



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey Board of Massage and Bodywork Therapy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



**JOHN J. HOFFMAN**  
Acting Attorney General

**ERIC T. KANEFSKY**  
Director

## **NEW JERSEY STATE BOARD OF MASSAGE AND BODYWORK THERAPY PUBLIC SESSION MINUTES October 23, 2013**

**Mailing Address:**  
P.O. Box 45048  
Newark, NJ 07101  
(973) 504-6520

A regular meeting of the New Jersey State Board of Massage and Bodywork Therapy was held at 124 Halsey Street Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Wednesday October 23, 2013. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Deborah Overholt, Chairperson of the Board** called the meeting to order at 9:20 A.M. and a roll call was taken and the following attendance was recorded:

MARK J. CARANGELO	Present
DEBORAH OVERHOLT	Present
CYNTHIA SINICROPI-PHILIBOSIAN	Present
DEBORAH ZASTOCKI	Present
CHRISTINE GILL ROSE	Excused

Also present were: **Susan Carboni, Deputy Attorney General; Laura L. Anderson, Executive Director; Lisa Tadeo, Executive Director; Terri Goldberg, Assistant Deputy Director; Charles Manning, Regulatory Analyst; Gerard Tobia, Administrative Staff.**

### **PUBLIC COMMENTS:**

Susan Lieberman addressed the Board in representation of NJ healing arts practitioners and also representing the attendees to the meeting with regards to licensure requirements related to the practice of different modalities such as: IGM Therapeutic Acupressure; Acutouch; Energy Therapy; Healing Touch; Jin Shin Jyutsu; Reiki; Holistic Therapy; Yoga; Healing Technique Therapeutic Touch; Reflexology; Energy and Light; Etc.

### **OPENING STATEMENT "Reading of the Sunshine Law"**

#### **A QUORUM WAS DECLARED PRESENT:**

In accordance with Chapter 231 of P.L. 1975, more commonly referred to as the Sunshine Law, adequate notice of this meeting was provided by mailing on November 28, 2012. A schedule of all 2013 Regular Open Meetings of the Board of Massage and Bodywork Therapy to be held during 2013 was provided to the Office of the Secretary of State, Star Ledger, Trenton-Times, The New York Times, Camden Courier Post, The Press of Atlantic City and The Philadelphia Inquirer. The schedule has also been posted on the bulletin at the New Jersey State Board of Massage and Bodywork Therapy Office.

## **I. APPROVAL OF THE PUBLIC SESSION MINUTES**

A. September 25, 2013

**A motion was made by Mark Carangelo and seconded by Deborah Zastocki, the Board voted to accept the minutes of the September 25, 2013 Board Meeting as amended. A vote was taken and the motion carried by a unanimous vote.**

## **II. OLD BUSINESS**

A. July 24, 2013 : Follow up discussion on Massage and Bodywork Therapy Regulations

Charles Manning, Regulatory Analyst, presented the Board and the public, with an opinion from the Attorney General with regard to the licensure for individuals offering different modalities.

The Attorney General has provided an opinion, with regard to the licensing requirements for individuals offering "energy therapy" including "light touch" and "gentle touch".

An individual offering "energy therapy" including "light touch" and "gentle touch" does not need to obtain a license if he or she does not:

1. Engage in structured touch designed to affect the soft tissues of the body; and
2. Hold him or herself out as engaging in massage and bodywork therapy, either expressly or impliedly.

**Therefore, practitioners who do not engage in structured touch designed to affect the soft tissues of the body and who do not hold themselves out as engaging in massage and bodywork therapy, either expressly or impliedly, are not required to obtain a license from the Board.**

Given the variations in individual practitioner approaches to therapy, the Board is not able to determine universally which practices meet these standards and therefore, cannot declare that any particular practice does not require a license. Therefore, the Board is not creating broad based exemptions to the licensure requirement.

If the Board becomes aware that an unlicensed individual is engaging in practices that do not meet the above standards, it will investigate the matter to determine if that practitioner is in violation of N.J.S.A. 45:11-53 et seq.

Please note, that notwithstanding the above, if a practitioner utilizes any of the following titles, as set forth in N.J.S.A. 45:11-73, he or she must obtain a license from the Board:

Massage or Bodywork Therapist; Licensed massage and bodywork therapist; Massage; Bodywork; Masseur; Masseuse; Shiatsu; Acupressure; Nuad bo'rarn; Amma; Chi nei tsang; Tuina; Polarity educator; Polarity therapist; Polarity therapy; or Polarity practitioner.

### **III. Legislation**

#### **P.L.2013 Approved May 6, 2013**

P.L. 2013 Law was passed that requires professional boards to provide credits toward requirements for licensure for veterans with substantially equivalent training.

**Charles Manning, regulatory analyst, advised the Board that although this P.L. 2013 law was passed, it will not affect nor apply to the Board of Massage and Bodywork Therapy.**

### **IV. Federation of State Massage Therapy Boards (FSMTB) 2013 Annual Meeting Deborah Overholt**

Chairperson, Deborah Overholt, presented a report regarding the FSMTB annual meeting she attended, which was held on October 10-13, 2013, in Baltimore Maryland.

### **V. PUBLIC ORDERS**

#### **A. PROVISIONAL ORDERS OF DENIAL OF CERTIFICATION/LICENSURE**

1. XueLan Bian; Applicant ID# 1746661; Provisional Order of Denial of Certification/Licensure filed October 4, 2013
2. Jin Yu Berninger; Applicant ID# 1736251; Provisional Order of Denial of Licensure filed October 4, 2013
3. Eric Rodriguez; Applicant ID# 1689319; Provisional Order of Denial of Licensure filed October 4, 2013
4. Enji Piao; Applicant ID# 1661854; Provisional Order of Denial of Licensure filed October 4, 2013

**The Board reviewed the Provisional Orders of Denial of Certification/Licensure and considered as informational**

#### **B. FINALIZATION OF PROVISIONAL ORDERS OF DENIAL OF LICENSURE ("POD")(Responses)**

1. Mingzi Cui; Applicant ID# 1624412  
POD filed May 22, 2013

**Upon a motion made by Cynthia Sinicropi-Philibosian and seconded by Mark Carangelo, the Board determined to finalize the Provisional Order of Denial of Licensure with no modifications.**

**A vote was taken and the motion carried by a unanimous vote.**

**C. PROVISIONAL ORDER OF DISCIPLINE (No Response)**

1. Ilya Shavulskiy; License # 18KT00321300  
POD filed August 13, 2013

**Upon a motion made by Cynthia Sinicropi-Philibosian and seconded by Mark Carangelo, the Board voted to finalize the Provisional Order of Discipline with no modifications. A vote was taken and the motion carried by a unanimous vote.**

**At 11:00 A.M. the Board, upon a motion made by Deborah Zastocki and seconded by Cynthia Sinicropi-Philibosian, voted to move into Executive Session to consider and review consumer complaints, investigative reports and other information received pursuant to the Board's regulations. The result of these deliberations will be made known when and if the Board determines to initiate disciplinary or other enforcement action. If the Board determines to issue any sanction, action will be taken in public session immediately after the executive session. A vote was taken and the motion carried by a unanimous vote.**

**VI. ADJOURNMENT**

**The Board returned to Public Session and a motion was made by Mark Carangelo and seconded by Cynthia Sinicropi-Philibosian, to adjourn the meeting at 2:15 P.M. A vote was taken and the motion carried by a unanimous vote.**

**The meeting was adjourned at 2:15 P.M.**

Respectfully submitted,

Laura L. Anderson,  
Executive Director