

istered Nurses (NCLEX-RN) or the National Council Licensure Examination for Practical Nurses (NCLEX-PN).

(b) An applicant who fails to pass three consecutive licensing examinations shall submit to the Board, prior to the fourth licensing examination, proof of successful completion of a remediation course, consisting of 30 hours and conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.7. The remediation course shall be completed within one year prior to taking the fourth examination. An applicant who fails the fourth examination may retake the examination two more times before being required to take the remediation course again.

Amended by R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (b), substituted "13:37-1.7" for "13:37-1.10".

13:37-2.2 Application requirements; professional and practical nurses

(a) Each applicant for licensure shall file with the Board:

1. A completed application form, provided by the Board, which requests information concerning the applicant's educational and experiential background;

2. The nonrefundable application fee set forth in N.J.A.C. 13:37-5.5(a) 1; and

3. A written certification from the registrar, or program administrator authorized by the registrar, attesting that the applicant has successfully completed all requirements for graduation from a Board-accredited registered professional nursing program or a Board-accredited licensed practical nursing program. The certification shall indicate the date of graduation or the date the degree or diploma was conferred.

Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

In (a)2, changed N.J.A.C. reference.

Recodified from N.J.A.C. 13:37-2.3 and amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section. Former N.J.A.C. 13:37-2.2, Board approved licensing examination, repealed.

Amended by R.2008 d.138, effective June 2, 2008.

See: 39 N.J.R. 2476(a), 40 N.J.R. 3318(a).

Deleted (b).

13:37-2.3 Application requirements; graduates of foreign nursing programs

(a) An applicant for licensure who graduated from a foreign nursing program shall submit:

1. A completed licensure application for graduates of foreign nursing program, which contains information concerning the applicant's educational and experiential background;

2. A transcript review performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS);

3. Proof that the applicant has achieved a passing score on the Test of English as a Foreign Language exam, TOEFL; and

4. The application fee set forth in N.J.A.C. 13:37-5.5(a)2.

(b) A graduate of a foreign licensed practical nursing program who has not taken courses in medical, surgical, pediatric, obstetric or psychiatric nursing shall complete a course in a licensed practical nursing program in the area(s) of deficiency offered by a practical nursing education program approved by the State Department of Education or by the Board pursuant to N.J.A.C. 13:37-1.

(c) Any applicant who obtained his or her credentials, such as transcripts, licenses or certificates, through fraud, deception, misrepresentation, false promise or false pretense shall not be eligible to take the examination or for licensure.

Recodified from N.J.A.C. 13:37-2.4 and amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section. Former N.J.A.C. 13:37-2.3, Application requirements; professional and practical nurses, recodified to N.J.A.C. 13:37-2.2.

Amended by R.2006 d.160, effective May 1, 2006.

See: 37 N.J.R. 1920(a), 38 N.J.R. 1840(a).

Rewrote (a)1-(a)4.

SUBCHAPTER 3. (RESERVED)

Subchapter Historical Note

Petition for Rulemaking regarding repealed Subchapter 3, Practice as a Graduate Nurse. See: 32 N.J.R. 2623(a), 32 N.J.R. 3500(a), 32 N.J.R. 4019(b), 32 N.J.R. 4480(a).

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

13:37-4.1 Eligibility requirements for licensure by endorsement

(a) A registered professional nurse or licensed practical nurse licensed in another state, territory or possession of the United States, or the District of Columbia, who wishes to be licensed in New Jersey may be licensed by endorsement in this State if he or she meets the requirements for licensure as set forth in N.J.S.A. 45:1-14 et seq., 45:11-26 and 45:11-27.

Repeal and New Rule, R.2004 d.327, effective August 16, 2004.

See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).

Section was "Eligibility requirements".

Amended by R.2008 d.138, effective June 2, 2008.

See: 39 N.J.R. 2476(a), 40 N.J.R. 3318(a).

Deleted (b).

13:37-4.2 Application requirements for licensure by endorsement

(a) An applicant for licensure by endorsement shall submit or arrange to submit the following to the Board:

1. A completed application form, provided by the Board, which requests information concerning the applicant's educational and experiential background;
2. A non-refundable initial license fee and application for licensure by endorsement fee as set forth in N.J.A.C. 13:37-5.5(a)2 and 3; and
3. Written or electronic verification of status of licensure from every state, territory or possession of the United States, or the District of Columbia, in which the applicant was ever licensed. The verification shall either be forwarded directly to the Board from the applicable state board, if written, or if electronic, be issued by the applicable state board.

Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

In (a), inserted a new 2, and recodified former 2 as 3.
Recodified from N.J.A.C. 13:37-4.3 and amended by R.2004 d. 327, effective August 16, 2004.
See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).
Rewrote the section.

13:37-4.3 (Reserved)

Repealed by R.2004 d.327, effective August 16, 2004.
See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).

Section was "Application requirements; licensure by endorsement".

SUBCHAPTER 5. GENERAL REQUIREMENTS OF
LICENSURE; LICENSE RENEWAL; FEE
SCHEDULE

13:37-5.1 License requirement

Before engaging in nursing practice, as defined in N.J.S.A. 45:11-23(b), or representing oneself as a nurse, an individual shall obtain and maintain a current license that is active. No licensee shall engage in nursing practice if his or her license is expired, suspended, revoked or surrendered.

Amended by R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
Rewrote the section.

13:37-5.2 Biennial license renewal

(a) Licenses shall be renewed biennially on a form provided by the Board.

(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. 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 failure to renew.

(c) The licensee shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:37-5.5(a)6 prior to the date of expiration of the license. If the licensee does not renew the license prior to its expiration date, the license shall expire, but the licensee may renew it no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:37-5.5(a)6 and 7. A licensee who fails to renew the license within 30 days after the expiration date of the license shall be administratively suspended without a hearing.

(d) Individuals who continue to hold themselves out as licensed after being administratively suspended shall be deemed to have violated N.J.A.C. 13:37-5.1, even if no notice of suspension has been received by the person at the address registered with the Board.

(e) A person seeking reinstatement within five years following an administrative suspension of a license pursuant to (c) above shall submit the following to the Board:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:37-5.5(a)6;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:37-5.5(a)8;
4. A certification verifying completion of the continuing education hours required pursuant to N.J.A.C. 13:37-5.3 for the renewal of a license; and
5. An affidavit of employment listing each job held during the period of suspension, which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the administrative suspension of a license shall reapply for licensure. The applicant shall fulfill all of the initial licensure requirements found at N.J.A.C. 13:37-2.1.

(g) Renewal applications for all licenses shall provide the licensee with the option of either active or inactive status. Licensees may choose paid or unpaid inactive status. The Board shall send any communications it sends to active licensees to licensees on paid inactive status. Licensees electing to renew as inactive shall not hold themselves out to the public or practice as licensees.

(h) Upon application to the Board, the Board may permit a licensee who has been on inactive status to return to active status.

(i) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon submission of the following:

1. A completed reactivation application;
2. Evidence of completion of the continuing education hours required pursuant to N.J.A.C. 13:37-5.3 for the renewal of a license, within the immediately preceding two years;
3. An affidavit of employment listing each job held during the period the licensee was on inactive status, which includes the name, address, and telephone number of each employer; and
4. One of the following renewal fees:
 - i. For licensees who did not pay the inactive renewal fee, the active renewal fee set forth in N.J.A.C. 13:37-5.5(a)6i; or
 - ii. For licensees who paid the inactive renewal fee, the difference between the amount paid for inactive renewal set forth in N.J.A.C. 13:37-5.5(a)6ii and the active renewal fee set forth in N.J.A.C. 13:37-5.5(a)6i.
- (j) A licensee who has been on inactive status for more than five years who wishes to return to the practice of nursing shall reapply for licensure. The applicant shall fulfill all of the initial licensure requirements found at N.J.A.C. 13:37-2.1.

New Rule, R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Former N.J.A.C. 13:37-5.2, Responsibilities of dual licensure, repealed.

Repeal and New Rule, R.2008 d.139, effective June 2, 2008.

See: 39 N.J.R. 2585(a), 40 N.J.R. 3318(b).

Section was "Biennial license renewal".

13:37-5.3 Continuing education

(a) Upon biennial active license renewal, a registered professional nurse or licensed practical nurse shall attest that he or she has completed courses of continuing education of the types and number of hours specified in (b), (c) and (d) below. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for biennial active license renewal shall complete during the preceding biennial period a minimum of 30 hours of continuing education.

(c) A registered professional nurse or licensed practical nurse who completes more than the minimum continuing education hours set forth in (b) above in any biennial registration period may carry up to 15 of the additional hours into the succeeding biennial period.

(d) A registered professional nurse or licensed practical nurse may obtain continuing education hours from the following:

1. Successful completion of continuing education courses or programs related to nursing and approved by a credentialing agency accredited by the National Com-

mission for Certifying Agencies or provided by an International Association for Continuing Education Training (IACET) Authorized Provider: one hour for each 60 minutes of attendance;

2. Successful completion of continuing medical education courses recognized by the American Medical Association, the American Osteopathic Association or the American Podiatric Medical Association: one hour for each 60 minutes of attendance:

3. Successful completion of a continuing education course offered by a provider approved by the American Council of Pharmaceutical Education: one hour for each 60 minutes of attendance;

4. Successful completion of a course, related to nursing, given by a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education. Courses related to nursing include courses taken as a student enrolled in an accredited nursing degree program when the student is obtaining a higher degree: five hours for each credit successfully completed;

5. Successful completion of a course in a doctoral degree program which has a research component: five hours for each credit successfully completed;

6. Teaching or developing the curriculum for a new continuing education program related to nursing that is approved pursuant to (d)1 above. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course or program in any educational setting: one hour for each 50 minutes taught;

7. Teaching or developing the curriculum for a new course related to nursing in a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course in any educational setting: five hours for each credit taught;

8. Authorship of a published textbook or a chapter of a published textbook related to nursing: 15 hours for each chapter up to 30 hours;

9. Completion of a doctoral dissertation: 30 hours;

10. Authorship of a published article related to nursing, which has been refereed through peer review, in a medical, nursing or health related journal: 15 hours per article up to 30;

11. Presenting a new seminar or lecture to professional peers related to nursing, provided the seminar or lecture is at least one hour long. "New" means that the registered

professional nurse or licensed practical nurse has never taught or developed curriculum for that seminar or lecture in any educational setting: one hour for each 50 minutes of presentation;

12. Completion of a research project where the registered professional nurse or licensed practical nurse is a primary or co-investigator and the research project has been approved by an institutional review board: 30 hours;

13. Development of new instructional materials related to nursing such as a compact disc, ROM or videotape: 15 hours up to 30; and

14. Acting as a preceptor for at least 100 hours as part of an organized preceptorship program: 10 hours for the period during which the registered professional nurse or licensed practical nurse acts as a preceptor.

(e) Continuing education hours that could be allocated to more than one of the options in (d) above shall only be counted once and shall not be allocated for more than one option. For instance, a course which could be awarded hours pursuant to (d)4 and 5 above shall only count as a course for either (d)4 or 5, but not both.

(f) The Board may perform audits on randomly selected registered professional nurses and licensed practical nurses to determine compliance with continuing education requirements. A registered professional nurse or licensed practical nurse shall maintain the following documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request:

1. For attendance at programs or courses: a certificate of completion from the provider;

2. For publication of textbook or article: the published item, including the date of publication;

3. For teaching a course or program or developing curriculum: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from provider confirming that the registered professional nurse or licensed practical nurse developed or taught the course or program;

4. For presenting a lecture or seminar: documentation including the location, date and duration of the lecture or seminar;

5. For a research project: a copy of the written materials regarding the project which lists the primary or co-investigators;

6. For instructional material: a copy of the instructional materials; and

7. For a preceptorship: documentation maintained pursuant to the organized preceptorship program and a document designating the registered professional nurse or licensed practical nurse as a preceptor.

(g) 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 registered professional nurse or licensed practical nurse 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 registered professional nurse or licensed practical nurse shall provide the Board with such supplemental materials as will support the request for waiver.

2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue into the next biennial period, a registered professional nurse or licensed practical nurse shall apply to the Board for the renewal of such waiver for the new biennial period.

(h) The Board may direct or order a registered professional nurse or licensed practical nurse to successfully complete continuing education hours:

1. As part of a disciplinary or remedial measure in addition to the required 30 hours of continuing education; or

2. To correct a deficiency in the registered professional nurse or licensed practical nurse's continuing education requirements.

(i) Any continuing education hours completed by the registered professional nurse or licensed practical nurse in compliance with an order or directive from the Board as set forth in (h) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

(j) Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2006 shall comply with the requirements of (a) through (e) above commencing with the 2008 renewal of licensure. Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2007 shall comply with the requirements of (a) through (i) above commencing with the 2009 renewal of licensure.

New Rule, R.2006 d.156, effective May 1, 2006.

See: 37 N.J.R. 1921(a), 38 N.J.R. 1844(a).

Amended by R.2008 d.379, effective December 15, 2008.

See: 40 N.J.R. 1760(a), 40 N.J.R. 6989(a).

Rewrote (d)1; added new (d)2 and (d)3; recodified former (d)2 through (d)12 as (d)4 through (d)14; and rewrote (d)4.

13:37-5.4 (Reserved)

New Rule, R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Former N.J.A.C. 13:37-5.4, Reporting of unlawful conduct, repealed.

Amended by R.2006 d.156, effective May 1, 2006.

See: 37 N.J.R. 1921(a), 38 N.J.R. 1844(a).

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.14, Duties and powers of the Board, re-codified to N.J.A.C. 13:37-14.15.

13:37-14.15 Duties and powers of the Board

(a) The Board may deny or revoke training program approval if the program sponsor has failed to comply with N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.

(b) The Board may investigate complaints made against a program sponsor or certified homemaker-home health aide and may conduct hearings in connection with such complaints.

(c) The Board may suspend or revoke the certification of a homemaker-home health aide who has violated any provisions of N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.

(d) Any Board action for certification suspension or revocation or training program revocation shall take place only upon notice to the licensee and the opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) Decisions on violations shall be a public record maintained by the Board pursuant to N.J.S.A. 45:11-24(d)(20) and (24).

Recodified from N.J.A.C. 13:37-14.14 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

SUBCHAPTER 15. (RESERVED)

SUBCHAPTER 16. MASSAGE, BODYWORK AND SOMATIC THERAPY EXAMINING COMMITTEE

13:37-16.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 1999, c.19 (N.J.S.A. 45:11-53 et seq.), which created the “Massage, Bodywork and Somatic Therapy Examining Committee” under the Board of Nursing.

(b) This subchapter shall apply to all applicants who seek certification by the Committee as a massage, bodywork and somatic therapist and to all persons who are certified by the Committee as a massage, bodywork and somatic therapist in this State.

(c) This subchapter does not apply to any person who renders massage, bodywork and somatic therapy as long as the person does not use the title “massage, bodywork and somatic therapist,” “registered massage, bodywork and somatic therapist,” or “certified massage, bodywork and somatic therapist,” “certified massage therapist,” “certified

bodywork therapist,” “certified somatic therapist,” “massage and bodywork therapist,” “registered massage and bodywork therapist,” “certified massage and bodywork therapist,” “certified oriental bodywork therapist,” “certified Asian bodywork therapist,” “certified somatic therapist,” “certified bodywork therapist,” or the abbreviations “MBT,” “RMBT,” “CMBT,” “CMBST,” “COBT,” “CABT,” “CST,” “CBT,” or “CMT.”

(d) This subchapter does not govern the application or practice of “alternative medicines” that do not constitute massage, bodywork and somatic therapy.

13:37-16.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

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

“Board” means the New Jersey Board of Nursing.

“Certificate” means the document, issued by the Committee, which authorizes a person to utilize the titles set forth in N.J.S.A. 45:11-65 and 66 and N.J.A.C. 13:37-16.9.

“Certificant” means any person who holds a certificate from the Committee as a massage, bodywork and somatic therapist.

“Committee” means the Massage, Bodywork and Somatic Therapy Examining Committee established pursuant to N.J.S.A. 45:11-56.

“Full time practice” means a person has provided a minimum of 750 hours of massage, bodywork and somatic therapies to clients and/or students during a year.

“Massage, bodywork and somatic therapies” or “massage, bodywork and somatic” means systems of activity of structured touch which include 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, bodywork or somatic principles. Such application may include the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork and somatic therapies. Massage, bodywork and somatic therapy practices are designed to affect the energetic systems of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment 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.

“Part time practice” means a person has provided a minimum of 300 hours of massage, bodywork and somatic therapies to clients and/or students during a year.

Amended by R.2007 d.138, effective May 7, 2007.

See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

In definitions “Full time practice” and “Part time practice”, inserted “and/or students”.

13:37-16.3 (Reserved)

Amended by R.2007 d.138, effective May 7, 2007.

See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

Rewrote (b)3 and (c)1; in (c)3, substituted “Cardio-Pulmonary Resuscitation (CPR)” for “Basic Life Support (BLS)”; and in (c)5, updated N.J.A.C. reference.

Repealed by R.2009 d.259, effective August 17, 2009.

See: 40 N.J.R. 6757(a), 41 N.J.R. 3093(a).

Section was “Certification without education or examination”.

13:37-16.4 Application for certification

(a) An applicant for certification shall qualify for certification by either:

1. Completing a course of study in massage, bodywork and somatic therapies; or
2. Successfully passing either the NCBTMB or the NCCAOM examination.

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

1. A completed application;
2. A transcript 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;
3. Proof that the applicant has current certification in Cardio-Pulmonary Resuscitation (CPR) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.;

4. Two affidavits of good moral character; and
5. The application fee set forth in N.J.A.C. 13:37-5.5(f).

(c) An applicant who qualifies for certification pursuant to (a)2 above shall submit to the Committee:

1. A completed application;
 2. Proof that the applicant has successfully passed the written examination offered by the NCBTMB or the NCCAOM;
 3. Proof that the applicant has current certification in Cardio-Pulmonary Resuscitation (CPR) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.;
 4. Two affidavits of good moral character; and
 5. The application fee set forth in N.J.A.C. 13:37-5.5(f).
- (d) A course of study in massage, bodywork and somatic therapy shall include:

1. Anatomy/Physiology/Pathophysiology: 100 hours;
2. Ethics and Law: eight hours;
3. Theory and Practice: 225 hours;
4. Electives directly related to the practice of massage, bodywork and somatic therapy: 70 hours; and
5. Clinical practice: 100 hours, which:
 - i. Shall consist of at least 90 hours spent working on members of the public;
 - ii. Shall consist of no more than 10 hours spent working on other students, faculty or school staff; and
 - iii. Is supervised by a faculty member who is present on-site while services are being performed.

(e) 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.

(f) The Committee shall issue a certificate of certification to an applicant who qualifies pursuant to (a), (b), (c) and (d) above if the applicant is not disqualified for certification pursuant to the provisions of N.J.S.A. 45:1-14 et seq.

Amended by R.2007 d.138, effective May 7, 2007.

See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

In (b)3 and (c)3, substituted “Cardio-Pulmonary Resuscitation (CPR)” for “Basic Life Support (BLS)”; in (b)5 and (c)5, updated N.J.A.C. references; rewrote (d)2; deleted former (d)3; and recodified former (d)4 through (d)6 as (d)3 through (d)5.

Amended by R.2009 d.259, effective August 17, 2009.

See: 40 N.J.R. 6757(a), 41 N.J.R. 3093(a).

Deleted former (d)4; recodified former (d)5 as (d)4; in (d)4, substituted “; and” for a period at the end; added new (d)5 and (e); and recodified former (e) as (f).

13:37-16.5 Certification without examination based on licensure in another state

(a) A person who is certified or licensed in another state as a massage, bodywork and somatic therapist shall be eligible for certification in this State if the educational requirements of the state in which he or she is certified or licensed are substantially similar to the educational requirements of this State.

(b) An applicant for certification who is certified or licensed in another state shall submit to the Committee:

1. A completed application form;
2. Written or electronic verification of status of licensure or certification from every state, territory of the United States, or the District of Columbia, in which the applicant was ever licensed or certified. The verification shall either be forwarded directly to the Committee from the applicable state board or committee, if written, or if electronic, be issued by the applicable state board or committee;
3. Proof that the applicant has current certification in Cardio-Pulmonary Resuscitation (CPR) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.;
4. Two affidavits of good moral character;
5. A copy of the current statutes and regulations regarding massage, bodywork and somatic therapy from the states in which the applicant is currently certified or licensed; and
6. The application fee set forth in N.J.A.C. 13:37-5.5(f).

(c) The Committee shall review the statutes and regulations of the other state to determine if the educational requirements of that state are substantially similar to the certification requirements in this State, and the applicant otherwise meets the other requirements for certification set forth in (b) above. If the Committee finds that the educational requirements are substantially similar, and that the applicant meets the requirements for certification set forth in (b) above, it shall issue a certificate to the applicant if the applicant is not disqualified for certification pursuant to the provisions of N.J.S.A. 45:1-14 et seq.

Amended by R.2007 d.138, effective May 7, 2007.
See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

Rewrote (b)2; in (b)3, substituted "Cardio-Pulmonary Resuscitation (CPR)" for "Basic Life Support (BLS)"; in (b)5, substituted "states" for "state" and inserted "currently"; and in (b)6, updated N.J.A.C. reference.

13:37-16.6 Renewal of certification

(a) Certifications shall be renewed biennially on a form provided by the Committee. Each applicant shall attest that

the continuing education requirements of N.J.A.C. 13:37-16.11 have been completed during the prior biennial period.

(b) The Committee shall send a notice of renewal to each certificant, at least 60 days prior to the expiration of the certificate. 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 failure to renew.

(c) The certificant shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:37-5.5(f) prior to the date of expiration of the certificate. If the certificant does not renew the certificate prior to its expiration date, the certificant may renew it no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:37-5.5(f). A certificant who fails to renew the certificate within 30 days after the expiration date of the certificate shall be suspended without a hearing.

(d) Individuals who continue to hold themselves out as State certified massage, bodywork and somatic therapists after being suspended shall be deemed to have violated N.J.A.C. 13:37-16.9, even if no notice of suspension had been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a certification shall submit the following to the Committee:

1. A complete reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:37-5.5(f);
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:37-5.5(f);
4. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:37-16.11 for the renewal of a certificant certification; and
5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a certification shall satisfy the requirements of (e) above and shall successfully complete the examination required for initial certification as set forth in N.J.A.C. 13:37-16.4(a)2.

(g) Renewal applications for all certificates shall provide the certificant with the option of either active or inactive renewal. Certificants electing to renew as inactive shall not hold themselves out to the public as State certified massage, bodywork and somatic therapists.

(h) Upon application to the Committee, the Committee may permit a certificant who has been on inactive status to return to active status provided such applicant completes the continuing education credits that are required per biennial

period for each biennial period that the applicant is on inactive status and holds current certification in Cardio-Pulmonary Resuscitation (CPR) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.

Amended by R.2007 d.138, effective May 7, 2007.
See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

In (c), (e)2, and (e)3, updated N.J.A.C. references; and in (h), substituted "Cardio-Pulmonary Resuscitation (CPR)" for "Basic Life Support (BLS)".

13:37-16.7 Scope of practice

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

1. The certificant learned during his or her initial training as outlined in N.J.A.C. 13:37-16.3(b) or 16.4;
2. The certificant learned during a course offered by a provider approved by the NCBTMB or NCCAOM, or which 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 the New Jersey Department of Education, or an agency of another state with 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; or
3. The certificant developed and which are taught in a course offered by a provider approved by the NCBTMB or NCCAOM.

(b) Notwithstanding any training received as permitted by (a) above, a certificant shall not perform:

1. Colonic irrigations;
2. Prostate massages;
3. Vaginal or penile massages;
4. Decongestive therapy;
5. Manual lymph drainage used as part of decongestive therapy;
6. Animal therapies prohibited by the Veterinary Medical Act, N.J.S.A. 45:16-1 et seq.;
7. Any application of electrical current to the body (Transcutaneous Electronic Nerve Stimulation, TENS, machine);
8. Ultrasound therapy; and
9. Treatment or diagnosis of illness, disease, impairment or disability.

Amended by R.2007 d.138, effective May 7, 2007.
See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).
In (a)1, inserted "or 16.4".

13:37-16.8 Infection control precautions

(a) Certificants shall comply with the standard precautions for infection control as set forth in this section.

(b) Certificants shall wash hands with liquid disinfectant soap and water in the following instances:

1. Before and after providing massage, bodywork and somatic 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.

(c) If hand washing facilities are not available, certificants shall disinfect their hands with a bactericidal agent.

(d) Liquid soap containers shall not be refilled and shall be disposed of when empty.

(e) Clean linens and drapes or disposable coverings shall be used for each client.

(f) Soiled disposable items shall be discarded into a container lined with a plastic bag, securely fastened, and disposed daily into the regular trash disposal, unless otherwise specified by State and local health regulations.

(g) 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, bodywork and somatic therapies for a client;
2. Exposed surfaces such as counter tops, tables and sinks on a daily basis;
3. Any implement or tools used during massage, bodywork and somatic therapy;
4. Face cradles and arm rests on all massage chairs and tables;
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 certificant during the provision of massage, bodywork and somatic therapy services.

(h) If a certificant uses massage lubricants, the certificant 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.

(i) If a certificant uses a massage lubricant that is contained in a pump dispenser or a tube, the certificant shall, for every client, disinfect pursuant to (g) above any portion of the container that he or she has touched during the provision of massage, bodywork and somatic therapy services after the completion of services.

(j) If a certificant uses a massage lubricant that is not contained in a pump dispenser or a tube, the certificant shall, for every client, remove the lubricant from the main container with a disposable instrument or an instrument that is disinfected pursuant to (g) above after each use and place the lubricant in a separate container which shall be discarded or disinfected pursuant to (g) above after the completion of services.

(k) Certificants shall store all single service materials and linens off the floor in shelves, containers, cabinets or closets.

(l) Soiled linens and draping materials shall be either 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.

(m) Clean linens and dirty linens shall be stored separately.

(n) Clean linens and trash shall be stored separately.

(o) When a certificant is providing massage, bodywork and somatic therapy in a temporary location, such as a sporting event, the certificant shall sanitize all equipment pursuant to this section.

(p) Certificants shall maintain a clean environment in the massage, bodywork and somatic therapy establishment and shall ensure that the massage, bodywork and somatic therapy establishment is well-lit and ventilated. Certificants shall maintain the area where massage, bodywork and somatic therapy is being performed free of animals except as provided by law.

(q) Certificants shall provide access to a restroom for clients in the massage, bodywork and somatic therapy establishment.

Amended by R.2007 d.138, effective May 7, 2007.
See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

Rewrote the introductory paragraph of (g); added (g)6 and (g)7 and updated punctuation at (g)4 and (g)5; added text at formerly reserved (h) and (i); added new (j); and recodified former (j) through (p) as (k) through (q).

13:37-16.9 Designations for certified persons, prohibitions on uncertified persons

(a) An active certificant may use the title “massage, bodywork and somatic therapist” or “certified massage, bodywork and somatic therapist,” “massage and bodywork therapist,” “registered massage, bodywork and somatic therapist,” “certified oriental bodywork therapist,” “certified Asian bodywork therapist,” “certified bodywork therapist,” “certified massage

therapist” or the abbreviations “MBT,” “CMBT,” “RMBT,” “CMBST,” “COBT,” “CABT,” “CBT,” or “CMT.”

(b) No person, business entity or its employees, agents or representatives shall use the titles “massage, bodywork and somatic therapist,” “registered massage, bodywork and somatic therapist,” “certified massage, bodywork and somatic therapist,” “certified massage therapist,” “certified bodywork therapist,” or “certified somatic therapist” or the abbreviations “MBT,” “RMBT,” “CMBT,” “CMBST,” “COBT,” “CABT,” “CST,” “CBT,” or “CMT,” unless actively certified pursuant to the provisions of this subchapter.

(c) No person may use the term “licensed massage therapist” or the abbreviation “LMT,” unless they are licensed by another state and indicate the state by which they are licensed when identifying themselves.

(d) A person who has a certification from a school, has passed a certifying examination or is certified by an agency, but is not certified by New Jersey pursuant to this subchapter, shall not hold himself or herself out as being certified.

(e) Nothing in this subchapter shall be construed to prohibit any person from rendering massage, bodywork and somatic therapy services as defined in N.J.A.C. 13:37-16.2 provided that person is not represented by the titles, abbreviations or designations referred to in (a) above.

(f) No certificant shall use a title which does not accurately reflect the certificant’s education and areas of expertise.

Amended by R.2007 d.138, effective May 7, 2007.
See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

In (a), substituted the second occurrence of “massage” for “message” and deleted “ ‘certified massage therapist,’ ” preceding “ ‘certified oriental bodywork therapist,’ ”.

13:37-16.10 Display of certification

(a) Certificants shall display their certificate of certification in view of clients whenever providing massage, bodywork and somatic services in their place of business or office.

(b) Whenever certificants provide massage, bodywork and somatic services outside of their place of business or office they shall display the certificate of certification while providing services.

(c) A certificant shall display either the original certificate of certification or a duplicate certificate obtained from the Committee.

13:37-16.11 Continuing education, programs, standards

(a) Upon biennial certification renewal, certificants 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. Falsification of any information submitted on the renewal application may require an appearance before the Committee and may subject a certificant to

penalties and/or suspension or revocation of the certification pursuant to N.J.S.A. 45:1-21 through 25.

(b) Each applicant for biennial license renewal shall be required to obtain current certification in Cardio-Pulmonary Resuscitation (CPR) from a course approved by the Red Cross or American Heart Association, or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc., and to complete during the preceding biennial period, except as provided in (c) below, a minimum of 20 credit hours of continuing education related to the practice of massage, bodywork and somatic therapy. Courses that are related solely to the business practices of certificants shall not satisfy continuing education requirements.

(c) A certificant who is certified in the second year of a biennial renewal period shall be required to complete 10 credit hours of continuing education.

(d) A certificant who completes more than the minimum continuing education credit hours set forth above in any biennial registration period may carry no more than 20 of the additional credit hours into a succeeding biennial period.

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

1. Successful completion of continuing education courses or programs related to the practice of massage, bodywork and somatic therapy, approved by, or offered by providers approved by: the NCBTMB; the NCCAOM; the American Massage Therapy Association (AMTA); the American Organization for Bodywork Therapies of Asia (AOBTA); the Association of Bodywork and Massage Professionals (ABMP); and the American Nurses Credentialing Center (ANCC): one credit hour for each hour of attendance;

2. Successful completion of continuing education courses or programs related to the practice of massage, bodywork and somatic therapy given by a school of massage, bodywork or somatic therapy that meets the requirements of N.J.A.C. 13:37-16.3(b): one credit hour for each hour of attendance;

3. 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 an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education: one credit hour for each hour of attendance;

4. Teaching a new continuing education program related to massage, bodywork and somatic therapy that is approved pursuant to (e)1, 2 or 3 above; "new" means that the certificant has never taught or developed curriculum for

that course program in any educational setting: one credit hour for each hour taught;

5. Authorship of a textbook or a chapter of a textbook directly related to the practice of massage, bodywork and somatic therapy: four credit hours for each chapter up to 20 credit hours;

6. Authorship of a published article, which has been refereed through peer review related to the practice of massage, bodywork and somatic therapy, in a medical or health related journal: four credit hours; and

7. Presenting a new seminar or lecture to professional peers, provided the seminar or lecture is at least one hour long; "new" means that the certificant has never presented the seminar or lecture before: one credit hour for each hour of presentation.

(f) The Committee should perform audits on randomly selected certificants to determine compliance with continuing education requirements. A certificant shall maintain the following documentation for a period of four years after completion of the credit hours and shall submit such documentation to the Committee 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 certificant 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.

(g) The Committee 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 certificant seeking a waiver of the continuing education requirements shall apply to the Committee in writing at least 90 days prior to certificate renewal and set forth in specific detail the reasons for requesting the waiver. The certificant shall provide the Committee with supplemental materials that support the request for waiver.

2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective 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 certificant shall apply to the Committee for the renewal of such waiver for the new biennial period.

(h) The Committee may direct or order a certificant 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 certificant's continuing education requirements.

(i) Any continuing education credit hours completed by the certificant in compliance with an order or directive from the Committee as set forth in (i) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

Amended by R.2007 d.138, effective May 7, 2007.

See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

In (b), substituted "Cardio-Pulmonary Resuscitation (CPR)" for "Basic Life Support (BLS)"; and in (h)3, updated N.J.A.C. reference.

Amended by R.2009 d.259, effective August 17, 2009.

See: 40 N.J.R. 6757(a), 41 N.J.R. 3093(a).

Deleted former (e)2 and (h); and recodified former (e)3 through (e)8 as (e)2 through (e)7, and recodified former (i) and (j) as (h) and (i).

13:37-16.12 Sexual misconduct

(a) The purpose of this section is to identify for certificants conduct which shall be deemed sexual misconduct.

(b) As used in this section, the following terms have the following meanings unless the context clearly indicates otherwise:

"Certificant" means any person who holds a certificate from the Committee as a massage, bodywork and somatic therapist.

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

"Client-therapist relationship" means a relationship between a certificant and a client wherein the certificant owes a continuing duty to the client to render massage, bodywork or somatic therapy services consistent with his or her training and experience.

"Sexual conduct" 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 certificant'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 certificant'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 certificant 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, bodywork and somatic therapy procedure.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a certificant's activities or role as a provider of massage, bodywork and somatic therapy services, and that either: is unwelcome, is offensive to a reasonable person, or creates a hostile workplace environment, and the certificant 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 certificant with a client, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the certificant.

"Spouse" means the husband, wife or fiancée of the certificant or an individual involved in a long-term committed relationship with the certificant. 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 certificant 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 the last massage, bodywork and somatic therapy was rendered more than three months ago.

(d) A certificant 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 certificant shall not engage in any discussion of an intimate sexual nature with a person with whom the certificant has a client-therapist relationship, unless that discussion is directly related to a proper massage, bodywork and somatic therapy purpose. Such discussion shall not include disclosure by the certificant of his or her own sexual relationships.

(f) A certificant 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 certificant shall not engage in sexual harassment either within or outside of the professional setting.

(h) A certificant shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the certificant's personal prurient interests or which is for the sexual arousal, or sexual gratification of the certificant 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 certificant from rendering massage, bodywork or somatic

therapy to a spouse, providing that the rendering of such massage, bodywork or somatic therapy is consistent with accepted standards of massage, bodywork or somatic therapy and that the performance of therapy is not utilized to exploit the spouse for the sexual arousal or sexual gratification of the certificant.

(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 certificant; or
2. The certificant is in love with or held affection for the client.

13:37-16.13 Advertising and solicitation practices

(a) A certificant 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 unless the content clearly indicates otherwise:

“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 related thereto from a certificant.

“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, the content of which is disseminated by means of the printed work.

“Electronic media” means radio, television and internet.

(c) A certificant who engages in the use of advertising which 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: