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RULE PROPOSALS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF NURSING**

41 N.J.R. 1160(a)

Proposed Amendments: *N.J.A.C. 13:37-16.4, 16.7 and 16.11*

Click here to view Interested Persons Statement

Massage, Bodywork and Somatic Therapy Examining Committee

Application for Certification; Scope of Practice; Continuing Education, Programs, Standards

Authorized By: New Jersey Board of Nursing, in consultation with the Massage, Bodywork and Somatic Therapy Examining Committee, George Hebert, Executive Director.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-90.

Submit written comments by May 15, 2009 to:

George Hebert, Executive Director
New Jersey Board of Nursing
Post Office Box 45010
124 Halsey Street
Newark, NJ 07101

The agency proposal follows:

Summary

On January 12, 2006, authority for the approval of private vocational schools was transferred from the Department of Education to the Department of Labor and Workforce Development. Board of Nursing (Board) rules governing educational standards for certified massage, bodywork and somatic therapists refer to schools approved by the Department of Education. The Board, pursuant to *N.J.S.A. 45:11-79*, retains rulemaking authority for the practice of massage, bodywork and somatic therapy until the New Jersey Board of Massage and Bodywork adopts rules to regulate massage and bodywork therapies. The Board proposes to amend *N.J.A.C. 13:37-16.4, 16.7 and 16.11* to recognize that the Department of Labor and Workforce Development has the authority to approve these vocational schools. The Board also proposes to amend *N.J.A.C. 13:37-16.4, 16.7 and 16.11* to recognize that county colleges, approved by the Department of Education, and other colleges and universities, approved by the New Jersey Commission on Higher Education, offer massage, bodywork and somatic therapy education programs.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The Board does not believe that the proposed amendments will have any social impact.

Economic Impact

The Board does not believe that the proposed amendments will have any economic impact.

Federal Standards Statement

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

Jobs Impact

The Board does not believe that the proposed amendments will increase or decrease the number of jobs in New Jersey.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry in the State.

Regulatory Flexibility Statement

Since certified massage, bodywork and somatic therapists are individually certified by the Board under the Regulatory Flexibility Act (the Act), *N.J.S.A. 52:14B-16 et seq.*, they may be considered "small businesses" for the purposes of the Act. Massage, bodywork and somatic therapy schools may also be considered "small businesses."

As the proposed amendments simply recognize that the authority for approving vocational schools has been transferred from the Department of Education to the Department of Labor and Workforce Development and that county colleges and other colleges and universities offer massage, bodywork and somatic therapy programs, there is no economic impact and no compliance, recordkeeping or reporting requirements imposed by the proposed amendments.

Smart Growth Impact

The Board does not anticipate that the proposed amendments will have any impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan, otherwise known as the State Plan.

Housing Affordability Impact

The proposed amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the proposed amendments concern educational requirements for certified massage, bodywork and somatic therapists.

Smart Growth Development Impact

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern educational requirements for certified massage, bodywork and somatic therapists.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 16. MASSAGE, BODYWORK AND SOMATIC THERAPY EXAMINING COMMITTEE

13:37-16.4 Application for certification

(a) (No change.)

(b) An applicant who qualifies for certification pursuant to (a)1 above shall submit to the Committee:

1. (No change.)

2. A transcript, **which indicates that the applicant has completed the course of study outlined in (d) below**, from a school of massage, bodywork and somatic therapies approved by [the New Jersey Department of Education, a Department of Education of another state or which substantially meets the requirements of the New Jersey Department of Education as set forth in *N.J.S.A. 18A:69-1* et seq. and N.J.A.C. 6A:18-1 which indicates that the applicant has completed the course of study outlined in (d) below;]:

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.-5. (No change.)

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

13:37-16.7 Scope of practice

(a) A certificant shall only practice those methods of massage, bodywork and somatic therapy, which:

1. (No change.)

2. The certificant learned during a course offered by a provider approved by the NCBTMB or NCCAOM, or [which] **that** is offered by a school, which is approved by an agency recognized by the United States Department of Education or offered by a school, which is approved by [page=1161] 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], **which has** requirements substantially similar to the requirements of the New Jersey Department of Education [as set forth in *N.J.S.A. 18A:69-1* et seq. and N.J.A.C. 6A:18-1], **the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education**; or

3. (No change.)

(b) (No change.)

13:37-16.11 Continuing education, programs, standards

(a)-(d) (No change.)

(e) A certificant may obtain continuing education credit hours from the following:

1.-3. (No change.)

4. Successful completion of a course, related to the practice of massage, bodywork and somatic therapy, given by a school, college or university accredited by the New Jersey Department of Education, **or approved by the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education**, or an agency of another state [with], **which has** 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**: one credit hour for each hour of attendance;

5.-8. (No change.)

(f)-(j) (No change.)