

21 NCAC 30 .0504 is amended with changes as published in 31:10 NCR 975 as follows:

21 NCAC .0504 DOCUMENTATION; REFERRALS

~~On an ongoing basis, the~~ The licensee shall:

- (1) maintain documentation for each session, ~~when practicable,~~ including the date of service, needs assessment, plan of care, observations ~~made~~ made, and actions taken by the licensee;
- (2) refer the client to other health care practitioners or other professional service providers when the referral is in the best interest of the client or licensee;
- (3) follow recommendations for the plan of care when receiving a client referral from a medical care provider. Questions or concerns regarding ~~such~~ the referrals shall be directed to the referring medical provider.

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

Temporary Adoption Eff. February 15, 2000;

Eff. April 1, 2001;

Amended Eff. September 2, 2005;

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

Amended Eff. April 1, 2017.

21 NCAC 30 .0601 is amended with changes as published in 31:10 NCR 975 as follows:

21 NCAC 30 .0601 BOARD APPROVAL

(a) Any postsecondary school of higher education, ~~school~~, whether in this State or another state or territory that offers a certificate, ~~diploma~~ diploma, or degree program in massage and bodywork therapy may make application for Board ~~approval on a form provided by the Board.~~ approval. Every school ~~must~~ shall submit an application to be considered for approval, whether or not such school has been licensed, ~~approved~~ approved, or accredited by another regulatory agency, accreditation ~~commission~~ commission, or trade association. A school that operates in more than one location shall submit a separate application for each location.

(b) The Board shall grant approval to postsecondary schools of higher education ~~schools~~ that meet the standards set forth in this Section. Such approval authorizes the school to offer a certificate, ~~diploma~~, or degree program in massage and bodywork therapy that prepares individuals to become Licensed Massage and Bodywork Therapists in this State. The approval shall be for a period of one year unless increased pursuant to Paragraph (c) of this Rule. The Board shall maintain a list of approved schools.

(c) In order to maintain approval status, each school shall submit a report by April 1 of the year the school's approval expires. This report shall be on a form provided by the Board, that shall require documentation of authority to operate pursuant to Rule .0610 of this Section if granted by any entity other than this Board, student enrollments, and any changes in curriculum, instructional ~~staff~~ staff, or ~~key~~ administrative staff. If a school has remained in compliance with all Board rules for a period of five consecutive years and has no disciplinary action taken against it by the Board for a period of five consecutive years, the Board shall increase the period of approval for that school from one to two years.

(d) An approved school shall notify the Board in writing within 30 days of any change in the school's location address, ownership, controlling interest, ~~administration,~~ key administrative staff, facilities, instructional staff, or curriculum.

(e) The school approval term begins on July 1 and ends on June 30. For the purposes of this Section, this term shall be considered the fiscal year.

(f) If a Board-approved school has not met the requirements for renewal by June 30 preceding the new fiscal year, its approval status shall be deemed expired.

(g) Approval shall be reinstated by the Board if a school whose approval has expired pursuant to Paragraph (f) of the Rule completes its renewal process by July 31 of the fiscal year. A school that has had its approval reinstated by July 31 shall be considered to have maintained its approval status on a continuous basis, pursuant to Paragraph (i) of this Rule.

(h) The Board shall not renew the approval of a school that has not met the approval standards by July 31 of the year in which the school is scheduled to renew.

(i) Pursuant to G.S. 90-629(4), "successful completion of a course of study at a Board-approved school" means that the applicant graduated from a school that maintained its approval status with the Board on a continuous basis during the applicant's time of enrollment.

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39 *History Note:* *Authority G.S. 90-626(9); 90-631;*

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

41 *Eff. April 1, 2001;*

42 *Amended Eff. October 1, 2007;*

43 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*

44 *12, ~~2014~~2014;*

45 *Amended Eff. April 1, 2017.*

21 NCAC 30 .0602 is amended with changes as published in 29:10 NCR 975-976 as follows:

21 NCAC 30 .0602 DEFINITIONS

In addition to the definitions in G.S. 90-622, the ~~The~~ following definitions shall apply to this Section:

- (1) ~~Accreditation; accredited — Status granted to a [postsecondary school of higher education] postsecondary institution of higher learning that has met standards set by an accrediting agency recognized by the Secretary of the United States Department of Education. Accredited — means “accreditation” as defined in G.S. 90-622(1).~~
- (2) Additional location. -- A facility not part of, nor adjoining the facility of an approved school, where an approved school intends to offer a program. Each such separate facility location is considered a separate school, requiring a new Application for School Approval to be submitted to the ~~Board.~~ Board in accordance with Rule .0632 of this Chapter.
- (3) Additional program. -- A program that is of a different title, subject matter, or that increases or decreases by more than 10 percent the number of hours of instruction than the program under which the school received its initial approval from the Board. An approved school that intends to offer an additional program shall submit an Application for Additional Program ~~Approval.~~ Approval to the Board in accordance with Rule .0633 of this Chapter.
- (4) College – A postsecondary school of higher education ~~An institution of higher learning~~ that awards an Associate degree or higher.
- (5) Instructor. -- A person who meets the qualifications set forth in Rule .0612 who is responsible for delivering course content according to curricula established by the school, and who is responsible for managing the classroom environment.
- (6) Key administrative staff. -- The school's program director, director of education, and other administrative staff members who direct areas such as operations, admissions, financial aid, placement, or student services.
- (7) Massage and bodywork therapy school. – A postsecondary school of higher education ~~Any educational institution~~ that conducts a program, as defined in this Rule, for a tuition charge. Such institutions may be organized as proprietary schools that are privately owned and operated by a sole proprietor, partnership, corporation, association, or other entity; or may be post-secondary colleges or universities, whether publicly or privately owned.
- (8) One classroom hour of supervised instruction. -- At least 50 minutes of any one clock hour during which the student participates in a learning activity in the physical presence of a member of the school's instructional staff.
- (9) One year of professional experience. -- In determining the qualifications of administrative or instructional staff members, at least 500 hours of documented work in the professional job responsibility or subject area in a given year.

- 1 (10) Program. -- A course of study or curriculum consisting of a specified number hours of instruction
2 consistent with the standards set forth in Rule .0620 that is intended to teach adults the skills and
3 knowledge necessary for the professional practice of massage and bodywork therapy, as defined in
4 G.S. 90-622(3). Each program of a specified number of instructional hours shall be considered a
5 separate program for the purposes of Board approval, and shall require a separate application for
6 approval.
- 7 (11) Student enrollment. -- The total number of students at an approved school in a designated fiscal
8 year who have begun a program for which they have registered and paid a fee for that fiscal year,
9 and who have completed more than 15 percent of such program.
- 10 (12) Teaching assistant. -- A person who meets the qualifications set forth in Rule .0612, who is in the
11 classroom to support the role of the instructor, and who may provide instruction to students only in
12 the presence of and under the direct supervision of the instructor.

13
14 *History Note: Authority G.S. 90-626(9); 90-631;*
15 *Temporary Adoption Eff. February 15, 2000;*
16 *Temporary Adoption Eff. April 1, 2001 replaces the Temporary Adoption Eff. February 15, 2000;*
17 *Eff. August 1, 2002;*
18 *Amended Eff. August 1, 2009; October 1, 2007;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
20 *12, ~~2014~~ 2014;*
21 *Amended Eff. April 1, 2017.*

21 NCAC 30 .0618 is amended with changes as published in 31:10 NCR 976 as follows:

21 NCAC 30 .0618 ADMISSIONS

(a) A school shall maintain admission policies and procedures that are disclosed to the public and ~~administered~~
~~consistently.~~ administered.

(b) A school shall conduct an orientation session for persons who have applied for admission or who are considering application for admission. ~~Such~~ The orientation shall include an overview of the program's educational objectives and curriculum, the academic and physical requirements of the program, existing employment opportunities in the field, the time and financial requirements of the program, and ~~state~~ State requirements for licensure.

(c) Admissions standards shall be designed to ensure that only those applicants are admitted who have the cognitive, ~~motor~~ motor, and behavioral skills and moral character necessary to ~~successfully~~ complete the program and to practice massage and bodywork therapy in a safe and effective manner.

(d) A school shall conduct a pre-enrollment interview with each applicant to determine the applicant's qualifications. The information gathered from this interview shall be evaluated with all written documentation submitted by the applicant before the school renders a decision on the application.

(e) A school shall only admit applicants who are high school graduates or who have earned a General Equivalency Diploma (GED).

~~(f)~~ (f) A school shall maintain written documentation of the basis for admission of the student. ~~Such~~ The records shall include copies of high school ~~diploma~~ diploma, GED, or transcripts, proof of age, and other specific admission requirements of the school.

~~(g)~~ (g) Documentation of the reasons for the denial of admission of any student shall be maintained for ~~at least~~ three years.

~~(h)~~ (h) A school ~~must~~ shall comply with the admissions standards of this ~~Rule~~ Rule, but may enroll students in individual courses not leading to a credential.

History Note: Authority G.S. 90-626(9); 90-631;

Eff. October 1, 2007;

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

Amended Eff. April 1, 2017.

21 NCAC 30 .0620 is amended with changes as published in 31:10 NCR 976-978 as follows:

21 NCAC 30 .0620 PROGRAM REQUIREMENTS

Pursuant to G.S. 90-631(1), programs shall meet the following requirements:

- (1) A school shall develop and adhere to a set of educational objectives that describe the intended skills, knowledge, and attitudes that the program is designed to develop in the student by the completion of the program;
- (2) The program shall have a core curriculum of at least 500 classroom hours of supervised instruction. The core curriculum shall contain the following hours of specific course work that are consistent with the school's mission and educational objectives:
 - (a) 200 hours in the fundamental theory and practice of massage and bodywork therapy that is designed to produce comprehensive entry-level skills in the application of direct manipulation to the soft tissues of the human body, and is based in therapeutic methods consistent with the definition set forth in G.S. 90-622(3) such as Swedish massage, acupuncture, shiatsu, deep muscle massage, trigger point therapy, and connective tissue bodywork. Of the 200 hours in this category, at least 100 hours shall be in the application of hands-on methods. The balance of the hours shall include client assessment skills, indications and contraindications for treatment, body mechanics, draping procedures, standard practices for hygiene and control of infectious diseases, and the history of massage and bodywork therapy;
 - (b) 100 hours in anatomy and physiology related to the practice of massage and bodywork therapy, therapy that shall include the structure and function of the human body and common pathologies;
 - (c) 15 hours in professional ethics, and North Carolina laws and rules for the practice of massage and bodywork therapy;
 - (d) 15 hours in business management practices related to the practice of massage and bodywork therapy;
 - (e) 20 hours in psychological concepts related to the practice of massage and bodywork therapy, including dynamics of the client/therapist relationship, professional communication skills, the mind-body connection, and boundary functions;
 - (f) 150 hours in other courses related to the practice of massage and bodywork therapy. The courses may include additional hands-on techniques, specific applications, adjunctive modalities, in-depth anatomy and physiology, kinesiology, psychological concepts, or supervised clinical practice. First Aid or CPR shall not be included in this category. Techniques that are considered exempt from licensure pursuant to G.S. 90-624(6) or (7), and that are further defined by Rule .0203(a) constitute up to 50 hours of the 150 hours in this category.

- (3) For programs that include a student clinic or fieldwork experiential component, the hours shall not exceed 100 hours of the minimum requirement set forth in Sub-item (2)(f) of this Rule. All work shall be in the presence of and directly supervised and evaluated by an instructional staff member;
- (4) For programs that include an externship component, the hours shall not be included in the requirements set forth in Item (2) of this Rule, and shall not comprise more than 20 percent of the total program hours. All work at the externship site shall be supervised by a person at the externship site who is acceptable to the school, and shall be monitored and evaluated by the school;
- (5) The program shall provide curriculum hours that allow its graduates to meet the minimum eligibility requirements for at least one of the competency assurance examinations that are approved by the Board as meeting the licensure requirement set forth in G.S. ~~90-629(5); 90-629(5)~~ and Rule .0201(a)(15).
- (6) Programs shall consist of a series of courses that are organized in a logical sequence, and that are consistent with the educational objectives. Sequential organization means that within a course, each class prepares students for the next ~~class. class; overall, each course gives students the skills and knowledge necessary for the next course.~~ Material ~~is~~ shall not be not presented unless students have the necessary skills and knowledge to utilize that ~~material safely and effectively;~~ material:
- (7) Course titles shall match the content of the course; published course descriptions shall accurately reflect the specific learning objectives of each course; and sufficient hours shall be allotted to each course to allow students to gain competence in the subject areas covered;
- (8) A course curriculum ~~is~~ shall be developed for each course that shows the basic content of each individual class in the course in the sequence presented;
- (9) Course requirements and competencies ~~are~~ shall be consistent from instructor to instructor. Teaching materials, including lesson ~~plans, plans~~ for every class taught, ~~are~~ shall be developed and maintained for each course to ensure consistency. Teaching methods ~~are~~ shall be appropriate to course content, and to diverse learning styles;
- (10) Programs shall be at least 24 weeks in length, with no more than nine instructional hours in one day. There shall be no more than two hours of instruction without a break. There shall be no more than four hours of instruction without a meal break;
- (11) For a student to receive credit in a course, the student shall attend ~~no less than~~ 75 percent of the instructional hours of the course. The student shall also make up ~~sufficient~~ missed instructional hours to equal no less than 98 percent of the instructional hours in the course according to the procedures established by the school;
- (12) A syllabus shall be developed for each course and provided to students prior to the beginning of instruction. The syllabus shall include the following elements:
- (a) course ~~title, title:~~

- (b) course ~~description,~~ description;
- (c) learning ~~objectives,~~ objectives;
- (d) teaching ~~methodologies,~~ methodologies;
- (e) total number of instructional ~~hours,~~ hours;
- (f) meeting dates and class ~~times,~~ times;
- (g) ~~assignments,~~ assignments;
- (h) ~~textbooks,~~ textbooks;
- (i) evaluation ~~methods,~~ methods;
- (j) quiz and examination ~~dates,~~ dates; and
- (k) performance standards.

(13) For post-secondary institutions, courses that fulfill the requirements set forth in Item (2) of this Rule shall support the program in massage and bodywork therapy. Courses in addition to these requirements may include courses from other departments or programs that are relevant to the practice of massage and bodywork therapy; and

(14) For classes that involve hands-on practice, the student to instructor ratio shall not exceed 16 to 1. Both instructors and teaching assistants, as defined in Rule .0612 of this ~~Section~~ Section, shall be considered in calculating these ratios.

*History Note: Authority G.S. 90-626(9); 90-631;
Eff. October 1, 2007;*

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

Amended Eff. April 1, 2017.

21 NCAC 30 .0623 is amended with changes as published in 31:10 NCR 978 as follows:

21 NCAC 30 .0623 LEARNING RESOURCES

The school shall provide sufficient learning resources to students and instructional staff to support the educational objectives of the program as follows:

- (1) ~~The~~ the school shall maintain a ~~library or~~ resource center that contains or provides access to books, periodicals, and other informational materials in the field of massage and bodywork therapy. As an alternative, the school may have a contractual agreement with another facility to provide access to such ~~resources;~~ resources; and
- (2) ~~All~~ all other resources, such as charts, models, or electronic media, shall be ~~maintained in good condition.~~ maintained.

History Note: Authority G.S. 90-626(9); 90-631;

Eff. October 1, 2007;

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

Amended Eff. April 1, 2017.

21 NCAC 30 .0628 is amended with changes as published in 31:10 NCR 978 as follows:

21 NCAC 30 .0628 ETHICAL REQUIREMENTS IN ADVERTISING

The following requirements pertain to all advertising and promotional activities conducted by, or on behalf of the school, including such media utilized as print, broadcast, verbal presentations, ~~data transfer technologies,~~ electronic, internet, videotape, or audiotape:

- (1) ~~Educational~~ educational programs and services offered shall be the primary emphasis of all advertisements, publications, promotional literature, and recruitment activities, whether distributed to prospective students or the general ~~public,~~ public;
- (2) ~~All~~ all statements and representations made shall be ~~factually~~ factually accurate and current. Supporting information shall be kept on file and available for review for at least three years. All advertising and promotional materials shall include the correct name and location of the ~~school,~~ school;
- (3) ~~A~~ a school shall not falsely represent its facilities in photographs, illustrations, or through other ~~means,~~ means;
- (4) ~~The~~ the school catalog or bulletin shall contain all information required in Rule .0630 of this ~~Section,~~ Section;
- (5) ~~All~~ all advertising and promotional activities shall indicate that massage and bodywork training and not employment is being offered. No overt or implied claim of individual employment shall be made. No false or deceptive statements regarding employment opportunities or earning potential in the field of massage and bodywork as a result of the completion of the course of study shall be used to solicit ~~students,~~ students;
- (6) ~~Letters~~ letters of endorsement, commendation, or recommendation in favor of a school shall be used for advertising or promotion only with the written consent of the author without any offer of financial compensation, and only when such letters portray current conditions or facts. Letters shall contain the date they were received, shall be kept on file as required by Item (2), and be subject to ~~inspection,~~ inspection;
- (7) ~~Programs~~ programs that use placement information in advertisements, ~~catalogs~~ catalogs, or other printed documentation shall corroborate the ~~data,~~ data;
- (8) ~~School~~ school literature and advertisements shall not quote "high top" or "up to" salaries unless they also indicate the normal range or starting salaries for ~~graduates,~~ graduates;
- (9) ~~Schools~~ schools offering programs that are not approved by the Board shall identify which programs are Board ~~approved,~~ approved;
- (10) ~~Schools~~ schools shall describe requirements for ~~state licensure,~~ State licensure; and
- (11) ~~Schools~~ schools shall not defame competitors by falsely imputing to them dishonorable conduct, inability to perform on contracts, or by the false disparagement of the character, nature, quality, values, or scope of their educational services, or in any other ~~material~~ defamatory respect.

38 *History Note:* *Authority G.S. 90-626(9); 90-631;*
39 *Eff. October 1, 2007;*
40 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
41 *12, ~~2014~~2014;*
42 *Amended Eff. April 1, 2017.*

21 NCAC 30 .0629 is amended with changes as published in 31:10 NCR 978-979 as follows:

21 NCAC 30 .0629 STUDENT ENROLLMENT AGREEMENT

(a) An approved school shall execute a Student Enrollment Agreement for training with every student. The agreement ~~must~~ shall contain the following:

- (1) ~~Name~~ name and telephone number of the school and location of where the student will attend classes;
- (2) ~~Student's~~ student's name, address, telephone number;
- (3) ~~Name~~ name of the program in which student is enrolling, number of clock or credit hours of the program, beginning and ending dates, length of program in weeks or months, and expected graduation date;
- (4) ~~Program~~ program tuition and all related costs, including application and registration fees and estimated cost of books and supplies;
- (5) ~~Refund~~ refund and cancellation policies, including student's right to cancel;
- (6) ~~Payment~~ payment methods, including cash, installment payment plans, or financial aid (as applicable); interest charged; and methods used to collect delinquent tuition;
- (7) ~~Placement~~ placement guarantee disclaimer;
- (8) ~~Grounds~~ grounds for dismissal from the school;
- (9) ~~Statement~~ statement that you must hold a North Carolina massage and bodywork therapy license in order to practice massage and bodywork therapy in North Carolina;
- (10) ~~Statement~~ statement that good moral character is a requirement for licensure as a massage and bodywork therapist in North Carolina and, pursuant to G.S. 90-629.1, the North Carolina Board of Massage and Bodywork Therapy may deny a license to practice massage and bodywork therapy if an applicant has a criminal record or there is other evidence that indicates the applicant lacks good moral character;
- (11) ~~Statement~~ statement referencing the school catalog and student handbook as a part of the enrollment agreement;
- (12) ~~Statement~~ statement certifying that student has read and understands all terms of the enrollment agreement; and
- (13) ~~Signature~~ signature lines for school official and student.

(b) A copy of the ~~executed agreement~~ signed and dated Student Enrollment Agreement shall be provided to the student and a copy shall be placed in the student's permanent file.

*History Note: Authority G.S. 90-626(9); 90-631;
Eff. October 1, 2007;
Amended Eff. November 1, 2010;*

37 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
38 *12, ~~2014~~, 2014;*
39 *Amended Eff. April 1, 2017.*

21 NCAC 30 .0630 is amended with changes as published in 31:10 NCR 979 as follows:

21 NCAC 30 .0630 SCHOOL CATALOG

An approved school shall publish a catalog or bulletin that is shall be certified by an official of the school as being current, true, and correct in content and policy. All school catalogs or bulletins, in print or online, shall be current and accurate. If updates are being printed, addenda shall be used for the printed catalog or bulletin and online sources, such as websites, shall continuously be updated so as to be current. Updates shall be provided to maintain current information. Printed catalogs or bulletins shall contain addendums of the updates; and online sources, such as websites, shall be continuously updated. The catalog shall include the following information:

- (1) School school name, location address, and phone number;
- (2) Volume volume number and date of publication;
- (3) Ownership ownership structure, including type of legal entity and names of owners, Board of Directors members, or academic officers at public institutions;
- (4) Names names and titles of all instructional and key administrative staff;
- (5) Statement statement of school mission, philosophy, and educational program objectives;
- (6) School school history and identification of all licenses, approvals approvals, or accreditations that the school maintains;
- (7) Definition definition of measurement of program, whether in clock hours or credit hours;
- (8) Course course descriptions, including number of hours for each course;
- (9) Graduation graduation requirements, including type of credential issued upon graduation;
- (10) Requirements requirements for licensure, certification certification, or registration of therapists in the state, province, or country in which the school operates; State;
- (11) Standards standards for admission, description of the school's admissions process, and requirement of a signed Student Enrollment Agreement;
- (12) School school calendar, including beginning and ending dates of all programs, all holidays and days off;
- (13) Length length of time required for completion of the program;
- (14) Program program tuition and all associated costs, including textbooks, supplies, and other expenses;
- (15) Refund refund policy;
- (16) Description description of facilities and learning resources;
- (17) Student student services;
- (18) Policy policy regarding prohibition of compensation to student for performing massage and bodywork therapy;
- (19) Academic policies, including the following:
 - (a) Grading grading system;
 - (b) Standards standards of satisfactory academic progress;

- (c) ~~Description~~ description of disciplinary procedures, including conditions for probation, suspension, dismissal or expulsion, and conditions of reentrance for students ~~dismissed for unsatisfactory academic progress; dismissed:~~
- (d) ~~Transfer~~ transfer of credit from other institutions;
- (e) ~~Attendance~~ attendance requirements, make-up work, tardiness, leave of absence;
- (f) ~~Standards~~ standards of conduct, including a sexual harassment policy; and
- (g) ~~Complaint~~ complaint policy, process for complaint resolution, name and address of the school regulatory agency for filing complaints when institutional process does not bring resolution; and

- (20) Statement pursuant to G.S. ~~90-629.1,~~ 90-629.1 that the North Carolina Board of Massage and Bodywork Therapy may deny a license to practice massage and bodywork therapy if an applicant has a criminal record or there is other evidence that indicates the applicant lacks good moral character.

History Note: Authority G.S. 90-626(9); 90-631;

Eff. October 1, 2007;

Amended Eff. February 1, 2011;

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

Amended Eff. April 1, 2017.

21 NCAC 30 .0903 is amended with changes as published in 31:10 NCR 979-980 as follows:

21 NCAC 30 .0903 ACTION ON A COMPLAINT

Action on a complaint consists of the following:

- (1) The Board shall receive and acknowledge complaints, open a **file file**, and initiate complaint tracking.
- (2) Complaints shall be screened to determine jurisdiction and the type of response appropriate for the complaint.
- (3) Investigation:
 - (a) If the facts indicate a Practice Act violation that cannot be verified and the complaint can be handled without an investigation, the Board may request that the licensee or school cease conduct that could result in a Practice Act violation.
 - (b) If the facts indicate a Practice Act violation, the Board shall commence an investigation. The Board may utilize additional personnel such as licensees, law enforcement officials, or other technical personnel that may be required in a particular case. If a Board member is utilized in the investigation, due process **must shall** be observed by separating
 - (i) investigation;
 - (ii) prosecution; and
 - (iii) hearings and final decision-making.No Board member shall participate in more than one of these three steps in the enforcement process.
 - (c) A confidential report of each investigation shall be prepared for the Board's review.
 - (d) Prior to a decision rendered by the Board, any materials generated or obtained by the Board in conducting an investigation shall be considered **[confidential]** **criminal** investigation records as set forth in G.S. 132-1.4(a), and not public records as defined by G.S. 132-1. However, **[not subject to the Public Records Act (Chapter 132 of the General Statutes); however,]** copies of such materials may be provided to a licensee subject to disciplinary action, or to the licensee's attorney, so long as identifying information concerning the treatment or delivery of professional services to a patient who has not consented to its public disclosure is deleted or redacted.
- (4) Formal and Informal Hearings:
 - (a) The Board, after review of an investigative file, may schedule an informal meeting.
 - (b) If the matter cannot be resolved informally, then a formal hearing shall be held.
 - (c) Members of the Board shall not make ex parte communication with parties to a hearing.
- (5) Final Orders: Within 60 days, the Board **will shall** issue its final decision in writing specifying the date on which it **will shall** take effect. The Board **will shall** serve one copy of the decision on each party to the hearing.

(6) Compliance: The Board Chair will cause a follow-up inquiry to determine that the orders of the Board are being obeyed.

*History Note: Authority G.S. 90-626(5), (6), (7), (13);
Temporary Adoption Eff. February 15, 2000;
Eff. April 1, 2001;
Amended Eff. September 2, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, ~~2014~~2014;
Amended Eff. April 1, 2017.*

1 21 NCAC 30 .0906 is proposed with changes as published in 31:10 NCR 980 as follows:

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3 **21 NCAC 30 .0906 SUMMARY SUSPENSION**

4 The Board may impose an immediate suspension of licensure in cases where the continued practice of a massage
5 and bodywork therapist poses an imminent and continuing threat to public health, ~~welfare~~ welfare, or safety so long
6 as the Board schedules a hearing to occur within 60 days of the effective date of the suspension order.

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8 History Note: Authority G.S. 150B-3; 90-626(3)
9 Eff. April 1, 2017.