

NC Rules

Rules are created by the NC Massage Board and can only be changed or added through a defined process of rule-making (See below).

Rules and Regulations of the Board

SECTION .0300 LICENSING

.0303 LICENSE RENEWAL

- (a) Any licensee desiring the renewal of a license shall comply with all continuing education requirements, shall apply for renewal and shall submit the required fee.
- (b) A license that has not been renewed prior to its expiration date is considered expired. An expired license may be reinstated within the first 24 months. All required continuing education for license renewal must be completed before the license is reinstated.
- (c) Licenses expired in excess of 24 months are not renewable. Persons whose licenses have been expired for more than 24 months must apply for a new license.
- (d) Any person whose license has expired and who engages in any massage and bodywork therapy activities governed by the Practice Act will be subject to the penalties prescribed in G.S. 90-634 and G.S. 90-634.1.
- (e) Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the license renewal fee and to complete the continuing education requirement prescribed in 21NCAC 30.0700. A copy of military orders or the extension approval by the Internal Revenue Service must be furnished to the Board. If approved, continuing education acquired during this extended time period shall not be utilized for future renewal purposes.

SECTION .0700 -CONTINUING EDUCATION

.0701 CONTINUING EDUCATION REQUIREMENTS

(a) Pursuant to G.S. 90-632, a licensee, when renewing a license, shall document that they have completed at least 24 contact hours of approved continuing education during the immediately preceding

licensure period, provided the licensure period is two years or more. If the licensure period is less than two years, but more than one year, the licensee shall document that they have completed at least 12 contact hours of approved continuing education.

(b) For the purposes of this Section, "approved continuing education" means a course offered as follows:

(1) by an approved provider as defined in Rule .0702;

(2) a course approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM); or

(3) a course in anatomy, physiology, pathology or business management taken at a post-secondary institution of higher learning.

(c) Distance learning, as defined in Rule .0702 of this Section, shall not comprise more than 12 hours of the required continuing education hours per licensure period.

(d) Licensees shall document that they have completed at least three contact hours of continuing education in professional ethics as defined in Rule .0702 of this Section, out of the minimum of 24 hours of approved continuing education required for license renewal. This may be obtained through supervised classroom instruction or distance learning.

(e) Business management, as defined in Rule .0702 of this Section, shall not comprise more than three hours of the minimum 24 hours of approved continuing education required for license renewal.

(f) Licensees shall ensure that each continuing education course for which they claim credit on their application for renewal of licensure is consistent with the definitions and requirements set forth in this Section.

(g) The Board may audit licensees at random to assure compliance with these requirements.

.0702 CONTINUING EDUCATION DEFINITIONS

The following definitions apply to this Section:

(1)Continuing education. --Learning experiences that enhance and expand the skills, knowledge, and attitudes of massage and bodywork therapists that enable them to render competent professional service to clients, the profession and the public.

(2)Distance learning. --Courses taken by home study that are produced by an approved provider, whether delivered by videotape, audiotape, printed materials, or computer-based means. The licensee shall demonstrate achievement of learning objectives and completion of course requirements to the provider before credit is given.

(3)One "contact hour" of continuing education. --At least 50 minutes of any one clock hour during which the student participates in a learning activity in the physical presence of an instructor, or in a distance learning activity designed by an approved provider. One semester credit hour at a post-secondary institution shall be equivalent to 16 contact hours.

(4)Professional ethics. --A system of conduct guided by principles which are intended to ensure the safe and effective practice of massage and bodywork therapy. Acceptable subject matter for required professional ethics courses may include: compliance with Practice Act and Rules of the Board, management of the client/therapist relationship, boundary functions, professional communication skills, conflict resolution, cultural diversity issues, and standards of practice.

(5)Business management. --Courses that enable the licensee to learn and apply business skills to create a successful professional practice.

(6)Post-secondary institution of higher learning –A degree granting institution accredited by an accrediting agency recognized by the United States Department of Education.

(7)Approved provider. --One that has been granted the designation of "Approved Provider for Continuing Education" by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). The provider shall have this designation

when the course begins and shall maintain this designation continuously until the course is completed. The Board does not recognize any retroactive designation of provider approval. Except as herein stated, the provider shall follow all regulations set forth by its accrediting agency. The Board may also recognize a verifiable continuing education provider outside the United States or its territories that is a post-secondary institution of higher learning approved by the educational regulation authority of that foreign country.

SECTION .0800 RULES

.0801 PETITIONS FOR ADOPTION, AMENDMENT OR REPEAL OF RULES

(a)The procedure for petitioning the Board to adopt, amend, or repeal a rule and for the Board's response is governed by G.S. 150B-20. *[See insert below.]*

(b)Rule-making petitions shall be sent to the Board. No special form is required, but the petitioner shall state his or her name and address. The petition shall include:

- (1)A draft of any proposed rule or amendment to a rule;
- (2)The reason for the proposal;
- (3)The effect of the proposal on existing rules or decisions;
- (4)Any data supporting the proposed rule change;
- (5)Practices likely to be affected by the proposed rule change;
- (6)Persons likely to be affected by the proposed rule change.

.0802

RULE MAKING NOTICE AND PUBLIC HEARING

(a)Any person who wishes to receive individual notice of agency rule making shall file a written request with the Board and shall be responsible for the actual cost of printing and mailing said notice.

(b)Any public rule-making hearing shall be conducted by the Board Chair or by any person he or she may designate. The presiding officer shall have control of the hearing, including

setting limits on oral presentations, and shall conduct the hearing so as to provide a reasonable opportunity for any interested person to present views, data and comments0803

DECLARATORY RULINGS

(a)The issuance of declaratory rulings by the Board is governed by G.S. 150B-4.

(b)A request for a declaratory ruling shall be in writing and addressed to the Board. The request shall contain the following information:

- (1)The name and address of the person making the request;
- (2)The statute or rule to which the request relates;
- (3)A concise statement of the manner in which the person has been, or may be aggrieved by the statute or rule; and
- (4) A statement as to whether a hearing is desired, and if desired, the reason therefore.

(c)The Board shall refuse to issue a declaratory ruling under the following circumstances:

- (1)When the Board has already made a controlling decision on substantially similar facts in a contested case;
- (2)When the facts underlying the request for a ruling on a rule were specifically considered at the time of the adoption of the rule in question; and
- (3)When the subject matter of the request is involved in pending litigation in North Carolina.