

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, March 12, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

The Titles for both 21 NCAC 30 .0306 and .0704 are the same. Please consider changing the titles of one or both of the Rules. Perhaps make it clear that .0306 applies to continuing education and .0704 applies to schools?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Friday, February 26, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0636

DEADLINE FOR RECEIPT: Friday, March 12, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is meant by "the requirements in this Subchapter not withstanding:"? Is this language necessary?

In (a)(1) and (2), is this the exception at the discretion of the school or of the Board? If it's of the Board, how will the determination be made as to whether the course can be held online? What factors will be used? If it's the school, I think it's okay as written.

In (a)(1), should the cross-reference be to .0602(8)?

In (a)(2), I don't understand the cross-reference to .0603(b)(4). It looks to me that .0603 addresses documentation of instruction and does not contain any underlying course requirements.

Practically speaking, what's the difference in (a)(1) and (2). Is (a)(2) intended to address the documentation of the hours referenced in (a)(1)? If so, please make that clear. If not, if (a)(2) necessary?

It appears as though (a)(3) and (4) are not "exceptions." Instead, they appear to be reminders, notice, or clarification of other Rules as they relate to this Rule. Should these be Paragraphs (b) and (c), instead of Subparagraphs of (a)? In other words, should it look like this:

**21 NCAC 30 .0636
EMERGENCY**

WAIVER OF REQUIREMENTS DURING DISASTER OR

(a) If the Governor declares a state of emergency, the following exceptions shall apply to massage and bodywork therapy schools, programs and students, the requirements in this Subchapter notwithstanding:

- (1) Classroom hours of supervised instruction that are not hands-on may be provided online, despite the requirement in Rule .0602(10) of this Subchapter.
- (2) Total number of supervised classroom hours of instruction that are not hands-on may include online hours, despite the requirement in Rule .0603(b)(4) of this Subchapter.

Amber May
Commission Counsel

Date submitted to agency: Friday, February 26, 2021

~~(3)~~ (c) For a student to receive credit in a course that is not hands-on, the student shall attend, in-class or online, 75 percent of the instructional hours of the course and shall also make up missed instructional hours to equal no less than 98 percent of the instructional hours in the course, pursuant to Rule .0620(11) of this Subchapter.

~~(4)~~ (d) Schools shall not be required to revise the Student Enrollment Agreement required by Rule .0629 or School Catalog required by Rule .0630 to reflect the exceptions listed in this Rule.

~~(b)~~ (e) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Friday, February 26, 2021

21 NCAC 30 .0636 is proposed for adoption as published in 35:12 NCR 1386-1387:

21 NCAC 30 .0636 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the Governor declares a state of emergency, the following exceptions shall apply to massage and bodywork therapy schools, programs and students, the requirements in this Subchapter notwithstanding:

(1) Classroom hours of supervised instruction that are not hands-on may be provided online, despite the requirement in Rule .0602(10) of this Subchapter.

(2) Total number of supervised classroom hours of instruction that are not hands-on may include online hours, despite the requirement in Rule .0603(b)(4) of this Subchapter.

(3) For a student to receive credit in a course that is not hands-on, the student shall attend, in-class or online, 75 percent of the instructional hours of the course and shall also make up missed instructional hours to equal no less than 98 percent of the instructional hours in the course, pursuant to Rule .0620(11) of this Subchapter.

(4) Schools shall not be required to revise the Student Enrollment Agreement required by Rule .0629 or School Catalog required by Rule .0630 to reflect the exceptions listed in this Rule.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

*History Note: Authority G.S. 90-626;
Emergency Adoption Eff. April 17, 2020;
Temporary Adoption Eff. July 24, 2020;
Eff. April 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0704

DEADLINE FOR RECEIPT: Friday, March 12, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), please capitalize "governor"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Friday, February 26, 2021

21 NCAC 30 .0704 is proposed for adoption as published in 35:12 NCR 1387:

21 NCAC 30 .0704 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the governor declares a state of emergency, the Board may allow all continuing education hours required by G.S. 90-630.5 and Rule .0701(b) of this Chapter to be obtained by distance learning. In making this determination, the Board shall consider the risk of harm to licensed massage and bodywork therapists attending in-classroom continuing education courses.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

*History Note: Authority G.S. 90-626(9); 150B-19(6); S.L. 2020-97;
Emergency Adoption Eff. June 30, 2020;
Emergency Adoption Expired Eff. September 13, 2020;
Emergency Adoption Eff. November 25, 2020 to expire pursuant to S.L. 2020-97, s. 3.20;
Eff. April 1, 2021.*