

## Burgos, Alexander N

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**Subject:** FW: [External] Final rules from NCBMBT

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Monday, January 27, 2025 3:37 PM  
**To:** admin@bmbt.org; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; cwilkins@bws-law.com  
**Subject:** RE: [External] Final rules from NCBMBT

Dana and Alex, these are the final rules, and they're ready for filing/posting.

Thanks!

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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**From:** admin <admin@bmbt.org>

**Sent:** Monday, January 27, 2025 3:35 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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You're welcome. Thank you for taking the time to talk to us and provide guidance. We really appreciate it. Final version of the rules have been sent. If you need anything else, let us know.

Elizabeth Kirk  
Administrative Director  
NC Board of Massage and Bodywork Therapy  
919-546-0050

## Burgos, Alexander N

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**From:** admin <admin@bmbt.org>  
**Sent:** Monday, January 27, 2025 3:33 PM  
**To:** Rules, Oah  
**Cc:** Liebman, Brian R; Burgos, Alexander N; cwilkins@bws-law.com  
**Subject:** [External] Final rules from NCBMBT  
**Attachments:** 21 NCAC 30 .0201.docx; 21 NCAC 30 .0204.docx; 21 NCAC 30 .0620.docx; 21 NCAC 30 .0623.docx; 21 NCAC 30 .0627.docx; 21 NCAC 30 .1012.docx

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Good afternoon,

Attached are the final rules from the NCBMBT for consideration at the meeting this week. If you have any questions, feel free to contact me.

Thank you,

Elizabeth Kirk  
Administrative Director  
NC Board of Massage and Bodywork Therapy  
919-546-0050

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

---

**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Monday, January 27, 2025 3:27 PM

**To:** admin@bmbt.org; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Beautiful. Thanks for the hard work on these. I believe I can recommend approval of all of your rules at the upcoming meeting. If you would be so kind, please collect the final versions of all the rules, and send them to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov), copying me and Alex Burgos, and we'll get you set for the meeting.

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes  
**Attachments:** 21 NCAC 30 .0201.docx

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**From:** admin <admin@bmbt.org>  
**Sent:** Monday, January 27, 2025 10:22 AM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; cwilkins@bws-law.com  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Brian,

Thank you for the suggestion on adding the health care provider information. Attached is the amended rules as suggested in your email. If you need anything else before the meeting this Thursday, please let me know. Charles and I plan to join via Webex.

Elizabeth Kirk  
Administrative Director  
NC Board of Massage and Bodywork Therapy  
919-546-0050

21 NCAC 30 .0201 is amended with changes as published in 39:06 NCR 326-328 as follows:

### **21 NCAC 30 .0201 APPLICATION AND SCOPE**

(a) Each applicant for a license as a massage and bodywork therapist shall complete an online application. ~~application~~ provided by the Board on its website at [www.bmbt.org](http://www.bmbt.org). The application shall include the following:

- (1) full name (last name, first name, middle name and maiden name, if applicable);
- (2) name as the applicant wants it to appear on license which ~~(must must)~~ be part or all of applicant's legal ~~name); name:~~ name;
- (3) current residence;
- (4) personal mailing address;
- (5) city, state, zip code and county;
- (6) Social Security Number;
- (7) city and state of birth;
- (8) date of birth;
- (9) telephone ~~number (e.g. home, mobile and business); number:~~ number;
- (10) email address;
- (11) trade name or business ~~name (if applicable); name:~~ name;
- (12) business address;
- (13) type of license applying ~~for; (Regular, for; Regular, License by Endorsement A or License by Endorsement B); B;~~ for; Regular, License by Endorsement A or License by Endorsement B;
- (14) examination ~~agency; (FSMTB, agency; FSMTB, NCCAOM or NCBTMB, if applicable); applicable;~~ agency; FSMTB, NCCAOM or NCBTMB, if applicable;
- (15) exam ~~taken; (MBLEx, taken; MBLEx, NCETMB, NCETM or ABTE, if applicable); applicable;~~ taken; MBLEx, NCETMB, NCETM or ABTE, if applicable;
- (16) whether ~~or not the applicant is~~ a U.S. citizen;
- (17) physical ~~description~~ description, including ~~(gender, gender, height, eye color, race, weight weight, and hair color); color;~~ (gender, height, eye color, race, weight, and hair color);
- (18) ~~place~~ places of residence for the previous 10 years including date, street address, city, state, zip ~~code~~ code, and county;
- (19) professional experience for the previous 10 years including date, job title, type of business, hours worked per week, employer's name, address, state, zip code, area code and phone ~~number~~ number, and reason for leaving, if applicable;
- (20) ~~education~~ education, for example ~~(high high school, college/university, graduate or professional) professional,~~ (high school, college/university, graduate or professional), including name of educational institution, city, state, zip code, whether or not you were issued a certificate, diploma or degree and month and year of graduation;
- (21) previous or current massage or bodywork therapy licensure, ~~registration~~ registration, or certification in another state or territory, including state, license, registration or certification type, license or credential number, date issued and date of expiration;

- 1 (22) professional affiliations and achievements;
- 2 (23) whether the applicant has had any of the following situations and ~~explain such instances; an~~  
3 explanation of each:
- 4 (A) has ever been charged with, arrested for, convicted of, or ~~plead~~ has pled guilty or no contest  
5 to a violation of any ~~law;~~ law in any state or jurisdiction;
- 6 (B) had a driver's license canceled, suspended or revoked;
- 7 (C) pending criminal charges in any state or jurisdiction;
- 8 (D) violated any federal or state ~~statue~~ statute or rule which relates to massage and bodywork  
9 therapy or any other healthcare profession;
- 10 (E) obtained or attempted to obtain compensation by fraud or deceit;
- 11 (F) ~~involved~~ named as a defendant in a civil suit related to your practice of massage and  
12 bodywork therapy or other healthcare profession;
- 13 (G) had any judgments entered against you;
- 14 (H) expelled, fired, asked to ~~resign~~ resign, or otherwise suspended from any educational  
15 institution;
- 16 (I) fired, asked to ~~resign~~ resign, or otherwise suspended from employment;
- 17 (J) denied a massage therapy license or a license for any other healthcare profession;
- 18 (K) had a massage therapy license or a license for any other healthcare profession revoked or  
19 suspended;
- 20 (L) have any ~~formal~~ disciplinary charges pending or action taken by any massage or bodywork  
21 therapy licensing board or medical board;
- 22 (M) been diagnosed or treated with a mental ~~illness;~~ illness by a health care provider;
- 23 (N) been diagnosed or treated as being dependent on alcohol or ~~drugs;~~ drugs by a health care  
24 provider;
- 25 (O) been diagnosed or treated for abuse of ~~[as abusing]~~ abused alcohol or ~~drugs;~~ drugs by a  
26 health care provider;
- 27 ~~(P)~~ been evaluated or treated for mental health or substance ~~abuse issues;~~ [abuse;]
- 28 ~~(Q)(P)~~ used any drug or alcohol to the extent it adversely affected your professional competence  
29 or employment;
- 30 (24) an attestation under oath before a notary that the information on the application is true and also  
31 complete an affidavit of applicant to the Board of all information pertaining to the application. true.
- 32 (b) This application shall be submitted to the Board and shall be accompanied by:
- 33 (1) One original color photograph of the applicant taken within six months preceding the date of the  
34 application of sufficient quality for identification. The photograph shall be of the head and  
35 shoulders, passport type, and two inches by two inches in size;
- 36 (2) The ~~proper~~ fees, as required by Rule .0204 of this Section and G.S. ~~90-629.1(b);~~ 90-628(b);

- (3) ~~Documentation~~ A copy of a high school diploma or transcript, General Equivalency Diploma (GED), or college diploma or transcript showing that the applicant has earned at least a high school diploma or equivalent;
- (4) ~~Documentation~~ A copy of a driver's license or birth certificate showing that the applicant is 18 years of age or older;
- (5) ~~Documentation~~ An official transcript from the massage therapy school showing that the applicant has completed a course of study at a school approved by the Board ~~according to these rules~~ and consisting of a minimum of ~~500~~ 650 classroom hours of supervised instruction. If the applicant attended a school that is not approved by the Board, the Board ~~may elect to~~ [will] shall review that applicant's curriculum on a case-by-case basis. The documentation of such training shall come from a school that is licensed by the educational licensing authority in the state, territory or country in which it operates. In North Carolina the documentation shall come from a proprietary school approved by the Board or a college-based massage program that is exempt from Board approval. The curriculum shall meet or be ~~substantially~~ equivalent to the standards set forth in Rule .0620(2) of this Chapter;
- (6) ~~Documentation~~ An official score report showing that the applicant has achieved a passing score on a competency assessment examination administered or approved by the Board ~~or approved by the Board~~ that meets generally accepted psychometric principles and standards; ~~[Board;]~~
- (7) Signed statements from four persons attesting to the applicant's ~~good moral character; personal history of honesty, integrity, trustworthiness, fairness, good reputation for fair dealings, and respect for the rights of others and for state and federal laws;~~
- (8) Fingerprint card executed by a fingerprinting ~~agency;~~ agency; and
- (9) Consent to a criminal history record check by the North Carolina Department of Justice.

(c) For the purposes of this Rule, "health care provider" shall have the definition found in G.S. 90-21.132(7)(a).

*History Note: Authority G.S. 90-626(2); 90-629;*  
*Temporary Adoption Eff February 15, 2000;*  
*Eff. April 1, 2001;*  
*Amended Eff. October 1, 2008;*  
*Readopted Eff. October 1, 2015; 2015;*  
*Amended Eff. February 1, 2025.*

## Burgos, Alexander N

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**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Friday, January 24, 2025 6:00 PM

**To:** admin@bmbt.org; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Hi Elizabeth,

Here's what you can do. Since you're referencing a statutory definition, you don't need a formal incorporation by reference—my bad for thinking that earlier. I think I'd just add a new paragraph (c), which says: "For the purposes of this Rule, "health care provider" shall have the definition found in G.S. 90-21.132(7)(a)."

At some point, when you next amend your definitions rule, it might make sense to move this definition there, but for now, this will work.

Have a great weekend,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Friday, January 24, 2025 10:07 AM

**To:** admin@bmbt.org; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Hi Elizabeth,

Sorry for the lack of response the last few days. I will get back to you on the proper formatting later today.

Best,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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**From:** admin <admin@bmbt.org>

**Sent:** Thursday, January 23, 2025 8:14 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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Hi Brian,

Just making sure you received my email on Tuesday. We need a little guidance on how to reference the other statute. If it is easier to discuss by phone, let me know.

Thanks so much!

Elizabeth Kirk

Administrative Director

NC Board of Massage and Bodywork Therapy

919-546-0050

## Burgos, Alexander N

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**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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**From:** admin <admin@bmbt.org>

**Sent:** Tuesday, January 21, 2025 1:51 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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Hi Brian,

That's great news. We reviewed the definitions for "health care provider" and believe G.S. 90-21.132(7)(a) covers what we are referencing. I'm not quite sure how to incorporate it by reference. Does that get written in Rule .0201(a)(23)(M)?

Elizabeth Kirk

Administrative Director

NC Board of Massage and Bodywork Therapy

919-546-0050



## Burgos, Alexander N

---

**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

---

**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Tuesday, January 21, 2025 11:04 AM  
**To:** admin@bmbt.org; cwilkins@bws-law.com  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Hi guys!

Indeed, I had yesterday off, and didn't see your email. Thanks for working hard over the weekend and on the holiday.

Your hard work paid off, because everything looks pretty good to me, particularly .0620, which makes much more sense now.

I do have one last request, though, and it's a minor one. For .0201, the definitions of "health care provider" that you've provided in the email are not all the same. I'd suggest picking one, and then incorporating it by reference in your rule, so the public knows that you're adopting that definition. Incorporations by reference are governed by G.S. 150B-21.6, and they're pretty common throughout the Code, so if you need a template, you should be able to find one pretty easily. Actually, you already have one in your rules, 21 NCAC 30 .0102(2), so you can use that as a guide.

So, provided you make that last change to .0201, I think I can recommend approval of all of your rules to the Commission at the meeting on the 30<sup>th</sup>.

Thanks!  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes  
**Attachments:** 21 NCAC 30 .0201.docx; 21 NCAC 30 .0204.docx; 21 NCAC 30 .0620.docx; 21 NCAC 30 .0623.docx; 21 NCAC 30 .0627.docx; 21 NCAC 30 .1012.docx

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**From:** admin <admin@bmbt.org>  
**Sent:** Monday, January 20, 2025 2:09 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; cwilkins@bws-law.com  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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Hi Brian,

Thank you for taking the time to talk with us on Friday. We really appreciate your help on this.

We met this morning and found "health care provider" in NCGS 90-21.50(3), Health Care Liability, NCGS 90-21.102(3), NCDHHS, NCGS 90-21.132(7), Medicine and Allied Professions, NCGS 90-85.3(i), Pharmacy and NCGS 90-171.20(2), Nursing. Hope that is acceptable in Rule .0201.

We also met with the Board's school consultant and discussed Rule .0620. Hopefully the changes to the old 13/new 12 make sense. Attached are all the rules for your review. Let us know if any other changes need to be made.

Hope you are taking the day off and do not see this until tomorrow!

Elizabeth Kirk  
Administrative Director  
NC Board of Massage and Bodywork Therapy  
919-546-0050

21 NCAC 30 .0201 is amended with changes as published in 39:06 NCR 326-328 as follows:

### **21 NCAC 30 .0201 APPLICATION AND SCOPE**

(a) Each applicant for a license as a massage and bodywork therapist shall complete an online application. ~~application provided by the Board on its website at [www.bmbt.org](http://www.bmbt.org)~~. The application shall include the following:

- (1) full name (last name, first name, middle name and maiden name, if applicable);
- (2) name as the applicant wants it to appear on license which ~~(must must)~~ be part or all of applicant's legal ~~name); name:~~ name:
- (3) current residence;
- (4) personal mailing address;
- (5) city, state, zip code and county;
- (6) Social Security Number;
- (7) city and state of birth;
- (8) date of birth;
- (9) telephone ~~number (e.g. home, mobile and business); number:~~ number:
- (10) email address;
- (11) trade name or business ~~name (if applicable); name:~~ name:
- (12) business address;
- (13) type of license applying ~~for; (Regular, for; Regular, License by Endorsement A or License by Endorsement B); B:~~ for; Regular, License by Endorsement A or License by Endorsement B;
- (14) examination ~~agency; (FSMTB, agency; FSMTB, NCCAOM or NCBTMB, if applicable); applicable:~~ agency; FSMTB, NCCAOM or NCBTMB, if applicable;
- (15) exam ~~taken; (MBLEx, taken; MBLEx, NCETMB, NCETM or ABTE, if applicable); applicable:~~ taken; MBLEx, NCETMB, NCETM or ABTE, if applicable;
- (16) whether ~~or not the applicant is~~ a U.S. citizen;
- (17) physical ~~description~~ description, including ~~(gender, gender, height, eye color, race, weight weight, and hair color); color:~~ (gender, height, eye color, race, weight, and hair color);
- (18) ~~place~~ places of residence for the previous 10 years including date, street address, city, state, zip ~~code~~ code, and county;
- (19) professional experience for the previous 10 years including date, job title, type of business, hours worked per week, employer's name, address, state, zip code, area code and phone ~~number~~ number, and reason for leaving, if applicable;
- (20) ~~education~~ education, for example ~~(high high school, college/university, graduate or professional) professional,~~ including name of educational institution, city, state, zip code, whether or not you were issued a certificate, diploma or degree and month and year of graduation;
- (21) previous or current massage or bodywork therapy licensure, ~~registration~~ registration, or certification in another state or territory, including state, license, registration or certification type, license or credential number, date issued and date of expiration;

- 1 (22) professional affiliations and achievements;
- 2 (23) whether the applicant has had any of the following situations and ~~explain such instances; an~~  
3 ~~explanation of each:~~
- 4 (A) ~~has ever been~~ charged with, arrested for, convicted of, or ~~plead~~ ~~has~~ pled guilty or no contest  
5 to a violation of any ~~law;~~ ~~law in any state or jurisdiction;~~
- 6 (B) had a driver's license canceled, suspended or revoked;
- 7 (C) pending criminal charges in any state or jurisdiction;
- 8 (D) violated any federal or state ~~statue~~ statute or rule which relates to massage and bodywork  
9 therapy or any other healthcare profession;
- 10 (E) obtained or attempted to obtain compensation by fraud or deceit;
- 11 (F) ~~involved~~ named as a defendant in a civil suit related to your practice of massage and  
12 bodywork therapy or other healthcare profession;
- 13 (G) had any judgments entered against you;
- 14 (H) expelled, fired, asked to ~~resign~~ resign, or otherwise suspended from any educational  
15 institution;
- 16 (I) fired, asked to ~~resign~~ resign, or otherwise suspended from employment;
- 17 (J) denied a massage therapy license or a license for any other healthcare profession;
- 18 (K) had a massage therapy license or a license for any other healthcare profession revoked or  
19 suspended;
- 20 (L) have any ~~formal~~ disciplinary charges pending or action taken by any massage or bodywork  
21 therapy licensing board or medical board;
- 22 (M) been diagnosed or treated with a mental ~~illness;~~ illness by a health care provider;
- 23 (N) been diagnosed or treated as being dependent on alcohol or ~~drugs;~~ drugs by a health care  
24 provider;
- 25 (O) been diagnosed or treated for abuse of ~~[as abusing]~~ ~~abused~~ alcohol or ~~drugs;~~ drugs by a  
26 health care provider;
- 27 ~~(P)~~ been evaluated or treated for mental health or substance ~~abuse issues;~~ ~~[abuse;]~~
- 28 ~~(Q)(P)~~ used any drug or alcohol to the extent it adversely affected your professional competence  
29 or employment;
- 30 (24) an attestation under oath before a notary that the information on the application is true and also  
31 complete an affidavit of applicant to the Board of all information pertaining to the application. true.
- 32 (b) This application shall be submitted to the Board and shall be accompanied by:
- 33 (1) One original color photograph of the applicant taken within six months preceding the date of the  
34 application of sufficient quality for identification. The photograph shall be of the head and  
35 shoulders, passport type, and two inches by two inches in size;
- 36 (2) The ~~proper~~ fees, as required by Rule .0204 of this Section and G.S. ~~90-629.1(b);~~ 90-628(b);

- (3) ~~Documentation~~ A copy of a high school diploma or transcript, General Equivalency Diploma (GED), or college diploma or transcript showing that the applicant has earned at least a high school diploma or equivalent;
- (4) ~~Documentation~~ A copy of a driver's license or birth certificate showing that the applicant is 18 years of age or older;
- (5) ~~Documentation~~ An official transcript from the massage therapy school showing that the applicant has completed a course of study at a school approved by the Board ~~according to these rules~~ and consisting of a minimum of ~~500~~ 650 classroom hours of supervised instruction. If the applicant attended a school that is not approved by the Board, the Board ~~may elect to~~ [will] shall review that applicant's curriculum on a case-by-case basis. The documentation of such training shall come from a school that is licensed by the educational licensing authority in the state, territory or country in which it operates. In North Carolina the documentation shall come from a proprietary school approved by the Board or a college-based massage program that is exempt from Board approval. The curriculum shall meet or be ~~substantially~~ equivalent to the standards set forth in Rule .0620(2) of this Chapter;
- (6) ~~Documentation~~ An official score report showing that the applicant has achieved a passing score on a competency assessment examination administered or approved by the Board ~~or approved by the Board~~ that meets generally accepted psychometric principles and standards; ~~[Board;]~~
- (7) Signed statements from four persons attesting to the applicant's good moral character; personal history of honesty, integrity, trustworthiness, fairness, good reputation for fair dealings, and respect for the rights of others and for state and federal laws;
- (8) Fingerprint card executed by a fingerprinting ~~agency;~~ agency; and
- (9) Consent to a criminal history record check by the North Carolina Department of Justice.

*History Note:* Authority G.S. 90-626(2); 90-629;  
Temporary Adoption Eff February 15, 2000;  
Eff. April 1, 2001;  
Amended Eff. October 1, 2008;  
Readopted Eff. October 1, 2015. 2015;  
Amended Eff. February 1, 2025.

21 NCAC 30 .0204 is amended with changes as published in 39:06 NCR 328-329 as follows:

**21 NCAC 30 .0204 FEES**

(a) Fees are as follows:

(1)	Application for Examination of Requirements for License	\$ 20.00
(2)	<u>Initial License</u> license fee	150.00
(3)	License renewal	100.00
(4)	Late renewal penalty	75.00
(5)	Duplicate license	25.00
(6)	<del>Application for Additional Examination of Moral Character</del>	<del>150.00</del>

(b) Fees shall be nonrefundable and shall be paid ~~in the form of a~~ by credit card, debit card, cashier's check, certified ~~check~~ check, or money order made payable to the North Carolina Board of Massage and Bodywork Therapy.

*History Note: Authority G.S. 90-626(8); 90-628;*

*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. February 1, 2025.*

21 NCAC 30 .0620 is amended with changes as published in 39:06 NCR 329-330 as follows:

**21 NCAC 30 .0620           PROGRAM REQUIREMENTS**

Pursuant to G.S. ~~90-631(1)~~, 90-631(a)(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,~~  
skills knowledge, and knowledge 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~~ 650 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; work:~~
  - (a) ~~200~~ 230 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,  
acupressure, shiatsu, deep muscle massage, trigger point therapy, and connective tissue  
bodywork. Of the ~~200~~ 230 hours in this category, at least ~~400~~ 115 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; body;~~
  - (c) 55 hours in kinesiology related to the practice of massage and bodywork therapy that shall  
include the function of movement;
  - (d) 45 hours in pathology related to the practice of massage and bodywork therapy;
  - ~~(e)~~(e) 15 ~~20~~ hours in professional ~~ethics, and North Carolina laws and rules~~ ethics for the practice  
of massage and bodywork therapy;
  - (f) 10 hours in North Carolina laws and rules for the practice of massage and bodywork  
therapy;
  - ~~(d)~~(g) 15 hours in business management practices related to the practice of massage and  
bodywork therapy;
  - ~~(e)~~(h) 20 ~~25~~ hours in psychological concepts related to the practice of massage and bodywork  
therapy, including dynamics of the ~~client/therapist relationship,~~ client-therapist  
relationship and boundaries, professional communication skills, and the mind-body  
~~connection, and boundary functions; connection;~~

- ~~(f)(i)~~ 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) may constitute up to 50 hours of the 150 hours in this category.
- (3) ~~For programs that include a student~~ Student clinic or fieldwork experiential component, ~~the hours programs shall not exceed 100 hours of the minimum requirement set forth in Sub-item (2)(f) 150 hours required by sub-item (2)(i) of this Rule. All work shall be in the presence of and directly supervised by and evaluated by an instructional staff member; instructor;~~
- (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 meets the school's guidelines and ~~is acceptable to~~ approved by 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 assessment examinations that are approved by the Board as meeting the licensure requirement set forth in G.S. 90-629(5) and Rule .0201(a)(15);
- (6) Programs shall consist of a series of courses that are organized ~~in a logical sequence, so that each class prepares the students for the next class and that~~ are consistent with the program's educational objectives. ~~Sequential organization means that within a course, each class prepares students for the next class.~~ Material shall not be ~~not~~ presented unless students have the necessary skills and knowledge to utilize ~~that the~~ material;
- (7) Course titles shall match the content of the ~~course;~~ course and published course descriptions shall 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 [syllabus] shall be developed for each course that shows the basic content of each individual class in the course in the sequence presented;
- ~~(9)(8)~~ Course requirements and competencies shall be consistent from instructor to instructor. Teaching materials, including lesson plans for every class taught, shall be developed and maintained for each course to ensure consistency. Teaching methods shall be appropriate ~~[adopt]~~ adapt to course content, and ~~to~~ diverse learning styles;
- ~~(10)(9)~~ Programs shall be at least 24 25 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)~~(10) For a student to receive credit in a course, the student shall attend ~~75~~ 80 percent of the instructional hours of the course. The student shall also make up 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)~~(11) A syllabus shall be developed for each course that shows the basic content of each individual class in the course in the sequence presented 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;
- (d) teaching methodologies;
- (e) total number of instructional hours;
- (f) meeting dates and class times;
- (g) assignments;
- (h) textbooks;
- (i) evaluation methods;
- (j) quiz and examination dates; and
- (k) performance standards.

~~(13)~~(12) ~~For post-secondary institutions, courses that~~ Any course taken at a college, as defined in Rule .0602(4), in a department other than the massage and bodywork therapy department shall fulfill the requirements set forth in Item (2) of this ~~Rule shall support Rule: the program [education and training] in massage and bodywork therapy. Courses in addition to these requirements may include courses from other departments or programs that are relevant [related] to the practice of massage and bodywork therapy;~~ and

~~(14)~~(13) 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~~ .0602(5) and (12) of this 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;*

*Amended Eff. April 1, 2017. 2017;*

*Amended Eff. February 1, 2025.*

21 NCAC 30 .0623 is amended with changes as published in 39:06 NCR 330 as follows:

**21 NCAC 30 .0623        LEARNING RESOURCES**

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

~~(1) the school shall maintain a resource center that contains or provides [provide students] access to~~  
books, periodicals, charts, models, or electronic media, and other informational materials in the field  
of massage and bodywork ~~therapy;~~ therapy to support the educational objectives of the program. As  
an alternative, the school may have a contractual agreement with another ~~facility~~ entity to provide  
access to such ~~resources; and resources.~~

~~(2) all other resources, such as charts, models, or electronic media, shall be 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;*

*Amended Eff. April 1, ~~2017.~~ 2017;*

*Amended Eff. February 1, 2025.*

21 NCAC 30 .0627 is amended with changes as published in 39:06 NCR 330 as follows:

**21 NCAC 30 .0627      ~~TRANSFER OF CREDIT; ADVANCED PLACEMENT~~ CREDIT**

(a) A school shall not grant transfer credit from another institution unless the following standards are met:

- (1) The school from where credit is being transferred shall be licensed or approved by the educational licensing authority or be exempt by statute from being licensed or approved in the state in which it ~~operates, or be exempt by statute; operates;~~
- (2) The school from where credit is being transferred shall provide an official transcript;
- (3) Courses for which credit is granted shall be parallel in content ~~and intensity~~ to the courses presently offered by the ~~school; and school granting the transfer;~~
- (4) Documentation of previous training shall be included in each student's permanent file.

(b) A school may only grant ~~advanced placement credit~~ credit to a student, or exempt the student from curriculum requirements, based on the student's performance on an examination that the school administers to determine competency in that subject area. ~~Advanced placement Credit~~ or exemption shall not exceed 35 percent of the total number of hours in the program and shall not reduce the total hours attended to less than ~~500~~ 650 hours.

*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. February 1, 2025.*

21 NCAC 30 .1012 is amended with changes as published in 39:06 NCR 331 as follows:

**21 NCAC 30 .1012            LICENSE RENEWAL**

(a) Any establishment licensee renewing a license shall comply with all requirements for licensure and shall submit the required renewal fee pursuant to G.S. 90-632.14(a)(3), Rule .1014(3) of this Chapter.

(b) An establishment license that has not been renewed prior to its expiration date is expired and the establishment shall submit an initial application for licensure pursuant to Rule .1003 of this Chapter, not operate. The establishment license may be reinstated within 120 days from the date of expiration upon payment of the license renewal fee and late renewal penalty pursuant to Rule .1014 of this Chapter. Any establishment license expired for more than 120 days shall not be renewed and an initial application for licensure shall be submitted pursuant to Rule .1003 of this Chapter.

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

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

*History Note:     Authority G.S. 90-630.5; 90-632.14; 93B-15;  
                         Eff. November 15, ~~2019~~, 2019;  
                         Amended Eff. February 1, 2025.*

## Burgos, Alexander N

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**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Friday, January 17, 2025 4:40 PM

**To:** admin@bmbt.org; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Hi Charles and Elizabeth,

Thanks for talking to me today, and I'm glad we were able to address most of the issues remaining in the requests for changes.

As we discussed, in .0201(a)(23)(A) and (C) can be tweaked to indicate that (A) is asking for criminal history in all jurisdictions, and (C) is asking for pending charges in all jurisdictions. Also, you're going to revise (M), (N), (O), and (P) to (1) indicate that diagnoses must be made by qualified health professionals (or whichever defined term you find), and (2) to eliminate the "evaluated" language. Also you were going to try to find some documentation to support the difference between "abuse" and "dependency" in case any questions arise there.

Second, with .0620, thanks for providing more clarity as to what (13) is trying to do. As I said, I think the language needs to be clarified, as it doesn't quite capture the idea that community colleges/tech school courses that aren't specifically or formally part of the school's massage and body work therapy program can be used to satisfy the requirements in (2), or under what circumstances the Board will make the determination that such courses are approved. Finally, you were going to work on defining what "related" means in terms of making the determination that courses are "related" to massage and body work.

As you're going to continue to try to revise .0201 and .0620, I'll extend the deadline to submit responses and revised rules out to 5:00 p.m. on Thursday, January 23.

Have a great weekend, and be in touch soon!  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Thursday, January 16, 2025 5:04 PM

**To:** admin@bmbt.org; cwilkins@bws-law.com

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Hi Elizabeth,

I have a meeting at 12:00 that may go long (no, not a late lunch 😊), so let's plan for 3:00.

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**From:** admin <admin@bmbt.org>  
**Sent:** Thursday, January 16, 2025 2:09 PM  
**To:** Liebman, Brian R; cwilkins@bws-law.com  
**Cc:** Burgos, Alexander N  
**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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Hi Brian,

Mr. Wilkins and I have been out of the office at a conference this week so we are planning on reviewing your comments tomorrow. Do you have some time tomorrow afternoon around 2 or 3pm for a phone call to discuss a few changes?

Elizabeth Kirk  
Administrative Director  
NC Board of Massage and Bodywork Therapy  
919-546-0050

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Friday, January 10, 2025 11:00 AM  
**To:** admin <admin@bmbt.org>; cwilkins@bws-law.com  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Hi Elizabeth,

Attached are my replies, in blue, to your responses. I'd appreciate it if you could respond and resubmit any changed rules no later than next Friday, January 17, at 5 PM.

I still have concerns with rules .0201, .0620, and .0627 which will need to be addressed.

I believe I can recommend approval of rules .0204, .0623, and .1012 at this time.

Have a great weekend, and stay safe with the incoming winter weather!

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** admin <[admin@bmbt.org](mailto:admin@bmbt.org)>  
**Sent:** Friday, January 10, 2025 8:03 AM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>; [cwilkins@bws-law.com](mailto:cwilkins@bws-law.com)  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** [External] RE: January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

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Good morning Brian,

We reviewed your request for technical changes and made some notes in red on the document you provided which is attached to this email. I have also attached the changes to the rules that have been made so far. If it would be helpful to schedule a call to discuss, please let me know. We look forward to hearing from you.

Thank you,

Elizabeth Kirk  
Administrative Director  
NC Board of Massage and Bodywork Therapy  
919-546-0050

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Tuesday, December 31, 2024 4:42 PM  
**To:** admin <[admin@bmbt.org](mailto:admin@bmbt.org)>; [cwilkins@bws-law.com](mailto:cwilkins@bws-law.com)  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** January 2025 RRC - Board of Massage and Bodywork Therapy - 21 NCAC 30 Requests for Changes

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the January 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, January 30, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Wednesday, January 15, 2025.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks, and Happy New Year!

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)



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