

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 30 – BOARD OF MASSAGE AND BODYWORK THERAPY

Notice is hereby given in accordance with G.S. 150B-21.1 that the Board of Massage and Bodywork Therapy intends to adopt the rules cited as 21 NCAC 30 .0704, .0804.

Codifier of Rules approved this rule as an emergency rule effective June 30, 2020 and received for publication the following notice and proposed temporary rule on June 19, 2020.

Public Hearing:

Date: August 20, 2020

Time: 1:00 p.m.

Location: Wells Fargo Capital Center, 13th Floor Conference Room, 150 Fayetteville Street, Raleigh, NC 27601

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare has arisen with the coronavirus outbreak in North Carolina. The Governor declared a state of emergency on March 10, 2020 to coordinate a response and enact protective measures to help prevent the spread of COVID-19. COVID-19 is a respiratory disease that can result in serious illness or death. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone and modify these events or offer online services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools and urged social distancing. On March 23, 2020, the Governor of North Carolina issued Executive Order No. 120 that required certain establishments to close. To allow massage and bodywork therapists to continue taking continuing education courses to renew their license, the Board proposes to waive the in-classroom requirement and allow all hours to be completed by distance learning.

Comment Procedures: Comments from the public shall be directed to: Charles Wilkins, PO Box 2539, Raleigh, NC 27602, phone (919) 546-0050, email cwilkins@bws-law.com. The comment period begins June 18, 2020 and ends July 31, 2020.

SECTION .0700 - CONTINUING EDUCATION

21 NCAC 30 .0704 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the governor declares a state of emergency, the Board may waive or extend the continuing education requirement set forth in 21 NCAC 30 .0701(b) to allow all hours of the required continuing education to be by distance learning.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

Authority G.S. 90-626(9); 150B-19(6).

SECTION .0800 - RULES

21 NCAC 30 .0804 WAIVER OR EXTENSION

The Board may waive or extend any rule in this Chapter that is not statutorily required if a licensee submits a written request. The Board may also waive or extend any rule in this Chapter that is not statutorily required upon its own initiative. Factors the Board shall use in determining whether to grant the waiver or extension are:

- (1) degree of disruption to the Board;
- (2) cost to the Board;
- (3) degree of benefit to the public;
- (4) whether the requesting party had control over the circumstances that required the requested waiver or extension;
- (5) notice to and opposition by the public;
- (6) need for the waiver or extension; and
- (7) previous requests for waivers or extensions submitted from the requesting party.

Authority G.S. 90-626(9); 150B-19(6).