

SENATE, No. 1866

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1997

By Senator SINAGRA

1 AN ACT providing for the licensing of massage, bodywork and somatic
2 therapists, supplementing Title 45 of the Revised Statutes and
3 amending P.L.1974, c.46 and P.L.1978, c.73.

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

7
8 1. (New section) This act shall be known and may be cited as the
9 "Massage, Bodywork and Somatic Therapist Licensing Act."

10
11 2. (New section) The Legislature finds and declares that: the
12 public interest requires the regulation of the practice of massage,
13 bodywork and somatic therapies and the establishment of clear
14 licensure standards for massage, bodywork and somatic therapists; the
15 health and welfare of the citizens of this State will be protected by
16 identifying to the public those individuals who are best qualified to
17 practice massage, bodywork and somatic therapies; and the regulation
18 of massage, bodywork and somatic therapists will benefit the public by
19 encouraging it to take additional advantage of massage, bodywork and
20 somatic therapies as a viable complement to traditional medicine.

21
22 3. (New section) As used in this act:
23 "Board" means the State Board of Massage, Bodywork and
24 Somatic Therapies established pursuant to section 5 of this act.

25 "Licensee" means any person who holds a license to practice
26 massage, bodywork and somatic therapies pursuant to the provisions
27 of this act.

28 "Massage, bodywork and somatic therapist" means a person
29 licensed to practice massage, bodywork and somatic therapies
30 pursuant to the provisions of this act.

31 "Massage, bodywork and somatic therapies" or "massage,
32 bodywork and somatic" means systems of activity of structured touch
33 which include, but are not limited to, holding, applying pressure,
34 positioning and mobilizing soft tissue of the body by manual technique

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 and use of visual, kinesthetic, auditory and palpating skills to assess
2 the body for purposes of applying therapeutic massage, bodywork or
3 somatic principles. Such application may include, but is not limited to,
4 the use of therapies such as heliotherapy or hydrotherapy, the use of
5 moist hot and cold external applications, external application of herbal
6 or topical preparations not classified as prescription drugs, analysis of
7 posture, movement and neural myofacial education, and education in
8 self-care and stress management. Massage, bodywork and somatic
9 therapy practices are designed to effect the energetic system of the
10 body for the purpose of promoting and maintaining the health and
11 well-being of the client. Massage, bodywork and somatic therapies do
12 not include the diagnosis of illness or disease.

13

14 4. (New section) Nothing in this act shall be construed to prohibit
15 any person licensed to practice in this State under any other law from
16 engaging in the practice for which he is licensed or to prohibit any
17 student enrolled in a program of massage, bodywork and somatic
18 therapies recognized by the board from performing massage,
19 bodywork and somatic therapies which is necessary to his course of
20 study.

21

22 5. (New section) a. There is created within the Division of
23 Consumer Affairs in the Department of Law and Public Safety the
24 State Board of Massage, Bodywork and Somatic Therapies. The
25 board shall consist of nine members who are residents of the State,
26 two of whom shall be public members and one of whom shall be a
27 State executive department member appointed pursuant to the
28 provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining six
29 members shall be licensed massage, bodywork and somatic therapists
30 who have been actively engaged in the practice of massage, bodywork
31 and somatic therapies in this State for at least five years immediately
32 preceding their appointment, except that the board shall not have at
33 any one time more than two members who practice a particular
34 method and manner of treatment of massage, bodywork and somatic
35 therapies.

36 b. For a period of one year after the effective date of this act and
37 notwithstanding any other provisions of this act to the contrary, the
38 first six massage, bodywork and somatic therapists appointed as
39 members of the board shall not be required, at the time of their first
40 appointment, to be licensed to practice massage, bodywork and
41 somatic therapies.

42 c. The Governor shall appoint the public members and the
43 massage, bodywork and somatic therapist members to the board with
44 the advice and consent of the Senate. The Governor shall appoint
45 each member for a term of three years, except that of the massage,
46 bodywork and somatic therapist members first appointed, two shall

1 serve for terms of three years, two shall serve for terms of two years
2 and two shall serve for a term of one year. Each member shall hold
3 office until his successor has been qualified. Any vacancy in the
4 membership of the board shall be filled for the unexpired term in the
5 manner provided for the original appointment. No member of the
6 board may serve more than two successive terms in addition to any
7 unexpired term to which he has been appointed.

8
9 6. (New section) The members of the board shall serve without
10 compensation. Members shall be reimbursed by the State Treasurer
11 for their actual expenses arising out of their service on the board. All
12 reimbursements shall be paid from the revenues of the board.

13
14 7. (New section) The board shall annually elect from among its
15 members a chairman and a vice-chairman and may appoint a secretary,
16 who need not be a member of the board. The board shall meet at least
17 twice per year and may hold additional meetings as necessary to
18 discharge its duties.

19
20 8. (New section) The board shall:

- 21 a. Review the qualifications of applicants for licensure;
- 22 b. Insure the proper conduct and standards of examinations;
- 23 c. Issue and renew licenses to massage, bodywork and somatic
24 therapists pursuant to this act;
- 25 d. Suspend, revoke or fail to renew the license of a massage,
26 bodywork and somatic therapist pursuant to the provisions of
27 P.L.1978, c.73 (C.45:1-14 et seq.);
- 28 e. Establish any standards for the continuing education of licensees
29 as it deems necessary;
- 30 f. Prescribe or change the charges for examinations, licensures,
31 renewals and other services performed pursuant to P.L.1974, c.46
32 (C.45:1-3.1 et seq.);
- 33 g. Maintain a record of every massage, bodywork and somatic
34 therapist licensed in this State, and the date and number of his license,
35 and publish a list of the names and addresses of all licensees annually;
- 36 h. Promulgate rules and regulations necessary for the performance
37 of its duties and the implementation of this act.

38
39 9. (New section) To be eligible for licensure as a massage,
40 bodywork and somatic therapist, an applicant shall submit to the board
41 satisfactory evidence of:

- 42 a. Successful completion of a minimum of 500 hours in class study
43 in the field of massage, bodywork and somatic therapies; or
- 44 b. Successful completion of the written examination offered by The
45 National Certification Board for Therapeutic Massage and Bodywork
46 or a substantially equivalent examination approved by the board to

1 determine the applicant's competence to practice massage, bodywork
2 and somatic therapies. The successful completion of any such
3 examination may have been accomplished before the effective date of
4 this act; or

5 c. Successful completion of an apprenticeship program as approved
6 by the board.

7
8 10. (New section) For 720 days after the date procedures are
9 established by the board for applying for licensure under section 9 of
10 this act, any person who engaged in the full-time practice, as
11 determined by the board, of massage, bodywork and somatic therapies
12 for two years preceding the enactment date of this act, or any person
13 who engaged in the part-time practice, as determined by the board, of
14 massage, bodywork and somatic therapies for five years preceding the
15 enactment date of this act, or any person who has completed
16 successfully 1,000 hours in the practice of massage, bodywork and
17 somatic therapies with a minimum completion of 200 hours of
18 education or training in massage, bodywork and somatic therapies as
19 determined by the board, or any member of a national massage,
20 bodywork and somatic association approved by the board, may acquire
21 a license to practice massage, bodywork and somatic therapies without
22 satisfying the requirements of section 9 of this act.

23
24 11. (New section) A fee to be determined by the board shall
25 accompany each application for licensure. Licenses shall expire
26 biennially and may be renewed upon submission of a renewal
27 application provided by the board and payment of a fee. If the renewal
28 fee is not paid by that date, the license shall automatically expire, but
29 may be renewed within two years of its expiration date on payment to
30 the board of a sum determined by it for each year or part thereof
31 during which the license was expired and an additional restoration fee.
32 After a two-year period, a license may only be renewed by complying
33 with the provisions of this act regarding initial licensure.

34
35 12. (New section) The board shall issue a license to each applicant
36 for licensure as a massage, bodywork and somatic therapist who
37 qualifies pursuant to this act and any rules and regulations
38 promulgated by the board and who is not disqualified for licensure
39 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

40
41 13. (New section) Upon payment to the board of a fee and the
42 submission of a written application on forms provided by it, the board
43 shall issue without examination a license to a massage, bodywork and
44 somatic therapist who holds a valid license or certification issued by
45 another state or possession of the United States or the District of
46 Columbia which has education and experience requirements

1 substantially equivalent to the requirements of this act; provided,
2 however, the applicant has not previously failed any examination
3 referred to in section 9 of this act that is approved by the board, in
4 which case licensing shall be at the discretion of the board.

5
6 14. (New section) Nothing in this act shall be construed to
7 prohibit any person from rendering massage, bodywork and somatic
8 therapy services, provided that person shall not be identified by the
9 titles "massage, bodywork and somatic therapist," "registered massage,
10 bodywork and somatic therapist," "licensed massage, bodywork and
11 somatic therapist," or the abbreviations "MBT," "RMBT," "LMBT,"
12 "LOBT," "LMT" unless licensed to practice massage, bodywork and
13 somatic therapies under the provisions of this act.

14
15 15. (New section) Any person who holds a license as a massage,
16 bodywork and somatic therapist pursuant to this act may use the title
17 "massage, bodywork and somatic therapist" or "licensed massage,
18 bodywork and somatic therapist," or the abbreviations "MBT,"
19 "LMBT," "LOBT" or "LMT." Every holder of a license shall display
20 it in a conspicuous place in his principal office, place of business or
21 employment.

22
23 16. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read as
24 follows:

25 1. The provisions of this act shall apply to the following boards and
26 commissions: the New Jersey State Board of Accountancy, the New
27 Jersey State Board of Architects, the New Jersey State Board of
28 Cosmetology and Hairstyling, the Board of Examiners of Electrical
29 Contractors, the New Jersey State Board of Dentistry, the State Board
30 of Mortuary Science of New Jersey, the State Board of Professional
31 Engineers and Land Surveyors, the State Board of Marriage and
32 Family Therapy Examiners, the State Board of Medical Examiners, the
33 New Jersey Board of Nursing, the New Jersey State Board of
34 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
35 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
36 of Professional Planners, the State Board of Psychological Examiners,
37 the State Board of Examiners of Master Plumbers, the State Board of
38 Shorthand Reporting, the State Board of Veterinary Medical
39 Examiners, the Radiologic Technology Board of Examiners, the
40 Acupuncture Examining Board, the State Board of Chiropractic
41 Examiners, the State Board of Respiratory Care, the State Real Estate
42 Appraiser Board, [and] the State Board of Social Work Examiners,
43 and the State Board of Massage, Bodywork and Somatic Therapies.

44 (cf: P.L.1995, c.366, s.22)

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46 17. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as

1 follows:

2 2. The provisions of this act shall apply to the following boards and
3 all professions or occupations regulated by or through such boards:
4 the New Jersey State Board of Accountancy, the New Jersey State
5 Board of Architects, the New Jersey State Board of Cosmetology and
6 Hairstyling, the Board of Examiners of Electrical Contractors, the
7 New Jersey State Board of Dentistry, the State Board of Mortuary
8 Science of New Jersey, the State Board of Professional Engineers and
9 Land Surveyors, the State Board of Marriage and Family Therapy
10 Examiners, the State Board of Medical Examiners, the New Jersey
11 Board of Nursing, the New Jersey State Board of Optometrists, the
12 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic
13 Technicians, the Board of Pharmacy, the State Board of Professional
14 Planners, the State Board of Psychological Examiners, the State Board
15 of Examiners of Master Plumbers, the State Board of Shorthand
16 Reporting, the State Board of Veterinary Medical Examiners, the
17 Acupuncture Examining Board, the State Board of Chiropractic
18 Examiners, the State Board of Respiratory Care, the State Real Estate
19 Appraiser Board, [and] the State Board of Social Work Examiners ,
20 and the State Board of Massage, Bodywork and Somatic Therapies.
21 (cf: P.L.1995, c.366, s.23)

22

23 18. (New section) This act shall take effect on the 180th day after
24 enactment.

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STATEMENT

28

29 This bill creates the State Board of Massage, Bodywork and
30 Somatic Therapies in the Division of Consumer Affairs in the
31 Department of Law and Public Safety. The board shall consist of nine
32 residents of this State who shall be appointed by the Governor. Two
33 of the board members shall be public members and one shall be a State
34 executive department member appointed pursuant to the provisions of
35 P.L.1971, c.60 (C.45:1-2.1 et seq.). Six members of the board shall
36 be massage, bodywork and somatic therapists who have been actively
37 engaged in the practice of massage, bodywork and somatic therapies
38 in the State for at least five years preceding their appointment, except
39 that the board shall not have at any one time more than two members
40 who practice a particular method and manner of treatment of massage,
41 bodywork and somatic therapies.

42 The bill provides for the regulation and licensing of massage,
43 bodywork and somatic therapists, and establishes requirements and
44 standards for licensure. The bill defines massage, bodywork and
45 somatic therapy as systems of activity of structured touch which
46 include, but are not limited to, holding, applying pressure, positioning

1 and mobilizing soft tissue of the body by manual technique and use of
2 visual, kinesthetic, auditory and palpating skills to assess the body for
3 purposes of applying therapeutic massage, bodywork or somatic
4 principles. Such application may include, but is not limited to, the use
5 of therapies such as heliotherapy or hydrotherapy, the use of moist hot
6 and cold external applications, external application of herbal or topical
7 preparations not classified as prescription drugs, analysis of posture,
8 movement and neural myofacial education, and education in self-care
9 and stress management. Massage, bodywork and somatic therapy
10 practices are designed to effect the energetic system of the body for
11 the purpose of promoting and maintaining the health and well-being of
12 the client.

13 The bill also provides that to be eligible for licensure as a massage,
14 bodywork and somatic therapist, an applicant shall submit to the board
15 satisfactory evidence of: successful completion of a minimum of 500
16 hours in class study in the field of massage, bodywork and somatic
17 therapy; or successful completion of the written examination offered
18 by The National Certification Board for Therapeutic Massage and
19 Bodywork; or a substantially equivalent examination approved by the
20 board, to determine the applicant's competence to practice massage,
21 bodywork and somatic therapies; or successful completion of an
22 apprenticeship program as approved by the board. The successful
23 completion of any such examination may have been accomplished
24 before the effective date of this act.

25 As provided in the bill, nothing in this act shall be construed to
26 prohibit any person from rendering massage, bodywork and somatic
27 therapy services, provided that person shall not be identified by the
28 titles "massage, bodywork and somatic therapist," "registered
29 massage, bodywork and somatic therapist," "licensed massage,
30 bodywork and somatic therapist," or the abbreviations "MBT,"
31 "RMBT," "LMBT," "LOBT" "LMT" unless licensed to practice
32 massage, bodywork and somatic therapy under the provisions of the
33 bill.

34 In addition, the bill allows the board to establish fees for those
35 licensed under the bill and incorporates the terms of the law on fees of
36 professional boards, P.L.1974, c.46 (C.45:1-3.1 et seq.), and the
37 uniform enforcement and procedure act, P.L.1978, c.73 (C.45:1-14 et
38 seq.), for enforcement of standards and punishment of violations.

39

40

41

42

43 "Massage, Bodywork and Somatic Therapist Licensing Act."