

**ASSEMBLY, No. 2364**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Creates certain reporting standards for massage and bodywork therapists, establishes parental permission standards for services to clients under 18.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning massage and bodywork therapists and  
2 supplementing P.L.1999, c.19 (C.45:11-53 et seq.).  
3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*  
6

7 1. As used in this act:

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

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

18 “Licensing authority” means a professional or occupational  
19 licensing board as provided in section 1 of P.L.1970, c. 60 (C.45:1-  
20 2.1).

21 “Medical condition” includes physiological, mental, or  
22 psychological conditions or disorders, such as, but not limited to,  
23 orthopedic, visual, speech, or hearing impairments, cerebral palsy,  
24 epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart  
25 disease, diabetes, mental retardation, emotional or mental illness,  
26 specific learning disabilities, HIV, tuberculosis, drug addiction, or  
27 alcoholism.  
28

29 2. a. A licensee shall report to the board any incident that the  
30 licensee, in good faith, believes is in violation of P.L. 1978, c. 73  
31 (C.45:1-14 et seq.) or P.L.1999, c.19 (C.45:11-53 et seq.).

32 b. A licensee possessing information that reasonably indicates  
33 that another licensee or other health care professional has  
34 demonstrated an impairment, gross incompetence, or unprofessional  
35 conduct that would present an imminent danger to an individual or  
36 to the public health, safety, or welfare shall file a report with the  
37 Division of Consumer Affairs Health Care Professional Information  
38 Clearing House Coordinator and the board.  
39

40 3. A licensee shall provide notice to the board in writing within  
41 10 days of any of the following:

42 a. The licensee becoming incapable of discharging the  
43 functions of a licensee in a manner consistent with the public’s  
44 health, safety, and welfare due to a medical condition or any other  
45 cause;

46 b. Any pending or final action for a criminal violation of any  
47 law, rule, or regulation, or any arrest or conviction of the licensee

1 for any criminal or quasi-criminal offense pursuant to the laws of  
2 the United States, this State, or another state;

3 c. The licensee being named as a defendant or respondent in a  
4 civil, criminal, or administrative investigation, complaint, or  
5 judgment involving alleged malpractice, negligence, or misconduct  
6 relating to the licensee's practice;

7 d. Any action by an employer conditioning, curtailing, limiting,  
8 suspending, or revoking the licensee's employment grounded, in  
9 whole or in part, upon client care concerns;

10 e. The licensee being subject to disciplinary actions by state  
11 licensing authorities including, but not limited to, being the subject  
12 of any voluntary license or certification surrender or any  
13 disciplinary action or order by any state or federal agency, board, or  
14 commission, including any order of limitation or preclusion; or

15 f. The licensee being subject to an action by appropriate  
16 professional organizations.

17  
18 4. Failure by a licensee to provide the board with notice of any  
19 information required pursuant to this act within the required time  
20 period of the change or the event necessitating the filing of the  
21 notice may be deemed professional misconduct within the meaning  
22 of subsection e. of section 8 of P.L.1978, c. 73 (C.45:1-21).

23  
24 5. a. If a client is under the age of 18, a licensee shall provide  
25 massage and bodywork services only when the client's parent or  
26 legal guardian has provided written consent to the licensee  
27 providing services to the client.

28 b. If a client is under the age of 16, a licensee shall provide  
29 massage and bodywork services only when the client's parent or  
30 legal guardian is in the room while services are being provided.

31  
32 6. This act shall take effect immediately.

### 33 34 STATEMENT

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36 This bill creates certain requirements and reporting standards for  
37 massage and bodywork therapists. Specifically, this bill would  
38 require massage and bodywork therapists to report observations of  
39 misconduct, and their own medical incapacities, criminal charges,  
40 employer actions, actions by licensing authorities, Department of  
41 Health actions, and actions by professional review organizations to  
42 the New Jersey Board of Massage and Bodywork Therapy. It  
43 would also require that a licensee only provide massage or  
44 bodywork services to a client under the age of 18 when the client's  
45 parent or legal guardian has provided written consent, and only  
46 provide services to a client under the age of 16 when the client's  
47 parent or legal guardian is present.

48 The regulations and reporting standards of the bill codify a  
49 regulation promulgated by the Attorney General's office.