensee has never taught or developed curriculum for that course or program in any educational setting; one credit hour for each hour taught;
- 4) Authorship of a published textbook or a chapter of a textbook directly related to the practice of massage and bodywork therapy; four credit hours for each chapter up to 20 credit hours;
- 5) Authorship of a published article, which has been refereed through peer review, related to the practice of massage and bodywork therapy, in a medical or health related journal; four credit hours; and
- 6) Presenting a new seminar or lecture to professional peers, provided the seminar or lecture is at least one hour long; as used in this paragraph, "new" means that the licensee has never presented the seminar or lecture before; one credit hour for each hour of presentation.

**13:37A-4.3 CONTINUING EDUCATION AUDITS; RECORDS OF CONTINUING EDUCATION**

- a) The Board shall perform audits on randomly selected licensees to determine compliance with continuing education requirements.
- b) A licensee shall maintain the following documentation for a period of four years after completion of the credit hours and shall submit such documentation to the Board upon request:
  - 1) For attendance at programs or courses: a certificate of completion from the sponsor;
  - 2) For publication of textbook or article: the published item, including the date of publication;
  - 3) For developing curriculum or teaching a course or program: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from sponsor confirming that the licensee developed or taught the course or program; and
  - 4) For presenting a lecture or seminar: documentation including the location, date and duration of the lecture or seminar.

**13:37A-4.4 WAIVER OF CONTINUING EDUCATION REQUIREMENTS**

- a) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.
  - 1) A licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Board with supplemental materials that support the request for waiver.
  - 2) A waiver of continuing education requirements granted pursuant to this subsection shall be effective only for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue(s) into the next biennial period, a licensee shall apply to the Board for the renewal of such waiver for the new biennial period.

**13:37A-4.5 ADDITIONAL CONTINUING EDUCATION REQUIREMENTS**

- a) The Board may direct or order a licensee to complete continuing education credit hours:
- 1) As part of a disciplinary or remedial measure in addition to the required 20 hours of continuing education; or
  - 2) To correct a deficiency in the licensee's continuing education requirements.
- b) Any continuing education credit hours completed by the licensee in compliance with an order or directive from the Board as set forth in (a) above shall not be used to satisfy the minimum continuing education requirements as set forth in this subchapter.

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**SUBCHAPTER 5.  
BUSINESS PRACTICES**

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**13:37A-5.1 ADVERTISING AND SOLICITATION PRACTICES**

- a) A licensee may provide information to the public by advertising in print or electronic media pursuant to this section.
- b) The following words and terms, when used in this section, shall have the following meanings:

"Advertisement" means any attempt directly or indirectly by publication, dissemination, or circulation in print or electronic media which directly or indirectly induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services from a licensee.

"Electronic media" means radio, telephone, television, and internet.

"Print media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, business cards, matchcovers and other similar items, documents or comparable publications.

- c) A licensee who engages in the use of advertising that contains any of the following shall be deemed to be engaged in professional misconduct:
- 1) Any statement, claim or format which is false, fraudulent, misleading or deceptive;
  - 2) Any promotion of a professional service for which:
    - i. The licensee has not received education or training to perform; or
    - ii. The licensee claims to have developed, unless the licensee developed such service and it is taught, or has been taught, in a course offered by a provider approved by the NCBTMB, NCCAOM, American Massage Therapy Association (AMTA) Associated Bodywork and Massage Professionals (ABMP) FSMTB, American Nurse Credentialing Center (ANCC), American Organization for Bodywork Therapies of Asia (AOBTA), American Polarity Therapy Association (APTA), American Physical Therapy Association (APTA), American Medical Association (AMA), International Association of Structural Integrators (IASI), Ida P. Rolf Research Foundation, a state board of massage, a state board of massage and bodywork, a state board of physical therapy or a state board of chiropractic;
  - 3) The communication of any fact, data or information which may personally identify a client without that client's signed written permission obtained in advance; or
  - 4) Any offer to provide services that would qualify as sexual misconduct pursuant to N.J.A.C. 13:37A-3.5.
- d) The Board may require a licensee to substantiate the truthfulness of any assertion or representation in an advertisement. Failure of a licensee to provide factual substantiation to support a representation or assertion when requested shall be deemed professional misconduct.
- e) All advertisements shall include:
- 1) The licensee's first name, or first initial of the first name, and the licensee's full last name;
  - 2) The licensee's address or telephone number; and
  - 3) The terms "N.J. Lic. #" followed by the licensee's license number.

- f) If an entity advertises under a professional name the entity must identify at least one licensee's first name, or first initial of the first name, and the licensee's full last name, license number and telephone or address.
- g) A video or audio tape, or other permanent recording for an internet advertisement, which may include screen shots of a webpage, of every advertisement communicated by electronic media shall be retained by the licensee and shall be made available for review upon request by the Board or its designee. A copy of any advertisement appearing in the print media shall also be retained by the licensee and made available for review. The tapes and print media copies required to be retained under this subsection shall be kept for a minimum period of three years from the date of the last authorized publication or dissemination of the advertisement.
- h) Licensees who are on inactive status pursuant to N.J.A.C. 13:37A-2.3(h) shall not hold themselves out to the public as State licensed massage and bodywork therapists.

### **13:37A-5.2 RECORD KEEPING**

- a) Licensees shall make contemporaneous, permanent entries into client records which shall accurately reflect the massage and bodywork services rendered. Client records shall be maintained in a safe and secure location for a period of seven years from the date of the most recent entry. The client record shall contain, at a minimum:
  - 1) Intake record;
  - 2) The dates of each service;
  - 3) Reasons for visits, including a physician's prescription, if there is one;
  - 4) The name of the licensee who provided services if there is more than one licensee practicing at the office;
  - 5) Modalities used and areas of focus on the body; and
  - 6) Any referral to another healthcare professional.
- b) A licensee may make corrections and/or additions to a client record, provided that each change is clearly identified as such, dated and initialed by the licensee.

**13:37A-5.3 CLIENT ACCESS TO RECORDS; CONFIDENTIALITY**

- a) Licensees shall provide access to client records to a client or an authorized representative in accordance with the following:
- 1) No later than 30 days from receipt of a written request from a client or an authorized representative, the licensee shall provide a copy of the client record, and/or billing records as may be requested;
  - 2) The licensee may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less; and
  - 3) If the client or a subsequent treating health care professional is unable to read the client record, because it is illegible, the licensee, upon request, shall provide a typed transcription of the record. If the record is in a language other than English, the licensee shall also provide a translation.
- b) Licensees shall maintain the confidentiality of client records, except that:
- 1) The licensee shall release client records as directed by a subpoena issued by the Board or the Attorney General, or by a demand for a statement in writing under oath, pursuant to N.J.S.A. 45:1-18. Such records shall be originals, unless otherwise specified, and shall be unedited, with full client names; and
  - 2) The licensee shall release information as required by statute or regulation.
- c) Where the client has requested the release of all or a portion of a client record to a specified individual or entity, in order to protect the confidentiality of the records the licensee shall:
- 1) Secure and maintain a current written authorization, bearing the signature of the client or an authorized representative;
  - 2) Assure that the scope of the release is consistent with the request;
  - 3) Forward the records to the attention of the specific individual identified in the request; and
  - 4) Mark the material "Confidential."

**13:37A-5.4 USE OF COMPUTER TO PREPARE CLIENT RECORDS**

- a) A licensee who prepares a patient record maintained solely on a computer shall use a write-protected program which:
- 1) Contains an internal permanently activated date and time recordation for all entries;
  - 2) Automatically prepares a back-up copy of the file; and
  - 3) Is designed in such manner that, after the licensee "signs" by means of a confidential personal code (CPC), the entry cannot be changed in any manner.
- b) The licensee shall include in the client record at least two forms of identification; for example, name and record number of the patient or any other specific identifying information.
- c) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, each such person shall obtain a CPC and uses the program in the same manner.
- d) The licensee shall generate a hard copy of the complete client record, or a portion thereof, upon request.
- e) A licensee who generates a hard copy of a patient record pursuant to (d) above shall ensure that the hard copy is paginated with each page being a specified number of the total number of pages in the record.

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**SUBCHAPTER 6.  
BUSINESS REGISTRATION**

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**13:37A-6.1 REGISTRATION OF EMPLOYERS**

- a) Pursuant to N.J.S.A. 45:11-76, an individual or entity that employs another person to engage in, or an individual or entity that employs another and advertises or holds itself out as providing, massage and bodywork therapies shall register with the Board.
- b) An individual or entity that employs another person to engage in, or an individual or entity that employs another person and advertises or holds itself out as providing, massage and bodywork services shall not be required to register with the Board if the individual or entity is:



- 1) A school approved by the New Jersey Department of Education, The New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education; or
  - 2) A health care institution licensed by the Department of Health and Senior Services.
- c) An applicant for registration shall submit to the Board a completed application that includes:
- 1) The name and residence of the individual or the owner or operator of the entity;
  - 2) The municipality and location of the owner or operator's primary place of business and the location of any branches of the business;
  - 3) A certification attesting that the individual or entity will employ only massage and bodywork therapists licensed by the Board to provide massage and bodywork services;
  - 4) The criminal history background of the individual or the owner or operator of the entity; and
  - 5) The registration fee required pursuant to N.J.A.C. 13:37A-7.1.
- d) Registration will be valid for two years and shall be renewed by submitting the information and fees required by (c) above.
- e) If any of the information submitted pursuant to (c) above changes, the employer shall notify the Board within 30 days of the change.

### **13:37A-6.2 SUSPENSION OR REVOCATION OF REGISTRATION**

- a) The Board shall either suspend or revoke the registration of an entity that has:
- 1) Submitted false or misleading information in its application submitted pursuant to N.J.A.C. 13:37A-6.1(c) or (d); or
  - 2) Failed to demonstrate that every employee who is engaged in providing massage and bodywork therapy services is licensed to practice by the Board.

**13:37A-6.3 DUTY TO REPORT**

- a) A registration holder shall provide notice to the Board in writing, on such forms as the Board may require and within 10 days, of any changes, additions, or deletions pertaining to the following information last provided by the registration holder on the biennial renewal form or initial application:
- 1) The name and address of the business locations;
  - 2) The owner/responsible party of the registration holder; and
  - 3) Pending or final actions by criminal authorities for violations of law, rule, or regulation, or any arrest or conviction for any criminal or quasi-criminal offense pursuant to the laws of the United States, this State, or any other state, including, but not limited to, being indicted or convicted of a crime involving moral turpitude or a crime adversely relating to his or her practice.
- b) For each item listed in (a) above, the registration holder shall provide an explanation therefor.
- c) Failure by a registration holder to provide the Board with notice of any information required pursuant to this section within the required time period of the change or the event necessitating the filing of the notice may be deemed professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

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**SUBCHAPTER 7.  
FEES**

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**13:37A-7.1 FEE SCHEDULE**

- a) The following fees shall be charged by the Board:
- 1) Application fee ..... \$75.00
  - 2) Initial license fee
    - i. If paid during the first year of a biennial renewal period ..... \$120.00

- ii. If paid during the second year of a biennial renewal period ..... \$60.00
  
- 3) Renewal of license ..... \$120.00
  
- 4) Late license renewal ..... \$50.00
  
- Plus the applicable  
biennial license  
renewal fee set forth  
in (a)3 above
  
- 5) Reinstatement fee ..... \$100.00
  
- Plus the applicable  
biennial license  
renewal fee set forth  
in (a)3 above
  
- 6) Duplicate license ..... \$35.00
  
- 7) Inactive license fee ..... \$60.00
  
- 8) Verification of license for endorsement..... \$ 30.00
  
- 9) Written verification of license ..... \$ 25.00
  
- 10) Employer registration ..... \$150.00