



PROPOSED TEMPORARY RULE FOR PUBLICATION ON THE OAH WEBSITE

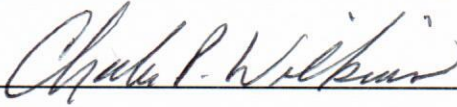
OFFICE USE ONLY

Published on the OAH website:

CHECK APPROPRIATE BOX:

- Proposed Temporary Rule [G.S. 150B-21.1(a3)]
- Proposed Temporary Rule simultaneously adopted as an emergency rule [G.S. 150B-21.1A(a)]

1. Rule-Making Agency: North Carolina Board of Massage and Bodywork Therapy
2. Proposed Action -- Mark the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action: <input checked="" type="checkbox"/> ADOPTION: 21 NCAC 30 .0636 <input type="checkbox"/> AMENDMENT: <input type="checkbox"/> REPEAL:
3. Public Hearing: Date: April 23, 2020 Time: 10:30 a.m. Location: Via conference call - Dial in number: 1-510-338-9438, Access code: 294 680 555
4. Reason for agency adopting rule(s) under temporary action: <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: 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. The massage and bodywork therapy schools and programs have given the Board notice that they have closed or would like to allow their students to continue to receive education. The Board proposes to eliminate rules that would prevent schools from being able to offer online classes during a state of emergency. Without this approach, some schools may go out of business because they cannot offer classes and receive income.

5. Comments from the public shall be directed to: Name: Charles P. Wilkins Address: PO Box 2539 Raleigh, NC 27602 Phone (optional): 919-546-0050 Fax (optional): E-Mail (optional): cwilkins@bws-law.com	
6. Comment Period Starts: April 8, 2020	Comment Period Ends: May 20, 2020
7. Rule-making Coordinator: Charles P. Wilkins Address: PO Box 2539 Raleigh, NC 27602 Phone: 919-546-0050 E-Mail: cwilkins@bws-law.com Agency contact, if any: Elizabeth Kirk Phone: 919-546-0050 E-mail: admin@bmbt.org	8. The Agency formally proposed the text of this rule(s) on Date: April 8, 2020 9. Signature of Agency* Head or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Charles P. Wilkins Title: Rule-Making Coordinator

1 21 NCAC 30 .0636 is adopted under temporary 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