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**DIVISION OF CONSUMER AFFAIRS
BOARD OF MESSAGE AND BODYWORK THERAPY
Physically Attending CPR Courses; Jurisprudence
Continuing Education; Continuing Education
Course Approval
Proposed Amendments: N.J.A.C. 13:37A-2.1, 2.2,
2.3, 4.1, and 4.2**

Authorized By: Board of Message and Bodywork Therapy, ToniAnn Petrella-Diaz, 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 2019-145.

Submit comments by January 17, 2020, to:

ToniAnn Petrella-Diaz, Executive Director
New Jersey Board of Message and Bodywork Therapy
Division of Consumer Affairs
124 Halsey Street
PO Box 47032
Newark, New Jersey 07101
or electronically at:
<http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>

The agency proposal follows:

Summary

These proposed amendments would require applicants for licensure and licensed massage and bodywork therapists to physically attend CPR, first aid, and use of an automated external defibrillator (AED) courses, would require licensed massage and bodywork therapists to complete continuing education in laws and rules pertinent to the practice of massage and bodywork therapy, and would end recognition of continuing education courses provided by schools, colleges, or universities.

The Board of Message and Bodywork Therapy (Board) requires applicants for licensure and licensed massage and bodywork therapists renewing licensure to hold current certification in CPR and the use of an automated external defibrillator. The Board is aware that some entities do not require an individual to physically attend a course in order to obtain certification. The Board believes that CPR and the use of an automated external defibrillator cannot be adequately taught unless the individual completing the course is physically present. The Board proposes to amend N.J.A.C. 13:37A-2.1, 2.2, and 2.3 to require an applicant for licensure or renewal of licensure to physically attend a course in CPR and the use of an automated external defibrillator.

N.J.A.C. 13:37A-4.1 requires licensees to complete 20 credit hours of continuing education every biennial renewal period. The Board proposes to amend N.J.A.C. 13:37A-4.1 to require that one of the required 20 credit hours of continuing education be in laws and rules pertinent to the practice of massage and bodywork therapy. N.J.A.C. 13:37A-4.2(a)2 sets forth that a course given by a school will count towards continuing education requirements and lists the entities that must accredit or approve a school. The entities that accredit or approve schools do not consider massage and bodywork continuing education courses when they accredit or approve schools. In order to ensure the quality of continuing education courses, the Board proposes to delete N.J.A.C. 13:37A-4.2(a)2.

The Board has determined that the comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

Social Impact

The Board believes that the proposed amendments will have a beneficial impact on consumers who receive massage and bodywork services from licensees. Requiring licensees to physically attend CPR courses will help to ensure that licensees are capable of performing CPR, if the need arises. Deleting provisions that recognize continuing education courses given by schools, colleges, or universities will help to ensure that

continuing education courses are appropriately focused on the competency of licensed massage and bodywork therapists to practice massage and bodywork therapy in a safe and effective manner.

Economic Impact

The Board does not anticipate that the proposed amendments will have an economic impact on licensees. While licensees will have to pay to take a continuing education course in laws and rules pertinent to the practice of massage and bodywork therapy, the Board is not increasing the overall number of continuing education credit hours licensees are required to take.

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 Board does not believe that the proposed amendments will have any impact on the agriculture industry of this State.

Regulatory Flexibility Analysis

Since massage and bodywork therapists are individually licensed 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.

The proposed amendments will not impose any costs. The Board does not believe that licensees will need to employ any professional services to comply with the requirements of the proposed amendments. The proposed amendments impose no reporting or recordkeeping requirements but do impose compliance requirements as detailed in the Summary above.

As the compliance requirements contained in the proposed amendments are necessary to protect consumers who use the services of licensees, the Board believes that the proposed amendments must be uniformly applied to all licensees and no exceptions are provided based on the size of the business.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments concern licensure application, licensure renewal, and continuing education requirements for licensed massage and bodywork therapists.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendments 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 licensure application, licensure renewal, and continuing education requirements for licensed massage and bodywork therapists.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Board has evaluated these proposed amendments and determined that they will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 2. LICENSURE

13:37A-2.1 Application for licensure

(a) (No change.)

(b) An individual who applies for a license **under (a)1 above** shall submit to the Board:

1.-4. (No change.)

5. Proof that the applicant has current certification in CPR, Firstaid, and use of an automated external defibrillator (AED) from courses, **which the applicant physically attended**, 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. (No change.)

(c)-(f) (No change.)

13:37A-2.2 License without examination based on licensure in another state

(a) (No change.)

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

1.-3. (No change.)

4. Proof that the applicant has current certification in CPR, Firstaid, and use of an automated external defibrillator (AED) from courses, **which the applicant physically attended**, 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

5. (No change.)

(c) (No change.)

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, **which the applicant physically attended**, 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)-(h) (No change.)

SUBCHAPTER 4. CONTINUING EDUCATION

13:37A-4.1 Continuing education

(a) (No change.)

(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 **and one hour in the laws and rules pertinent to the practice of massage and bodywork therapy, specifically, N.J.S.A. 45:11-53 et seq., and this chapter.** 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)-(e) (No change.)

13:37A-4.2 Continuing education programs

(a) A licensee may obtain continuing education credit hours from the following:

1. (No change.)

[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;]

Recodify existing 3.-6. as 2.-5. (No change in text.)

(a)

DIVISION OF CONSUMER AFFAIRS

OFFICE OF THE DIRECTOR

Storage Fees, Municipal Fees, and Booting Vehicles

Proposed Amendments: N.J.A.C. 13:45A-31.2, 31.4, 31.5, and 31.6

Authorized By: Paul R. Rodríguez, Acting Director, Division of Consumer Affairs.

Authority: N.J.S.A. 56:13-19 and P.L. 2018, c. 165.

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

Proposal Number: PRN 2019-146.

Submit comments by January 17, 2020, to:

Paul R. Rodríguez, Acting Director
State of New Jersey

Division of Consumer Affairs

Office of the Director

PO Box 45027

Newark, New Jersey 07101

or electronically at:

<http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>

The agency proposal follows:

Summary

The Division of Consumer Affairs (Division) proposes amendments to its rules under the Predatory Towing Prevention Act (Act), N.J.S.A. 56:13-7 et seq., to extend the rules to the immobilization of motor vehicles, including by booting the vehicle, by installing an obstruction device on the windshield, or by other means. These proposed amendments will protect consumers from predatory practices covered by the Act, such as unreasonable fees for removing an immobilization device, but not previously addressed in the Division's rules.

The Division also proposes amendments to implement P.L. 2018, c. 165, which clarified that the Act applies to commercial motor vehicles and made clear that towing companies can charge reasonable fees when a law enforcement officer has authorized towing without the owner's consent. The Act states that, in such circumstances, a towing company may charge either for towing or storage, if the fee is in accordance with a duly-authorized fee schedule established by a municipality or other political subdivision of this State. The Act creates a rebuttable presumption that fees charged in accordance with such a fee schedule are not unreasonable or excessive.

Proposed amendments to N.J.A.C. 13:45A-31.2 revise the definitions of "basic tow," "motor vehicle," "non-consensual towing," "private property towing," and "towing" to incorporate changes to these definitions pursuant to P.L. 2018, c. 165. The proposed amendments delete the definition for "consumer," as P.L. 2018, c. 165 extended the Act to protect "persons," which includes commercial entities, not previously protected by the term "consumer." New definitions for "immobilization," "booting," and "windshield obstruction device" are set forth by the proposed amendments. The definition of "non-consensual towing" is proposed for amendment to clarify that the Division will regulate immobilization of vehicles.

Proposed amendments to N.J.A.C. 13:45A-31.4 permit towing companies to charge a fee for removing an immobilization device, such as a booting device or a windshield obstruction device. The proposed amendments also address two types of instances in which a tow has been authorized by a law enforcement officer. They recognize, consistent with P.L. 2018, c. 165, that a towing company may charge a reasonable storage fee when a motor vehicle has been towed pursuant to authorization from