

Burgos, Alexander N

Subject: FW: [External] RE: Periodic Review 21 NCAC 30

From: admin <admin@bmbt.org>
Sent: Tuesday, February 18, 2025 11:28 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; cwilkins@bws-law.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Periodic Review 21 NCAC 30

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Good morning,

I can attend the meeting next week to make sure there aren't any questions or concerns.

Thank you for providing the cover letter. I will get the first set of rules prepared.

Thank you,

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

Burgos, Alexander N

Subject: FW: [External] RE: Periodic Review 21 NCAC 30
Attachments: Request for Pre-review Cover Letter.pdf

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, February 17, 2025 9:47 AM
To: admin@bmbt.org; cwilkins@bws-law.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Periodic Review 21 NCAC 30

Good morning,

We will add your agency's proposed adoption deadline of April 1, 2027 to the RRC meeting agenda for February 27, 2025. Please notify me if you plan to attend the RRC meeting. I will also email you after the meeting to inform you of what action was taken.

You can begin sending rules for me to pre-review anytime. Please attach a cover letter (example attached) for each rule or packet of rules you submit to be pre-reviewed. Please email all pre-reviews to me and oah.rules@oah.nc.gov.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: admin <admin@bmbt.org>
Sent: Monday, February 17, 2025 7:28 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; cwilkins@bws-law.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Periodic Review 21 NCAC 30

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Good morning,

The Board approved its readoption deadline/timeline at its meeting last week. See attached. The Board would also like to go through the pre-review process so please let me know when you would like me to begin that process with you. I look forward to hearing from you.

Thank you,

Elizabeth Kirk
Administrative Director

Timeline for Permanent Rulemaking/Periodic Review of Rules:

- | | |
|---------------------------------------|-------------------|
| • Initial Determination | June 2026 |
| • File report by | June/July 2026 |
| • Post on Board's website | July 2026 |
| • Beginning of comment period | July 2026 |
| • End of comment period | September 2026 |
| • Public Hearing | October 2026 |
| • Final determination by Board | February 2027 |
| • Submit to RRC for review at meeting | February 20, 2027 |
| • RRC meeting date | March 2027 |
| • Effective date | April 1, 2027 |

*RRC will establish a deadline for readoption – 26 NCAC 05 .0212 – April 2027

RRC Pre-Review Cover Sheet

Agency or Pre-Review Contact Information: (Rulemaking Coordinator/ Agency Counsel/ Outside Counsel/ Agency Head)

Pre-Reviews are conducted voluntarily by RRC and its staff. RRC and its staff have no obligation to perform Pre-Reviews. As a result, the scope and extent of Pre-Reviews may be limited due to staff availability. In its discretion, the RRC or its staff may decline to perform a pre-review.

Our Agency, Board, Commission, or Subunit understands that the RRC is not required to provide Pre-Reviews and that Pre-Reviews are conducted as a courtesy. We agree to submit this cover sheet with all Pre-Review requests and by signing this cover sheet, certify that we have complied with the below requirements of this cover sheet.

Signature of Submitter *Marcus Jimison* Date:

Deadline for Pre-Review: _____
[Pre-Review deadlines of 1 month or less will not be considered]

Explanation of Pre-Review Need:

Rule Formatting

- ☐ All rules have been revised using the OAH Agency Rule Template.
- ☐ All rules have been formatted according to the Administrative Rule Style Guide and 26 NCAC 02C .0108.
- ☐ All rules that prescribe a form include the contents of the form or the contents of the form are set forth in statute [Style Guide Chpt. 8].
- ☐ All rules have been reviewed for spelling and grammar.

Statutory Authority

- ☐ All rule references contained in the rule text are current and accurate.
- ☐ All statute history notes are current, accurate, and have not been repealed.
- ☐ We have reviewed the rulemaking authority of our agency, board, commission, or subunit and believe we have the authority to make the rules submitted for pre-review.

Specific Agency Guidance Requests & Concerns of Pre-Review Submission

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Tuesday, December 17, 2024 11:39 AM
To: cwilkins@bws-law.com
Cc: Burgos, Alexander N; admin@bmbt.org; Ascher, Seth M
Subject: RE: [External] RE: Periodic Review 21 NCAC 30

Mr. Wilkins,

Yes, we will plan to consider your agency's readoption schedule at the RRC meeting on February 27, 2025, depending on the action taken by your Board and when RRC is notified of that action.

Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC. The Rule essentially requires every agency to submit a general timeline of when your agency intends to complete each step in the permanent rulemaking process. The new deadline for your agency to provide this information is February 20, 2025.

There are several factors your agency should contemplate when it meets in February to consider setting the readoption deadline. Please be mindful of 26 NCAC 05.0212(c)(2) that requires agencies to file rules with the RRC within 30 days of adoption. Remember to consider whether your agency will need to prepare any fiscal notes as required by G.S. 150B-21.4. Also, please account for whether your agency will want to amend any rules after the public comment period and rulemaking hearing that may constitute a substantial change under 150B-21.2(g).

I'm confused by, "The Board can approve the rules at its February 13, 2025, meeting." Did you mean the Board can approve the proposed readoption deadline?

Please let me know if you have any questions or concerns.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Charles Wilkins <cwilkins@bws-law.com>
Sent: Tuesday, December 17, 2024 9:38 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; admin@bmbt.org
Subject: [External] RE: Periodic Review 21 NCAC 30

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Mr. Wiggs,

The NC Board of Massage and Bodywork Therapy met last Thursday, December 12, 2024. Due to a full agenda and disciplinary hearings and short notice, the Board did not have on its December agenda to readopt their rules. The Board's next meeting is February 13, 2025. We are just missing the suggested dates in your email. The Board can approve the rules at its February 13, 2025, meeting.

Can you help us to set a new schedule with these dates in mind?

Thanks for your consideration.

Charles Wilkins, Legal Counsel
NCBMBT

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, December 9, 2024 4:27 PM
To: Charles Wilkins <cwilkins@bws-law.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: Periodic Review 21 NCAC 30

Good afternoon,

The attached periodic review report became effective November 26, 2024. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

The deadline for your agency to provide this information is February 10, 2025. As a starting point, I would recommend a March 1, 2027, readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Let me know if you have any questions. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: McGhee, Dana <dana.McGhee@oah.nc.gov>
Sent: Monday, December 9, 2024 12:01 PM
To: cwilkins@bws-law.com
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review 21 NCAC 30

Good morning,

The determinations in the attached periodic review report for 21 NCAC 30 were effective November 26, 2024. Commission Counsel Travis Wiggs will reach out to you to discuss setting the readoption date for the rules in the reports.

Let me know if you have any questions.

Dana McGhee

Publications Coordinator

Office of Administrative Hearings

984-236-1937

dana.mcghee@oah.nc.gov

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