

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 30 – BOARD OF MASSAGE AND BODYWORK THERAPY

Rule-making Agency: *Board of Massage and Bodywork Therapy*

Rule Citation: *21 NCAC 30 .0704, .0804*

Effective Date: *June 30, 2020*

Findings Reviewed and Approved by the Codifier: *June 22, 2020*

Reason for 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. On March 12, 2020, the Governor of North Carolina and the NC Department Health and Human Services recommended high risk persons stay at home, the 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 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.*

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.

*History Note: Authority G.S. 90-626(9); 150B-19(6);
Emergency Adoption Eff. June 30, 2020.*

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.

*History Note: Authority G.S. 90-626(9); 150B-19(6);
Emergency Adoption Eff. June 30, 2020.*