

1 21 NCAC 30 .0302 is proposed for amendment with changes as published in 32:18 NCR 1789-1797:

2 **21 NCAC 30 .0302 DISPLAY OF LICENSE**

3 ~~A licensee~~ Licensees shall display ~~the~~ their Board-issued original license ~~in a prominent place~~ at the licensee's licenses'
4 primary place of ~~business~~ practice so as to be visible for ~~inspection,~~ inspection by the public. Licensees providing
5 massage and bodywork therapy outside their primary ~~business location,~~ place of practice, or at the location of clients,
6 shall have a ~~copy of their~~ ~~Board-issued,~~ Board-issued original license ~~or wallet card~~ available for inspection upon
7 ~~request,~~ request by the public.

8

9 *History Note: Authority G.S. 90-626(9);*

10 *Temporary Adoption Eff. February 15, 2000;*

11 *Eff. April 1, 2001;*

12 *Amended Eff. September 2, 2005;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
14 *12, 2014;*

15 *Amended Eff. October 1, 2018.*

1 21 NCAC 30 .0401 is proposed for amendment with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 .0401 ADDRESS OF RECORD**

4 (a) Each licensee shall notify the Board in writing within 30 days of any change of the licensee's current residence
5 street address and primary place of ~~business~~ practice. The licensee shall ~~indicate~~ provide in writing to the
6 Board ~~his/her~~ his or her mailing address, email address, and telephone number for the purposes of
7 receiving communication from the Board and for listing in the registry of licensees.

8 (b) "Primary place of practice" shall mean:

9 (1) a licensed establishment owned by the licensee where the licensee provides massage and
10 bodywork therapy; or

11 (2) a licensed establishment where the licensee provides massage and bodywork therapy, whether as
12 an employee or independent contractor.

13 (c) If the licensee provides massage and bodywork therapy only at the location of clients, the primary place of
14 practice is the residence address of the licensee.

15
16 *History Note: Authority G.S. 90-626(9);*

17 *Temporary Adoption Eff. February 15, 2000;*

18 *Eff. April 1, 2001;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
20 *12, 2014;*

21 *Amended Eff. October 1, 2018.*

21 NCAC 30 .0701 is proposed for amendment with changes as published in 32:18 NCR 1789-1797:

**21 NCAC 30 .0701 CONTINUING EDUCATION [CONTINUING COMPETENCE ACTIVITY]
REQUIREMENTS**

~~(a) Pursuant to G.S. 90-632, a licensee, when renewing a license, shall document that they have completed at least 24 contact hours of approved continuing education [continuing competence activities] during the immediately preceding licensure period, provided the licensure period is two years or more. If the licensure period is less than two years, but more than one year, the licensee shall document that they have completed at least 12 contact hours of approved continuing education. [continuing competence activities.]~~

~~(b)(a)~~ For the purposes of this Section, "approved continuing education" [continuing competence activities"] means a course offered as follows:

(1) ~~by an approved provider as defined in Rule .0702 of this Section; or~~ Continuing Education:

~~(A) Includes attendance and participation at a live presentation by an approved provider pursuant to Rule .0702(8), 0702(7) of this Chapter such as a workshop, seminar, conference, or in-service educational program. It May may also include participation in other continuing education activities that require a formal assessment of [learning, learning, such as an evaluation or survey]. Examples include distance learning, electronic, or Web-based courses;~~

~~(B) [A licensee may earn one point for each contact hour or equivalent unit that is awarded by the provider.] There are no maximum contact hours in this categorycategory; however, distance learning shall not comprise more than 12 contact hours in this category; and~~

~~(C) Documentation shall include a certificate of completion or similar documentation including the name of the course, date, author/instructor, sponsoring organization, location, and number of contact hours attended.~~

~~(2) a course in anatomy, physiology, pathology, psychology, pharmacology, massage and bodywork therapy or business management taken at a post secondary institution of higher learning. Academic Coursework:~~

~~(A) Includes participation in on-site or distance learning academic courses from a university, college, or vocational technical adult education course in anatomy, physiology, pathology, psychology, pharmacology, massage and bodywork therapy or business management;~~

~~(B) [A licensee may earn one point for each contact hour.] There are no maximum contact hours in this category; and~~

~~(C) Documentation shall include an original official transcript indicating successful completion of the course, date, and a description of the course from the school catalogue or course syllabus.~~

1 (3) Small Group Study:

2 (A) Includes on-site, in-person review and ~~discussion~~ discussion, by at least two licensed
3 practitioners, of professional medical journal articles, clinical videotapes or audiotapes
4 related to the practice of massage and bodywork therapy; ~~by at least two licensed~~
5 practitioners;

6 (B) [A licensee may earn one point for one hour spent in an independent study activity, up to]
7 There is a maximum of ~~three~~ two contact ~~hours;~~ hours in this category; and

8 (C) Documentation shall include title, author, publisher, time spent, and date of completion.
9 ~~[Licensee]~~ The licensee shall must complete the Small Group Study Form provided by
10 the Board on its website at www.bmbt.org and include a statement that describes how the
11 ~~[activity]~~ review and discussion relates to ~~[a]~~ the licensee's current or anticipated roles
12 and responsibilities.

13 (4) Mentorship Agreement:

14 (A) Participation as a Mentee:

15 (i) Participation in a formalized mentorship agreement with a mentor ~~currently~~
16 licensed by the Board with at least two years of professional experience and as
17 defined by a signed contract between the mentor and mentee provided by or
18 approved by the Board that outlines ~~[specific]~~ goals and objectives and
19 designates the plan of activities that are to be met by the mentee. These
20 activities must be related to ~~[the development of new]~~ massage and bodywork
21 therapy ~~[skills outside current required job performance;]~~ skills, knowledge, or
22 practice;

23 (ii) [A licensee may earn one contact hour for each hour spent in activities directly
24 related to achievement of goals and objectives up to] There is a maximum of
25 five contact ~~hours;~~ hours in this category; and

26 (iii) Documentation shall include name of mentor and mentee, copy of signed
27 contract, dates, hours spent and focus of mentorship activities, and outcomes of
28 mentorship agreement.

29 (B) Participation as Mentor:

30 (i) Participation in a formalized mentorship agreement with a mentee as defined by
31 a signed contract between the mentor and mentee that designates the
32 responsibilities of the mentor and ~~[specific]~~ goals and objectives that are to be
33 met by the mentee. These activities must be related to ~~[the development of new]~~
34 massage and bodywork therapy ~~[skills for the mentee that are outside current~~
35 required job performance;] skills, knowledge, or practice;

- 1 (ii) ~~[A licensee may earn one contact hour for each hour spent in mentorship~~
2 ~~activities as a mentor up to] There is a maximum of five contact [hours;] hours~~
3 ~~in this category; and~~
4 (iii) Documentation shall include name of mentor and mentee, copy of signed
5 contract, dates, hours spent and focus of mentorship activities, and outcomes of
6 mentorship agreement.

7 (5) Professional Writing:

- 8 (A) Publication ~~or written acceptance for publication~~ of a ~~[peer reviewed] book, [chapter,~~
9 ~~article or contracted review of] chapter, or article evaluated by experts in and related to~~
10 ~~massage and bodywork therapy; [therapy resource material;]~~
11 (B) During the year ~~[written,] written or edited [or reviewed]~~ a licensee may earn:
12 (i) 15 contact hours as author of a book;
13 (ii) 10 contact hours as author of a chapter;
14 (iii) Five contact hours as author of ~~[a peer reviewed] an article; or~~
15 ~~[(iv) Five hours as a contracted reviewer of a print or multimedia massage and~~
16 ~~bodywork therapy resource; or]~~
17 ~~[(v) (iv)[40] Five contact hours as listed editor of a book.~~
18 (C) Documentation shall consist of full reference for publication including title, author,
19 editor, and date of publication; or copy of acceptance letter, if not yet published; and
20 (D) Credit for submitted items shall be given for one licensure period only.

21 (6) Presentation and Instruction:

- 22 (A) Presentation for the first time of an academic ~~[course or peer reviewed or non-peer~~
23 ~~reviewed] course, workshop, or seminar [workshop, seminar, in service, electronic or~~
24 ~~Web-based course for the first time or for which more than 50 percent of the material has~~
25 ~~been revised;] related to massage and bodywork therapy;~~
- 26 (B) ~~[A licensee may earn one contact hour of credit that is awarded for an activity, up to]~~
27 ~~There is a maximum of [six] five contact [hours;] hours in this category; and~~
- 28 (C) Documentation shall include a ~~[copy of official program, schedule, or] syllabus~~
29 ~~[including presentation title, date,] and the date and hours of [presentation, and type of~~
30 ~~audience or verification of such, signed by the sponsor.] presentation.~~

31 (7) Professional Meetings and Activities:

- 32 (A) Consistent with Rule ~~[-0804] .0703~~ of this Section, participation in board or committee
33 work with agencies or organizations to promote and enhance the practice of massage and
34 bodywork therapy;
- 35 (B) ~~[A licensee may earn one contact hour for] There is a maximum of five contact hours [or~~
36 ~~two contact hours for 10 or more hours for participation on committees or boards;] in this~~
37 ~~category; and~~

1 (C) Documentation ~~[must]~~ shall include the name of the committee or board, the name of the
2 agency or organization, purpose of service, and description of licensee's role.
3 Participation and hours ~~[must]~~ shall be ~~[validated]~~ documented in writing by an officer or
4 representative of the organization or committee.

5 ~~[(8)]~~ Board Certification:

6 (A) The Board shall recognize completion of activities that result in board certification by an
7 approved provider during the current licensure period;

8 (B) A licensee may earn 15 hours for each board certification credential earned or re-certified
9 during the current licensure period; and

10 (C) Documentation shall include certificate of completion or other documentation from the
11 recognized certifying body that identifies satisfactory completion of requirements for
12 obtaining board certification.

13 ~~[(9)]~~(8) Research and Grants:

14 (A) Development of or participation in a research project or grant ~~[proposal;]~~ proposal related
15 to massage and bodywork therapy;

16 (B) A licensee may earn one contact hour for each three hours spent working on a research
17 project or grant ~~[proposal, up to]~~ proposal. There is a maximum of five contact ~~[hours;]~~
18 hours in this category; and

19 (C) Documentation includes verification ~~[from the primary investigator indicating]~~ stating the
20 name of the research project, dates of participation, major hypotheses or objectives of the
21 project, and licensee's role in the project or name of grant proposal, name of grant source,
22 purpose and objectives of the project, and verification from the grant author regarding
23 licensee's role in the development of the grant if the licensee is not the author.

24 ~~(e)(b)~~ Distance learning, as defined in Rule .0702 of this Section, shall not comprise more than 12 hours of the
25 required continuing education hours ~~[continuing competence activities]~~ per licensure period.

26 ~~(d)(c)~~ Licensees shall document that they have completed at least three contact hours of continuing education
27 ~~[continuing competence activities]~~ in professional ethics as defined in Rule .0702 of this Section, out of the
28 minimum of 24 hours of approved continuing education ~~[continuing competence activities]~~ required for license
29 renewal. This may be obtained through supervised classroom instruction or distance learning.

30 ~~(e)(d)~~ Business management, as defined in Rule .0702 of this Section, shall not comprise more than eight hours of
31 the minimum 24 hours of approved continuing education ~~[continuing competence activities]~~ required for license
32 renewal.

33 ~~(f)(c)~~ Licensees shall ensure that each continuing education course ~~[continuing competence activity]~~ for which they
34 claim credit on their application for renewal of licensure is consistent ~~[complies]~~ with the definitions and requirements
35 set forth in this Section.

36 ~~(g)(f)~~ The Board may shall audit licensees at random to assure compliance with these requirements.

37

1 *History Note: Authority G.S. 90-626(9); 90-630.5;*
2 *Temporary Adoption Eff. February 15, 2000;*
3 *Eff. April 1, 2001;*
4 *Amended Eff. November 1, 2008; September 2, 2005;*
5 *Readopted Eff. October 1, 2015;*
6 *Amended Eff. October 1, 2018.*

1 21 NCAC 30 .0702 is proposed for amendment with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 .0702 CONTINUING EDUCATION DEFINITIONS**

4 The following definitions apply to this Section:

5 ~~(1)~~ — Continuing Competence. — A process in which a massage and bodywork therapist develops and
6 maintains the knowledge, performance skills, interpersonal abilities, critical reasoning skills, and
7 ethical reasoning skills necessary to perform his or her professional responsibilities.

8 (1)~~(2)~~ Continuing ~~education.~~ education -- Learning experiences that develop, maintain, enhance ~~enhance,~~
9 and expand the performance skills, interpersonal abilities, critical reasoning skills, ethical
10 reasoning skills, knowledge, and attitudes of massage and bodywork therapists that enable them to
11 render competent professional service to clients, the profession ~~profession,~~ and the public.

12 (2)~~(3)~~ Distance learning. learning -- Courses taken by home study that are produced by an approved
13 provider, whether delivered by videotape, audiotape, printed materials, or computer-based means.
14 The licensee shall demonstrate achievement of learning objectives and completion of course
15 requirements to the provider before credit is given.

16 (3)~~(4)~~ One "contact hour" of continuing education. education ~~[a continuing competence activity]~~ -- At
17 least 50 minutes of any one clock hour during which the student participates in a learning activity
18 in the physical presence of an instructor, or in a distance learning activity designed by an approved
19 provider. One semester credit hour at a post-secondary institution shall be equivalent to 21 contact
20 hours.

21 (4)~~(5)~~ Professional ethics. ethics -- A system of conduct guided by principles that are intended to ensure
22 the safe and effective practice of massage and bodywork therapy. Acceptable subject matter for
23 required professional ethics courses may include: compliance with the Practice Act and Rules of
24 the Board, management of the client/therapist relationship, boundary functions, professional
25 communication skills, conflict resolution, cultural diversity issues, and standards of practice.

26 (5)~~(6)~~ Business management. management -- Courses that enable the licensee licensees to learn and
27 apply business skills to create a successful professional in apply to their practice.

28 (6)~~(7)~~ Post secondary institution of higher learning – A degree granting institution accredited by an
29 accrediting agency recognized by the United States Department of Education.

30 (7)~~(8)~~ Approved provider. provider -- One that has been approved by any entity with which the Board
31 has reached a contractual agreement for the approval of continuing education providers and
32 courses. A list of accrediting entities with which the Board has entered into a contractual
33 agreement is available on the Board's website at www.bmbt.org. The provider shall have this
34 designation when the course begins and shall maintain this designation continuously until the
35 course is completed. The Board does shall not recognize any retroactive designation of provider
36 approval. Except as herein stated, the The provider shall follow all regulations set forth by its
37 accrediting agency. The Board may also recognize a continuing education provider outside the

1 United States or its territories that is a post-secondary institution of higher learning approved by
2 the educational regulation authority of that foreign country.

3

4 *History Note: Authority G.S. 90-626(9); 90-630.5;*
5 *Temporary Adoption Eff. February 15, 2000;*
6 *Eff. April 1, 2001;*
7 *Amended Eff. November 1, 2015; April 1, 2005;*
8 *Amended Eff. October 1, 2018.*

1 21 NCAC 30 .0703 is proposed for adoption with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 .0703** **SCOPE OF QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING**
4 **COMPETENCE EDUCATION**

5 (a) To be approved by the Board, continuing education activities ~~must~~ shall be related to roles and responsibilities
6 in massage and bodywork therapy and ~~must~~ serve to protect the public by enhancing the licensee's continuing
7 competence.

8 (b) Subject matter for approved activities ~~include~~ include:

9 (1) research;

10 (2) theoretical or practical content related to the practice of massage and bodywork therapy; or

11 (3) the development, administration, supervision, and teaching of clinical practice or service delivery
12 programs by massage and bodywork therapists.

13

14 *History Note:* *Authority G.S. 90-626(9); 90-630.5;*

15 *Eff. October 1, 2018.*

1 21 NCAC 30 .0905 is proposed for amendment with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 .0905 DISCIPLINARY SANCTIONS**

4 (a) The following types of disciplinary sanctions regarding licensed massage and bodywork therapists and massage
5 and bodywork therapy establishments (licensees) ~~may, among others,~~ may be utilized by the Board:

- 6 (1) Denial of Application: Refusal to license the applicant;
- 7 (2) Letter of Reprimand: ~~An expression of displeasure. The mildest form of administrative action.~~
8 This formal expression of disapproval will be retained in the licensee's file but shall not be
9 publicly announced. It is not published, but is released upon ~~request;~~ request by the public;
- 10 (3) Probation: A period of time where restrictions or conditions are imposed on a licensee. Continued
11 licensure is subject to fulfillment of specified conditions;
- 12 (4) Suspension of license: A condition of probation. Loss of license for a period after which the
13 ~~individual~~ licensee shall be required to reapply for licensure or remain on probation;
- 14 (5) Refusal of License Renewal: A refusal to reinstate or renew a license;
- 15 (6) Revocation of license: An involuntary termination of a license;
- 16 (7) Injunction: A court action prohibiting or compelling conduct by a licensee; ~~and or~~
- 17 (8) Assessment of a civil penalty.

18 (b) The following types of disciplinary sanctions regarding schools of massage and bodywork therapy ~~may, among~~
19 ~~others,~~ may be utilized by the Board:

- 20 (1) Denial of Application: Refusal to grant approval to the applicant school;
- 21 (2) Letter of Reprimand: ~~An expression of displeasure.~~ A formal expression of disapproval will be
22 retained in the school's file but shall not be publicly announced. It is not published, but is released
23 upon ~~request;~~ request by the public;
- 24 (3) Probation: A period of time where restrictions or conditions are imposed on an approved school.
25 Continued approval is subject to fulfillment of specified conditions;
- 26 (4) Suspension of approval: A condition of probation. Loss of approval status for a period after
27 which the school shall be required to reapply for approval or remain on probation;
- 28 (5) Refusal of Approval: A refusal to reinstate or renew a school's approval status;
- 29 (6) Revocation of Approval: An involuntary termination of school's approval status;
- 30 (7) Injunction: A court action prohibiting or compelling conduct by a school; ~~and or~~
- 31 (8) Assessment of a civil penalty.

32 (c) ~~The~~ During an investigation, the Board may request information from professional associations, professional
33 review organizations (PROs), hospitals, clinics or other institutions in which a licensee performs professional
34 services, regarding chemical ~~abuse,~~ abuse or incompetent or unethical behavior.

35 (d) ~~The~~ During an investigation, the Board may request information from state regulatory agencies, accrediting
36 commissions, or other institutions that oversee the activities of a school.

1 (e) The Board shall provide notice of sanction taken by it to other public entities ~~as necessary~~ to ensure that other
2 state boards, national certification boards, professional associations, enforcement authorities, and accrediting
3 agencies receive the names of licensees and schools disciplined.
4

5 *History Note: Authority G.S. 90-626(4), 90-626(14); 90-633; 90-634.1;*
6 *Temporary Adoption Eff. February 15, 2000;*
7 *Eff. April 1, 2001;*
8 *Amended Eff. April 1, 2005;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
10 *12, 2014;*
11 *Amended Eff. October 1, 2018.*

1 21 NCAC 30 .1001 is adopted with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 .1001 ESTABLISHMENT LICENSE REQUIRED**

4 (a) ~~Unless exempt pursuant to G.S. 90-622(3a) from the Board licensure process, no individual, association, partnership,~~
5 ~~corporation, or other entity shall open, operate, or advertise a massage and bodywork therapy establishment in this State~~
6 ~~unless it has been licensed by the Board.~~ For purposes of the rules in this Chapter, “establishment” means “massage and
7 bodywork therapy establishment” as defined in G.S. 90-622.

8 (b) An establishment license granted by the Board shall be for a single location. An owner who intends to operate
9 additional locations shall submit an application for licensure for each location.

10 (c) Establishments already in operation on the date this Section becomes effective shall have ~~60~~ 180 days from the
11 effective date to submit an application for licensure to the Board.

12

13 *History Note: Authority G.S. 90-626(9)b.2; 90-632.10;*

14 *Eff. October 1, 2018.*

1 21 NCAC 30 .1002 is adopted as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 .1002 TERM OF LICENSE**

4 (a) Initial establishment license applications submitted between October 1 and December 31 shall be granted for two
5 years, plus an additional period of up to three months. Initial establishment license applications submitted between
6 January 1 and September 30 shall be granted for two years, minus the period following January 1.

7 (b) Pursuant to G.S. 90-630.5, an establishment license shall be renewed for a term of two years, beginning on January
8 1 following the initial expiration date.

9

10 *History Note: Authority G.S. 90-630.5(a);*

11 *Eff. October 1, 2018.*

1 21 NCAC 30 .1003 (proposed as .1004) is adopted with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 ~~4004~~ 1003 INITIAL APPLICATION FOR LICENSURE**

4 A massage and bodywork therapy establishment seeking initial licensure shall submit an application on a form
5 provided by the Board containing the information set forth in G.S. 90-632.11 and the ~~following additional information:~~
6 following:

- 7 (1) Ownership information, ~~including all of the following:~~ including:
- 8 (a) type of ownership structure;
 - 9 (b) names, residence addresses, phone ~~numbers~~ numbers, and email addresses of all persons
10 who have an ownership interest in the establishment, including parent corporations; and
 - 11 (c) if the operator is not the owner, the operator shall provide the information required in Rule
12 .1004.
- 13 (2) Location information, ~~including all of the following:~~ including:
- 14 (a) Physical address of the establishment, and mailing address if different;
 - 15 (b) Website ~~address;~~ address, if any; and
 - 16 (c) Business phone number.
- 17 (3) Trade name of establishment, if different from owner's name;
- 18 (4) List of all LMBTs hired as employees or contracted with as independent contractors to provide
19 treatment to clients, if known, or or, signed letters of intent from LMBTs with a projected start date
20 of work pending the opening of the establishment if not known, submit to the Board within 60 days
21 following granting of a license to operate;
- 22 ~~(5) Facility plan, including floor plans with dimensions and fixtures, uses of each room, specifications on~~
23 ~~lighting, ventilation and temperature control, location of lavatories for hand washing and toilet~~
24 ~~facilities;~~
- 25 ~~(6) Equipment list, including furniture, office equipment, and equipment used for massage and~~
26 ~~bodywork therapy treatment;~~
- 27 ~~(7)(5) Copy of deed if establishment owns its facility, or copy~~ Copy of lease or name, address, phone number
28 and email address of lessor, if establishment does not own its facility;
- 29 ~~(8) Copies of reports from city or county inspections for fire, safety, health, and sanitation, made within~~
30 ~~the three months prior to submission of application for approval;~~
- 31 ~~(9)(6) Copy of city or county business license, if required; and~~
- 32 ~~(10)(7) A completed~~ Completed self-evaluation inspection report demonstrating compliance with ~~this section.~~
33 Rule .1004.

34
35 *History Note:* Authority G.S. 90-632.11; 90-632.13;
36 *Eff. October 1, 2018.*

1 21 NCAC 30 .1004 (proposed as .1005) is adopted with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 ~~4005~~ 1004 ESTABLISHMENT OPERATIONS**

4 Licensed establishments shall comply with the following requirements:

5 (1) Facility requirements:

- 6 (a) comply with State and local building code requirements, State fire safety codes, and State
7 health inspection codes;
- 8 (b) provide for the use of clients and therapists a restroom with at least one toilet and one sink
9 with running water. The facilities shall be equipped with toilet tissue, a soap dispenser with
10 soap or other hand cleaning materials, sanitary towels or other hand drying device such as a
11 wall-mounted electric blow dryer, and waste receptacle. Restroom and shower facilities
12 shall be lighted, ~~ventilated~~ ventilated, and ~~maintained in good repair~~ maintained.
13 Establishments located in buildings housing multiple businesses under one roof, such as
14 shopping malls, terminals, or hotels, may substitute centralized toilet facilities;
- 15 (c) if equipped with a whirlpool bath, sauna, steam cabinet, or steam room, maintain ~~clean~~
16 shower facilities on the premises; and
- 17 ~~(d) provide treatment rooms for massage and bodywork therapy that are least 10 feet by 12 feet~~
18 ~~in size, with a minimum of three linear feet of open floor space around all sides of the~~
19 ~~massage treatment table; and~~
- 20 ~~(e)~~(d) display the original Massage and Bodywork Therapy Establishment License, and the licenses
21 of all LMBTs in a ~~prominent~~ place at the establishment so as to be visible for ~~inspection~~.
22 inspection by the public.

23 (2) Safety and sanitary requirements:

- 24 (a) provide for ~~safe and unobstructed~~ human passage in the public areas of the premises;
- 25 (b) provide for removal of ~~garbage and refuse~~; garbage;
- 26 (c) provide for ~~safe~~ storage or removal of flammable materials;
- 27 (d) exterminate all vermin, insects, termites, and rodents on the premises;
- 28 (e) maintain all equipment used to perform massage and bodywork therapy services on the
29 ~~premises~~ premises, ~~in a safe and sanitary condition, including the application of cleansers~~
30 ~~and bactericidal agents to the massage table~~. Clean sheets, towels, ~~blankets~~, or other
31 coverings shall be used ~~for each client and~~ to cover the massage table for each client; and
- 32 (f) maintain a supply of clean drapes, towels, gowns, or sheets, for the purpose of draping each
33 client while the client is being massaged, and launder before reuse all linens furnished for
34 the personal use of the client.

35 (3) Treatment requirements:

- 36 (a) All massage and bodywork therapy treatments shall be administered by LMBTs licensed in
37 North Carolina; and

1 (b) The establishment is responsible for ensuring that the Standards of Professional Conduct set
2 forth in Section .0500 of this Chapter are maintained in its facility by all owners, ~~employees~~
3 employees, and independent contractors.

4 (4) Business and ~~ethical~~ advertising requirements:

5 (a) notify the Board in writing of all assumed name certificates filed by the establishment
6 owner with any county register of deeds pursuant to the requirements of G.S. ~~66-68~~; 66-71.1
7 through 66-71.15;

8 (b) notify the Board within ~~40~~ 30 days of changes to the LMBT staff who provide massage and
9 bodywork therapy services at the establishment, including employees and independent
10 contractors; and

11 ~~(5) Advertising requirements:~~

12 ~~(a)(c) any advertisement~~ advertisement of massage and bodywork therapy services ~~in any~~
13 ~~“advertising medium” as defined herein shall comply with Rule .0404 and shall include the~~
14 establishment's name and license ~~number; and~~ number.

15 ~~(a) a licensed establishment that employs or contracts with LMBTs may advertise on behalf of~~
16 ~~those licensees, by complying with the requirements of this Rule.~~

17

18 *History Note: Authority G.S. 90-632.12(b); 90-632.13;*

19 *Eff. October 1, 2018.*

1 21 NCAC 30 .1005 (proposed as .1006) is adopted with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 ~~.1006~~ .1005 CLIENT RECORDS RETENTION AND OWNERSHIP**

4 (a) Records shall be maintained by the establishment or the LMBT in compliance with Rules .0504 and .0505 of this
5 Chapter.

6 (b) Records stored electronically shall be maintained with a weekly back-up ~~system;~~ system.

7 (c) Client records are the property of the:

8 (1) Establishment; or

9 (2) LMBT, when working ~~as a sole practitioner.~~ at an establishment.

10 (d) Release of Records:

11 (1) Client records shall be released within 30 days from being requested and authorized by the client in
12 writing or when compelled by law or ~~regulation;~~ rule; and

13 (2) The establishment or LMBT may charge cost for duplicating client records pursuant to G.S. 90-411.

14

15 *History Note: Authority G.S. 90-632.13(3);*

16 *Eff. October 1, 2018.*

1 21 NCAC 30 .1006 (proposed as .1007) is adopted with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 ~~.1007~~ .1006 INSPECTIONS**

4 (a) Upon receipt of an application for a massage and bodywork therapy establishment license, employees or
5 representatives of the Board may inspect the location upon allegations of violations of the Practice Act and Rules to
6 verify Rules .1003 and .1004 ~~and .1005~~ of this Chapter are satisfied.

7 (b) The Board may inspect all licensed establishments upon allegations of violations of the Practice Act and Rules to
8 ensure compliance with the ~~rules in this Chapter and Article 36 of G.S. Chapter 90. Practice Act.~~ Inspectors shall
9 respect the client's safety, comfort, and privacy.

10 (c) During any inspection, if the posted establishment license is ~~not current and valid, expired, suspended, or revoked,~~
11 the establishment license shall be removed from the establishment by the inspector and returned to the Board, and the
12 owner whose license was ~~not current and valid, expired, suspended, or revoked~~ shall be ~~notified.~~ notified by the Board.
13 During any inspection, ~~should it be determined that~~ if any license for a massage and bodywork therapist posted in the
14 establishment is ~~not current and valid, expired, suspended, or revoked,~~ the massage and bodywork therapist license
15 shall be ~~removed from the establishment by the inspector~~ and shall be returned to the Board by the ~~inspector and the~~
16 inspector. The person whose license was not current and valid, expired, suspended, or revoked shall be notified.
17 notified and a hearing scheduled if requested by that person.

18
19 *History Note: Authority G.S. 90-632.13(5);*
20 *Eff. October 1, 2018.*

1 21 NCAC 30 .1007 (proposed as .1008) is adopted with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 ~~.1008~~ .1007 CHANGE OF TRADE NAME**

4 When there is no change of owner or location, the owner may change the trade name of the establishment in
5 compliance with Rules .0402 and .0403 of this Chapter. The owner shall ~~apply for a change of name by submitting to~~
6 notify the Board ~~a written~~ in writing of the change of ~~name request.~~ name. A new trade name shall not be used ~~or~~
7 ~~approved by the Board~~ until the establishment is in compliance with this Rule. When an establishment trade name is
8 changed without a change in owner or location, a new establishment facility inspection shall not be required.

9

10 *History Note: Authority G.S. 90-632.12; 90-632.13(6);*
11 *Eff. October 1, 2018.*

1 21 NCAC 30 .1008 (proposed as .1009) is adopted with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 ~~4009~~ .1008 CHANGE OF LOCATION**

4 An establishment license shall not be transferable when there is a change in the physical location of the establishment.

5 The ~~new~~ owner shall submit a new application for licensure. The Board may issue temporary operating approval to the
6 owner for the new location for a period of 90 days if the establishment held a valid license prior to the change, and ~~if~~
7 the Board finds that the new location will qualify for licensure upon preliminary review of the application.

8

9 *History Note: Authority G.S. 90-632.13(6);*

10 *Eff. October 1, 2018.*

1 21 NCAC 30 .1009 (proposed as .1010) is adopted with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 ~~4010~~ .1009 CHANGE OF OWNERSHIP**

4 (a) An establishment license shall not be transferable when there is a change in the majority ownership interest of the
5 business. The new owner shall submit a new application for licensure. The Board may issue temporary operating
6 approval to the new owner for a period of 90 days if the establishment held a valid license prior to the change, and ~~if~~
7 the Board finds that the new owner will qualify for licensure upon preliminary review of the application.

8 (b) In the case of a change of ownership that does not involve a change in the majority ownership interest in the
9 business, or a change in the ownership structure, the owner shall notify the Board of the changes within 30 days, and
10 submit fingerprint cards as required by G.S. 90-632.11 for new persons with ownership interests.

11

12 *History Note: Authority G.S. 90-632.13(6);*

13 *Eff. October 1, 2018.*

1 21 NCAC 30 .1010 (proposed as .1011) is adopted with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 ~~404~~ .1010 INFORMING BOARD OF VIOLATIONS**

4 (a) Establishment licensees with knowledge of alleged violations of the rules of this Chapter or the Practice Act shall
5 inform the Board within ~~two~~ five business days, whether or not the alleged violations are also reported to a law
6 enforcement agency. This shall include the following violations:

7 (1) An LMBT or other employee or contractor of the establishment who has violated the prohibition on
8 sexual activity, as defined in Rules .0508 and .0509 of this Chapter;

9 (2) An LMBT who has engaged in behavior where there is a potential for malpractice as defined in Rule
10 .0102(6) of this Chapter; or

11 (3) Any person practicing massage and bodywork therapy without a license.

12 (b) Establishment licensees that have discharged an LMBT for cause, related to failure to uphold the Standards of
13 Professional Conduct set forth in Section .0500 of this Chapter shall inform the Board within 10 business days of the
14 action.

15
16 *History Note:* Authority G.S. 90-626(9); 90-626(9)b.2; 90-632.10; 90-632.15(a)(5); 90-632.17; 90-632.18; 90-
17 633(a)(6); 90-634(b3);
18 *Eff. October 1, 2018.*

1 21 NCAC 30 .1011 (proposed as .1012) is adopted with changes as published in 32:18 NCR 1789-1797:

2
3 **21 NCAC 30 ~~4012~~ .1011 CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS**

4 (a) Establishment licensees ~~with knowledge~~ shall report to the Board any charges, convictions of, or pleas of guilty or
5 no contest to the following criminal offenses, whether committed by themselves, employees, independent ~~contractors~~
6 contractors, or by other licensees:

- 7 (1) felonies;
- 8 (2) crimes that involve moral turpitude;
- 9 (3) alcohol or drug-related offenses;
- 10 (4) sexual-related offenses; and
- 11 (5) assault.

12 (b) Establishment licensees shall report to the Board if they are named as a defendant in a civil suit arising out of a
13 licensee's practice of massage and bodywork therapy or out of the practice of massage and bodywork therapy by any
14 employee or independent contractor.

15 (c) Establishment licensees shall report a charge, conviction, plea in a criminal case, or involvement as a defendant in
16 a civil suit, as set forth in Paragraphs (a) or (b) of this Rule, within 30 days after ~~it occurs~~. the licensee obtains
17 knowledge.

18
19 *History Note: Authority G.S. 90-626(9); 90-626(9)b.2; 90-632.10; 90-632.15(a)(5); 90-632.17; 90-632.18; 90-*
20 *633(a)(6); 90-634(b3);*
21 *Eff. October 1, 2018.*

1 21 NCAC 30 .1012 (proposed as .1013) is adopted with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 ~~4013~~ .1012 LICENSE RENEWAL**

4 (a) Any establishment licensee renewing a license shall comply with all requirements for licensure and shall submit
5 the required renewal fee ~~of one hundred dollars (\$100)~~ pursuant to G.S. ~~90-632.14~~ 90-632.14(a)(3).

6 (b) An establishment license that has not been renewed prior to its expiration date is expired and shall submit an initial
7 application for licensure pursuant to Rule ~~1004~~ .1003 of this Chapter.

8 (c) Any owner whose establishment license has expired and who engages in or permits any massage and bodywork
9 therapy activities governed by the Practice Act ~~will~~ shall be subject to the penalties prescribed in G.S. 90-634 and G.S.
10 90-634.1.

11 (d) Members of the armed forces whose establishment licenses are in good standing and to whom G.S. 105-249.2
12 grants an extension of time to file a tax return shall be granted that same extension of time to pay the establishment
13 license renewal fee. A copy of military orders and the extension approval by the Internal Revenue Service ~~must~~ shall
14 be furnished to the Board to be granted the extension of time to pay the renewal fee.

15

16 *History Note:* Authority G.S. 90-630.5; 90-632.14; 93B-15;

17 *Eff. October 1, 2018.*

1 21 NCAC 30 .1013 (proposed as .1014) is adopted with changes as published in 32:18 NCR 1789-1797:

2

3 **21 NCAC 30 ~~4014~~ .1013 ADDRESS OF RECORD**

4 Each licensed establishment shall notify the Board in writing within thirty (30) days of any change of the street address
5 of the licensee's current place of ~~business~~ practice and the owner's residence or business address. The establishment
6 shall provide to the Board the mailing address and telephone number of the owner for the purposes of receiving
7 communication from the Board and for listing in the registry of licensed establishments.

8

9 *History Note: Authority G.S. 90-632.11(a)(5)*

10 *Eff. October 1, 2018.*