

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: All forms

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

PLEASE NOTE: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Please resubmit all forms, an original and two copies, with the following changes:

Box 2, add the Rule name

Box 3, check the appropriate box for the action being taken

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

The following changes should be made to each rule:

Please review the text of the rules as published in the [31:10 Register](#). As adopted by the Board of Massage and Bodywork Therapy, it does not appear as though any of the text presently highlighted has changed since publication. Therefore, the underlined or struckthrough text, as filed for review by the Rules Review Commission, has not changed since publication in the Register and should not be highlighted. Please remove all existing highlighting prior to making any technical changes that will result in highlighting to properly track changes since publication in the Register.

Line 1 of each rule, replace "is proposed" with "is amended" as the proposed text was published in the Register, but the Board of Massage and Bodywork Therapy has adopted those proposed changes and now the proper terminology for line 1 is "is amended."

Line 1, the "with changes" clause should be underlined and not struckthrough. Only use that clause on rules for which there are technical changes made by the agency that reflects a change from the text as published in the Register.

The new amended effective date should be on a new line below the "Pursuant to..." and merely state "Amended Eff. April 1, 2017."

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, February 23, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0504

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, add "21 NCAC" before ".0504"

Line 4, what is the purpose of the clause "On an ongoing basis"? How long are these records required to be kept? Is there a statute or rule that could be cross-referenced to that standard? Otherwise, please consider just deleting that clause

Line 6, add a comma after "made"

Line 7, add "the referral is" between "when in"

Line 10, consider replacing "such" with "the"

Line 10, add "medical provider" between "referring provider"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0504 is proposed for amendment ~~as published in 31:10 NCR 975 with changes~~ as follows:

.0504 DOCUMENTATION; REFERRALS

On an ongoing basis, the licensee shall:

- (1) maintain documentation for each session, ~~when practicable,~~ including the date of service, needs assessment, plan of care, observations made and actions taken by the licensee;
- (2) refer the client to other health care practitioners or other professional service providers when 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 referrals shall be directed to the referring provider.

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

Temporary Adoption Eff. February 15, 2000;

Eff. April 1, 2001;

Amended Eff. April 1, 2017; September 2, 2005;

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0601

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5 and 11, add a comma after "diploma"

Lines 6 and 16 references a form. G.S. [150B-2\(8a\)d](#) does not require a form to be a rule if "the contents or substantive requirements of which are prescribed by rule or statute." Is there a rule or statute that provides the information required in the application? Could it be cross-referenced? Please clarify.

Line 6, replace "must" with "shall"

Line 7, add a comma after "approved"

Line 8, add a comma after "commission"

Line 18, add a comma after "instructional staff"

Line 18, should the term "key" be with "administrative staff" as that is a defined term in the next rule? Please revise if necessary.

Line 23, should the notice requirement involve any "administration" changes or "key administrative staff"? Please revise if necessary.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0601 is proposed for amendment ~~as published in 31:10 NCR 975 with changes~~ 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 or degree program in massage and bodywork therapy may make application for Board approval on a form provided by the Board. Every school must submit an application to be considered for approval, whether or not such school has been licensed, approved or accredited by another regulatory agency, accreditation 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 or 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, 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.

38 *History Note:* *Authority G.S. 90-626(9); 90-631;*
39 *Temporary Adoption Eff. February 15, 2000;*
40 *Eff. April 1, 2001;*
41 *Amended Eff. April 1, 2017; October 1, 2007;*
42 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
43 *12, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0602

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

The terms defined in rules should not repeat statutory content. Consider adding a clause on line 4 that states the following:

"In addition to the definitions in G.S. 90-622, the following..."

Lines 5 thru 7, by adding language to line 4, please delete the definition for "accreditation" If necessary for the term "accredited" then merely do the following:

"Accredited – means "accreditation" as defined in G.S. 90-622(1)."

Line 9, consider replacing "such" with "separate facility"

Line 10 references an "Application for School Approval" and line 14 references an "Application for Additional Program Approval." G.S. [150B-2\(8a\)d](#) does not require a form to be a rule if "the contents or substantive requirements of which are prescribed by rule or statute." Is there a rule or statute that provides the information required in the application? Could it be cross-referenced? Please clarify.

Lines 23 thru 27, by adding language to line 4, please delete the definition for "massage and bodywork therapy school"

Line 35, is the term "adults" necessary to the Rule? G.S. 90-629 restricts licensure to persons 18 years of age. Consider deleting the term.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, February 23, 2017

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

21 NCAC 30 .0602 DEFINITIONS

The following definitions shall apply to this Section:

- (1) Accreditation; accredited – Status granted to a postsecondary school of higher education ~~post-secondary institution of higher learning~~ that has met standards set by an accrediting agency recognized by the Secretary of the United States Department of Education.
- (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 location is considered a separate school, requiring a new Application for School Approval to be submitted to the Board.
- (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.
- (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.
- (10) Program. -- A course of study or curriculum consisting of a specified number hours of instruction consistent with the standards set forth in Rule .0620 that is intended to teach adults the skills and knowledge necessary for the professional practice of massage and bodywork therapy, as defined in G.S. 90-622(3). Each program of a specified number of instructional hours shall be considered a

38 separate program for the purposes of Board approval, and shall require a separate application for
39 approval.

40 (11) Student enrollment. -- The total number of students at an approved school in a designated fiscal
41 year who have begun a program for which they have registered and paid a fee for that fiscal year,
42 and who have completed more than 15 percent of such program.

43 (12) Teaching assistant. -- A person who meets the qualifications set forth in Rule .0612, who is in the
44 classroom to support the role of the instructor, and who may provide instruction to students only in
45 the presence of and under the direct supervision of the instructor.

46
47 *History Note:* Authority G.S. 90-626(9); 90-631;
48 Temporary Adoption Eff. February 15, 2000;
49 Temporary Adoption Eff. April 1, 2001 replaces the Temporary Adoption Eff. February 15, 2000;
50 Eff. August 1, 2002;
51 Amended Eff. April 1, 2017; August 1, 2009; October 1, 2007;
52 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November
53 12, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0618

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

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Line 5, define or delete "consistently"

Lines 7 and 18, consider replacing the term "Such" with "The"

Line 9, is the "state" referencing North Carolina? If so, please capitalize the term

Line 11, add a comma after "motor"

Line 11, define or delete "successfully" Is there a statute or rule that could be cross-referenced to that standard? If necessary, please clarify.

Lines 18 thru 19, what is meant by "other specific admission requirements of the school"? This is a very broad statement. Is that a discretionary decision left to the school or does the Board review this? Please clarify if necessary.

Line 21, delete "at least"

Line 23, replace "must" with "shall"

Line 23, add a comma after "Rule"

Line 24, is the enrollment in "courses not leading to a credential" requirement to be communicated to the student? Is that requirement set forth in another rule that could be cross-referenced here? Please clarify.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0618 is proposed for amendment as published in 31:10 NCR 976 with changes 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.

(b) A school shall conduct an orientation session for persons who have applied for admission or who are considering application for admission. Such 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 requirements for licensure.

(c) Admissions standards shall be designed to ensure that only those applicants are admitted who have the cognitive, 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).

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

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

~~(g)~~ (h) A school must comply with the admissions standards of this 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;

Amended Eff. April 1, 2017;

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0620

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 22, is the comma after "therapy" necessary? The remainder of the clause appears necessary to the sentence. Please review and correct if necessary

Pages 2 and 3, restart the line numbers at 1 on each page, as required by [26 NCAC 02C.0108\(1\)\(f\)](#).

Page 2, line 44, how is it known when the supervisor at the externship site "is acceptable to the school"? Is that a discretionary decision left to the school or does the Board review this? Please clarify if necessary.

Page 2, lines 46 thru 47, what is meant by "minimum eligibility requirements for at least one of the competency assurance examinations"? How is this information known? Is there a statute or rule that could be cross-referenced to that standard? If necessary, please clarify.

Page 2, lines 51 thru 52, delete the clause "overall, each course gives students the skills and knowledge necessary for the next course" as that statement seems unnecessary and slightly like an aspirational statement

Page 2, line 52, replace "is" with "shall not be"

Page 2, line 53, define or delete "safely"

Page 2, line 53, define or delete "effectively"

Page 2, line 54, define or delete "accurately"

Page 2, line 55, add "and" before "sufficient"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, February 23, 2017

Page 2, line 57, replace “is” with “shall be”

Page 2, lines 59, 60, and 61, replace “are” with “shall be”

Page 2, line 60, is the comma after “plans” necessary? It seems like the clauses “including lesson plans” and “for every class taught” are addressing the same issue. Please review and clarify if necessary.

Page 2, line 66, delete “no less than”

Page 2, line 67, what is meant by “sufficient missed instructional hours”? Is that a discretionary decision left to the school or does the Board review this? Please clarify if necessary.

Page 2, line 72, thru page 3, line 81, please change the commas at the end of the clauses to semicolons

Page 3, line 88, add a comma after “Section”

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0620 is proposed for amendment **as published in 31:10 NCR 976-978 with changes** 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, 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);
- (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; overall, each course gives students the skills and knowledge necessary for the next course. Material is not presented unless students have the necessary skills and knowledge to utilize that material safely and effectively;
- (7) Course titles shall match the content of the course; published course descriptions shall accurately reflect the specific learning objectives of each course; sufficient hours shall be allotted to each course to allow students to gain competence in the subject areas covered;
- (8) A course curriculum is 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 consistent from instructor to instructor. Teaching materials, including lesson plans, **for every class taught**, are developed and maintained for each course to ensure consistency. Teaching methods are 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,
 - (b) course description,
 - (c) learning objectives,

75 (d) teaching methodologies,
 76 (e) total number of instructional hours,
 77 (f) meeting dates and class times,
 78 (g) assignments,
 79 (h) textbooks,
 80 (i) evaluation methods,
 81 (j) quiz and examination dates, and
 82 (k) performance standards.

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

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

90

91 *History Note: Authority G.S. 90-626(9); 90-631;*
 92 *Eff. October 1, 2007;*
 93 *Amended Eff. April 1, 2017;*
 94 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
 95 *12, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0623

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 6 thru 11 appears to be a list of two items. Please consider beginning the items on line 6 and 10 with lowercase letters; replacing the period on line 9 after "resources" with a semicolon; and adding an "and" or "or" at the end of line 9

Lines 10 thru 11, what is meant by "good condition"? How is that determination known? Is this a term known to the regulated public? If necessary, please clarify.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0623 is proposed for amendment ~~as published in 31:10 NCR 978~~ ~~with changes~~ 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 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.
- (2) All other resources, such as charts, models, or electronic media, shall be maintained in good condition.

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

Eff. October 1, 2007;

Amended Eff. April 1, 2017;

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0628

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 7 thru 34 appears to be a list of items. Please consider beginning the items with lowercase letters; replacing the periods at the end of lines 9 thru 31 with semicolons; and adding an "and" or "or" at the end of line 31

Line 10, define or delete "factually"

Line 11, delete "at least"

Line 24, consider adding "as required by Item (2)," after "on file"

Line 25, add a comma after "catalogs"

Line 31, is the "state" referencing North Carolina? If so, please capitalize the term.

Line 31, to what level are the State requirements necessary in the advertisement? Is it a citation to the General Statutes, the rules, or both? Is the level of detail a discretionary decision left to the school or does the Board review this? Please clarify if necessary.

Line 34, what is meant by "material respect"? How is that determination known? Is this a term known to the regulated public? If necessary, please clarify.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0628 is proposed for amendment ~~as published in 31:10 NCR 978~~ with changes 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 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.
- (2) All statements and representations made shall be 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.
- (3) A school shall not falsely represent its facilities in photographs, illustrations, or through other means.
- (4) The school catalog or bulletin shall contain all information required in Rule .0630 of this Section.
- (5) 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.
- (6) 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 and be subject to inspection.
- (7) Programs that use placement information in advertisements, catalogs or other printed documentation shall corroborate the data.
- (8) 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.
- (9) Schools offering programs that are not approved by the Board shall identify which programs are Board approved.
- (10) Schools shall describe requirements for state licensure.
- (11) 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 respect.

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

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Amended Eff. April 1, 2017:

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0629

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

PLEASE NOTE: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, replace "must" with "shall"

Lines 6 thru 29, consider beginning these clauses with lowercase letters, as they are part of a list.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0629 is proposed for amendment **as published in 31:10 NCR 978-979 with changes** 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 contain the following:

- (1) Name and telephone number of the school and location of where the student will attend classes;
- (2) Student's name, address, telephone number;
- (3) 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 tuition and all related costs, including application and registration fees and estimated cost of books and supplies;
- (5) Refund and cancellation policies, including student's right to cancel;
- (6) Payment methods, including cash, installment payment plans, or financial aid (as applicable); interest charged; and methods used to collect delinquent tuition;
- (7) Placement guarantee disclaimer;
- (8) Grounds for dismissal from the school;
- (9) 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 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 referencing the school catalog and student handbook as a part of the enrollment agreement;
- (12) Statement certifying that student has read and understands all terms of the enrollment agreement; and
- (13) 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. **April 1, 2017**; November 1, 2010;*

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0630

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

PLEASE NOTE: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, replace "is" with "shall be"

Line 5, what does it mean that an "addenda shall be used"? This clause reads bulky. Consider the following re-write:

"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."

Lines 9 thru page 2, line 44, consider beginning these clauses with lowercase letters, as they are part of a list

Line 15, add a comma after "approvals"

Line 20, add a comma after "certification"

Line 20 thru 21, who is this Rule applicable to? Is the Board attempting to regulate content of school catalogs in schools outside the State of North Carolina? Please clarify.

Line 36, add an "and" before "conditions"

Lines 36 thru 37, define or delete "unsatisfactory academic progress" Is there a statute or rule that could be cross-referenced to that standard? If necessary, please clarify.

Page 2, restart the line numbers at 1 on each page, as required by [26 NCAC 02C .0108\(1\)\(f\)](#).

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, February 23, 2017

Page 2, line 44, is the comma after "90-629.1" necessary? The remainder of the clause appears necessary to the sentence. Please review and correct if necessary

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0630 is proposed for amendment as published in 31:10 NCR 979 ~~with changes~~ as follows:

21 NCAC 30 .0630 SCHOOL CATALOG

An approved school shall publish a catalog or bulletin that is 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. The catalog shall include the following information:

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

- 38 (d) Transfer of credit from other institutions;
39 (e) Attendance requirements, make-up work, tardiness, leave of absence;
40 (f) Standards of conduct, including a sexual harassment policy; and
41 (g) Complaint policy, process for complaint resolution, name and address of the school
42 regulatory agency for filing complaints when institutional process does not bring
43 resolution; and
44 (20) Statement pursuant to G.S. 90-629.1, that the North Carolina Board of Massage and Bodywork
45 Therapy may deny a license to practice massage and bodywork therapy if an applicant has a
46 criminal record or there is other evidence that indicates the applicant lacks good moral character.
47
48 *History Note:* Authority G.S. 90-626(9); 90-631;
49 Eff. October 1, 2007;
50 Amended Eff. April 1, 2017; February 1, 2011;
51 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November
52 12, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0903

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

PLEASE NOTE: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, add a comma after "file"

Line 15, replace "must" with "shall"

Lines 22 thru 28, please clarify the Board's statutory authority to make this information confidential, or to justify redactions when released. The Board does not qualify as a "public law enforcement agency" as set forth in [G.S. 132-1.4](#), and there is no exception to G.S. 132 set forth in [G.S. 93B](#) or [150B](#) for the collection of investigative information. Please review and supplement with appropriate statutory authority.

Lines 33, 34, and 36, replace "will" with "shall"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

21 NCAC 30 .0903 is proposed for amendment as published in 31:10 NCR 979-980 ~~with changes~~ 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 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 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 investigation records 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 issue its final decision in writing specifying the date on which it will take effect. The Board will 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.

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39 *History Note:* Authority G.S. 90-626(5), (6), (7), (13);

40 Temporary Adoption Eff. February 15, 2000;

41 Eff. April 1, 2001;

42 Amended Eff. April 1, 2017; September 2, 2005;

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

44 12, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Massage and Bodywork Therapy

RULE CITATION: 21 NCAC 30 .0906

DEADLINE FOR RECEIPT: Thursday, March 9, 2017

PLEASE NOTE: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, add a comma after "welfare"

Line 6, in light of [G.S. 150B-23\(b\)](#), is the Board within their statutory authority to set a hearing day almost 60 days outside the issuance of the suspension order when G.S. [150B-3\(c\)](#) requires that "proceedings shall be promptly commenced and determined." Furthermore, is this Rule necessary in light of the content of G.S. 150B-3(c). Please review and clarify.

Line 8, correct the history note to include the "History Note:" and "Eff.", along with the date

Line 8, add 150B-3 to the statutory authority

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, February 23, 2017

1 21 NCAC 30 .0906 is proposed for adoption 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 or safety so long as the
6 Board schedules a hearing to occur within 60 days of the effective date of the suspension order.

7
8 *Authority G.S. 90-626(3)*