

**EMERGENCY RULE-MAKING
FINDINGS OF NEED
[G.S. 150B-21.1A]**

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Massage and Bodywork Therapy

2. Rule citation(s): 21 NCAC 30 .0636

3. Adoption by agency on:

April 8, 2020

4. Date agency requests entry of emergency rule in the Code:

April 16, 2020

5. What is the need for an emergency rule?

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. All massage and bodywork therapy schools and programs have closed their facilities due to the outbreak. To allow students to continue to receive education, the Board proposes to eliminate rules that would prevent schools from being able to offer online classes.

6. Has the agency provided the public with abbreviated notice? If so, describe.

The Board has shared the main points of the draft rules with its massage and bodywork therapy schools and community college programs. The Board will post the draft rules on its website, will have an open meeting to adopt these rules and consider any public comments.

7. Why is adherence to notice and hearing requirements contrary to the public interest and that the immediate adoption of the rule required by a serious and unforeseen threat to the public health or safety?

Without this approach, some schools and programs may go out of business because they cannot offer classes and receive income. This approach will also discourage schools and programs from remaining open simply to avoid the financial consequences of closure, even when remaining open might pose a public-health risk. The proposed rule will allow the schools and programs to keep up with their current schedule and offer instructional hours if the school has closed for a period of time and later reopens with the most immediate public-health concerns are resolved.

[Emergency Rule-making Findings of Need Continued]

8. Does the agency have specific statutory authority for the adoption of an emergency rule? If so, has the agency met the statutory criteria for adoption? (attach copy of statutory authority)

The Board has general rulemaking authority but no statutes that specifically establish criteria for emergency rules.

9. Has the agency submitted the proposed temporary rule for publication on the Internet in accordance with G.S. 150B-21.1(a3)?

- Yes
 No

10. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No

11. Rule-making Coordinator:

Charles P. Wilkins

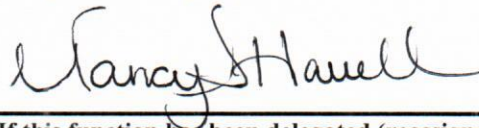
Phone:

919-546-0050

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12. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Agency contact, if any:

Elizabeth Kirk

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919-546-0050

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Typed Name: Nancy Harrell

Title: Chair

E-Mail: nharrellmt@gmail.com

REVIEW BY THE CODIFIER OF RULES

Approved. Entered into the North Carolina Administrative Code on: _____

Reviewed By: _____

Date: _____

Comments:

Statement does not meet the criteria.

Reviewed By: _____

Date: _____

Comments:

1 21 NCAC 30 .0636 is adopted under emergency procedures as follows:
2

3 **21 NCAC 30 .0636 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY**

4 (a) If the governor declares a state of emergency, the following exceptions shall apply to massage and bodywork
5 therapy schools, programs and students, the requirements in this Subchapter notwithstanding:

6 (1) Classroom hours of supervised instruction that are not hands-on may be provided online, despite the
7 requirement in Rule .0602(8) of this Subchapter.

8 (2) Total number of supervised classroom hours of instruction that are not hands-on may include online
9 hours, despite the requirement in Rule .0603(b)(4) of this Subchapter.

10 (3) For a student to receive credit in a course that is not hands-on, the student shall attend, in-class or
11 online, 75 percent of the instructional hours of the course and shall also make up missed instructional
12 hours to equal no less than 98 percent of the instructional hours in the course, pursuant to Rule
13 .0620(11) of this Subchapter.

14 (4) Schools shall not be required to revise the Student Enrollment Agreement required by Rule .0629
15 or School Catalog required by Rule .0630 to reflect the exceptions listed in this Rule.

16 (b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.
17

18 History Note: Authority G.S. 86A-22;

19 Emergency Adoption Eff. April 16, 2020.