

MESSAGE AND SOMATIC THERAPISTS

Chapter 173

MESSAGE AND SOMATIC THERAPISTS

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 12-14-1999 by Ord. No. 99-11. Amendments noted where applicable.]

§ 173-1. Definitions.

For the purposes of this chapter, certain words and terms herein are defined as follows:

MASSAGE AND SOMATIC THERAPIES — Any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, stroking, kneading, positioning and mobilizing soft tissue of the body by manual techniques and the use of visual, kinesthetic, auditory and palpating skills to access the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, 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, analysis of posture, movement and neural myofacial education and education in self-care and stress management. This definition shall not include the providing of chiropractic and medical services by a licensed professional.

MASSAGE AND SOMATIC THERAPIST — A person who practices or administers massage and/or somatic therapy. Massage and/or somatic therapists shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulations.

§ 173-2. Declaration of policy.

It is hereby declared that the business of operating a massage and/or somatic therapies business, as defined in this chapter, is a business affecting the public health, safety and general welfare.

§ 173-3. Compliance required.

It shall be unlawful for any person to engage in the massage and somatic therapies business without a permit, or to be in violation of any requirements set forth in this chapter or any regulation issued pursuant hereto.

§ 173-4. License required.

No person shall be engaged or employed (every business entity and each person employed by such entity shall be required to obtain a license) in the Borough of Wood-Ridge as a massage or somatic therapist for which any form of compensation is charged or accepted without first having obtained a license from the Wood-Ridge Borough Health Department to do so. The license, when issued, is personal and shall not be construed to grant a certificate of occupancy or approval for the use of any premises or location.

§ 173-5. Requirements for licensure; insurance; term of license.

- A. A license shall not be issued to a person unless he/she meets the following conditions:
- (1) Is at least 18 years of age.
 - (2) Submits a certification from a duly licensed physician of the State of New Jersey stating that the applicant is free from contagious and communicable diseases, dated within 30 days of the date of application.
 - (3) Submits three recent photographs of the applicant that shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner. Each applicant shall be fingerprinted by the Chief of Police or his designee. Said photographs and

fingerprints shall constitute a part of the application.

- (4) Completes an application and a form to be provided by the Wood-Ridge Borough of Health Department, which application, among other things, requires a detailed description of the applicant, fingerprinting by the Borough of Wood-Ridge Police Department and prior residence and employment history for at least 10 years.
 - (a) In addition, such application shall include a sworn statement as to whether or not the applicant has, within the last five years, been convicted, pleaded nolo contendere or suffered a forfeiture on any criminal offense or on a charge of violating any provisions included in N.J.S.A. 2C:34-1 et seq. and/or N.J.S.A. 2C:14-2, as amended, which laws relate to indecency, obscenity and sexual offenses, or similar charges of violating this chapter or similar ordinances in any other jurisdiction.
 - (b) The application shall state thereon: "It is unlawful for any person to make a false statement on this application, and discovery of a false statement shall constitute grounds for denial of an application or revocation of a permit."
- B. Each massage practitioner shall have malpractice insurance in an amount not less than \$100,000. A copy of such certificate of insurance shall be presented to the Borough Clerk and/or Administrative Officer with the filed application.
- C. The license shall be valid for a period of one (one) year, and it may be renewed for additional one-year periods upon the filing of a new application fee of \$500. All provisions of this chapter shall apply to renewals in the same manner as they apply to applications for and granting of initial licenses.

§ 173-6. Qualifications for license.

Nothing in this chapter shall be construed to prohibit any person from rendering massage, body work and somatic therapy services within the Borough of Wood-Ridge, provided that said person shall not be identified by the titles "massage, bodywork and somatic therapist," "registered massage, bodywork and somatic therapist," "licensed massage, bodywork and somatic therapist" or the abbreviations "MBT," "RMBT," "LMBT," "LOBT" or "LMT," unless licensed to practice massage, bodywork and somatic therapies under the provisions of this chapter and unless he or she provides satisfactory proof or evidence of the following:

- A. Successful completion of a minimum of 500 hours in class study in the field of massage, bodywork and somatic therapies; or
- B. Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork or a substantially equivalent examination approved by the Board to determine the applicant's competence to practice massage, bodywork and somatic therapies.

§ 173-7. Fees.

The following nonrefundable fees shall be paid to the Borough of Wood-Ridge:

- A. Upon the filing of an annual application for the operation of a business engaged in providing the services set forth in § 173-1 hereof: \$500.
- B. Upon the filing of an annual application for persons engaged in providing services as set forth in § 173-1 hereof: \$100.
- C. For providing State of New Jersey fingerprint checks: a fee at the rate permitted by State of New Jersey law at the time said request is made. A fingerprint check shall

not be required when obtaining a renewal of an existing license.

§ 173-8. Building structure and layout.

- A. No massage and or somatic therapies business shall begin operations until the building occupied shall have been approved by the Borough Health Official, who shall establish procedures for investigation and reports pursuant to the regulations of this chapter.
- B. An applicant for a permit to operate a massage and or somatic therapies business shall submit to the Borough Health Official plans and specifications of the quarters proposed to be occupied. Such plans shall show details of entrances, partitions, windows, openings, ventilation, plumbing fixtures and water supply and waste and vent connections.
- C. Each massage and or somatic therapies business shall be equipped with a toilet and lavatory facilities for personnel. Each operating area shall be equipped with a hand lavatory.
- D. All other pertinent building and land use regulations of the Borough of Wood-Ridge shall be complied with.

§ 173-9. Sanitation and hygiene.

- A. All equipment, shower stalls, toilets, lavatories and any other such accoutrements of the establishment shall be regularly treated with disinfectants and shall be maintained in a clean and sanitary condition at all times.
- B. Health, plumbing, electric and other inspectors shall be given access at all reasonable times to any part of a massage and/or somatic therapies business for the purpose of inspection.

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- C. No person shall practice any services of a massage and somatic therapies business without a certificate of good health issued by a duly licensed physician, commensurate with the nature of the services rendered. Such certificate shall be renewed every six months.
- D. No massage and somatic therapies business shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely served, prescribing the conditions thereof.
- E. All personnel shall wash their hands in hot running water, using a proper soap or disinfectant, before giving any service or treatment to each separate patron.
- F. All towels and tissues and all sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.
- G. Nondisposable tools of the trade shall be disinfected after use upon one patron.

§ 173-10. Sleeping quarters.

No part of any quarters of any massage or somatic therapies business shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such massage or somatic therapies business except for limited periods incidental to and directly related to a massage or bath. This provision shall not preclude the location of a massage or somatic therapies business in a separate quarters of a building housing a hotel or other separate businesses or clubs.

§ 173-11. Equipment standards.

- A. All tables, tubs, shower stalls and floors, except reception and administrative areas, shall be made of nonporous materials which may readily be disinfected.
- B. Closed containers shall be provided for wet towels and waste materials.

§ 173-12. Term of license.

All licenses issued pursuant to this chapter shall expire in the calendar year in which said license was issued. Generally speaking a license shall be issued for one calendar year, but in the event that the issuance of same is made for part of a calendar year, the full license fees required hereinabove will apply without any proration.

§ 173-13. Display of license.

All licenses issued hereunder shall be exhibited in a prominent place inside the business establishment.

§ 173-14. Revocation of license.

- A. The conviction of any applicant or licensee of any criminal offense, quasi-criminal offense or sanitary code violation related to the licensee's business, or any sex-related offense, shall constitute a forfeiture of his or her license, and said license shall be deemed revoked.
- B. Each licensee shall be deemed responsible for a clean and safe business operation on the premises. The violation of any law at said premises shall be grounds for the revocation of the licenses of all licensees operating on the premises.

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§ 173-15. Revocation procedure.

- A. Licenses issued under this chapter may be revoked by the Administrative Officer of the Wood-Ridge Health Department for violations of any terms or conditions of this chapter.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be served personally upon the licensee or mailed by registered letter to the licensee at his last known address at least five days prior to the date set for the hearing.
- C. In the event of a revocation of a license, the Administrative Officer shall report his findings and reasons therefor to the Mayor and Council.

§ 173-16. Appeal.

The applicant or license holder may appeal any denial or revocation of a license within 30 days of receiving written notice of such denial or revocation by submitting to the Borough Clerk a written request for a hearing by the Mayor and Council, which request shall be made on a form provided by the Borough Clerk. The Mayor and Council shall hold a hearing within 45 days of the date of request for a hearing. The Mayor and Council shall direct the Borough Clerk to issue the decision to the applicant or license holder within 10 days of its decision or within 45 days of the hearing, whichever is sooner. The time periods set forth in this chapter may be extended and/or waived on a mutually agreeable basis by the Mayor and Council and the applicant and/or license holder.

§ 173-17. Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall, upon conviction, be punished by imprisonment in the county jail for a term not exceeding 90 days, by a fine not exceeding \$1,000 and/or by a period of community

service not exceeding 90 days, in the discretion of the Judge of the Municipal Court.

- B. A violation of any section of this chapter shall also be grounds for revocation of any license, certificate of occupancy or permit issued by the municipality for the premises.
- C. Every day that the provisions of this chapter are violated by any person, as defined herein, shall be a separate and distinct violation of this chapter.

§ 173-18. Applicability of other regulations.

This chapter is intended to be read in pari materia with any and all state regulations appertaining to the same or similar subject matter, including, but not by way of limitation, any and all regulations established by the Massage, Bodywork and Somatic Therapy Examining Committee operating under the New Jersey Board of Nursing.