Filed Oct 23, 2026 Office of Administrative Hearings

# NOTICE OF TEXT
## [Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

**VOLUME:** 41

**ISSUE:** 10

**CHECK APPROPRIATE BOX:**

[X] **Notice with a scheduled hearing**

[ ] **Notice without a scheduled hearing**

[ ] **Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.**
**Previous publication of text was published in Volume: Issue:**

**1. Rule-Making Agency:** Board of Massage and Bodywork Therapy

**2. Link to agency website pursuant to G.S. 150B-19.1(c):** https://bmbt.org/mtpages/news.html

**3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:**

[ ] **ADOPTION:**

[ ] **AMENDMENT:**

[ ] **REPEAL:**

[X] **READOPTION with substantive changes:** 21 NCAC 30 .0509, .0515, .0602, .1005, .1011

[X] **READOPTION without substantive changes:** 21 NCAC 30 .0101-.0102, .0201-.0206, .0301-.0303, .0306, .0401-.0405, .0501-.0508, .0510-.0514, .0601, .0603-.0604, .0607-.0636, .0701-.0704, .0801-.0803, .0901-.0905, .1001-.1004, .1006-.1010, .1012-.1014

[ ] **REPEAL through READOPTION:**

**4. Proposed effective date:** 04/01/2027

**5. Is a public hearing planned?** Yes

**If yes:**

| Date | Time | Location |
|---|---|---|
| 12/10/2026 | 10:00am | GlenLake One, 4140 ParkLake Avenue, Raleigh, NC 27612; 4th Floor Conference room |

**6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:**

**7. Explain Reason For Proposed Rule(s):**
These rules are being submitted for readoption as part of the periodic review process.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: Elizabeth Kirk
Address: 4140 ParkLake Avenue, Suite 100
Raleigh, NC 27612
Phone (optional):
Fax (optional):
EMail (optional) admin@bmbt.org

**10. Comment Period Ends:** 01/15/2027

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Charles Wilkins
919-833-2752
cwilkins@bws-law.com

**Agency contact, if any:**

Name: Elizabeth Kirk
Phone: 919-546-0050
Email: admin@bmbt.org

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** 10/15/2026

21 NCAC 30 .0509 is proposed for readoption with substantive changes as follows:

**21 NCAC 30 .0509 SEXUAL ACTIVITY PROHIBITED**

To preserve the safety and integrity of the therapeutic relationship, the following requirements shall apply during the period from the beginning to the end of the ~~client/therapist relationship, and continue for six months after the termination of such~~ client-therapist relationship. Licensees shall:

(1) not engage in sexual activity, as defined in Rule .0508, between the licensee and the client, whether such activity is consensual or otherwise;

(2) not engage in or permit any person or persons to engage in sexual activity with a client in a location where the practice of massage and bodywork therapy is conducted;

(3) not use such location to make arrangements to engage in sexual activity with a client in any other place; and

(4) define the boundaries of the professional relationship in the event that the client initiates or asks the licensee to engage in sexual activity.

*History Note:* *Authority G.S. 90-626(9);*
*Eff. September 2, 2005;*
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, ~~2014.~~ 2014;*
*Amended Eff. April 1, 2027.*

21 NCAC 30 .0515 is proposed for readoption with substantive changes as follows:

**21 NCAC 30 .0515 CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS**

(a) Licensees with actual knowledge shall report to the Board any and all charges of the following criminal offenses, whether committed by themselves or by other licensees:

(1) Felonies;

(2) Crimes that involve moral turpitude;

(3) Alcohol or drug-related offenses;

(4) Sexual-related offenses; ~~and~~

(5) ~~Assault.~~ Assault; and

(6) Battery.

(b) Licensees with actual knowledge shall report to the Board any and all convictions of, or pleas of guilty or no contest to the following criminal offenses, whether committed by themselves or by other licensees:

(1) Felonies;

(2) Crimes that involve moral turpitude;

(3) Alcohol or drug-related offenses;

(4) Sexual-related offenses; ~~and~~

(5) ~~Assault.~~ Assault; and

(6) Battery.

(c) Licensees ~~are under a duty to~~ shall report to the Board if they are named as a defendant in a civil suit ~~arising out of~~ related to a licensee's practice of massage and bodywork therapy.

(d) Licensees shall report a charge, conviction, or plea in a criminal case, or involvement as a defendant in a civil suit, as set forth in Paragraphs (a), (b), or (c) of this Rule, within 30 days after it occurs.

*History Note:* *Authority G.S. 90-626(9);*
*Eff. September 2, 2005;*
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, ~~2014.~~ 2014;*
*Amended Eff. April 1, 2027.*

21 NCAC 30 .0602 is proposed for readoption with substantive changes as follows:

**21 NCAC 30 .0602 DEFINITIONS**

In addition to the definitions in G.S. 90-622, the following definitions shall apply to this Section:

(1) ~~Accredited –~~ Accredited. -- means "accreditation" as defined in G.S. 90-622(1).

(2) Additional location. -- A facility not part of, nor adjoining the facility of an approved school, where an approved school is offering or intends to offer a program. Each separate facility location is considered a separate school, requiring a new Application for School Approval to be submitted to the Board in accordance with Rule .0632 of this Chapter.

(3) Additional program. -- A program that is of a different title, subject matter, or that increases or decreases by more than 10 percent the number of hours of instruction than the program under which the school received its initial approval from the Board. An approved school that intends to offer an additional program shall submit an Application for Additional Program Approval to the Board in accordance with Rule .0633 of this Chapter.

(4) ~~College –~~ College. -- A postsecondary school of higher education that awards an Associate degree or higher.

(5) Instructor. -- A person who meets the qualifications set forth in Rule .0612 who is responsible for delivering course content according to curricula established by the school, and who is responsible for managing the classroom environment.

(6) Key administrative staff. -- The school's program director, director of education, and other administrative staff members who direct ~~areas such as~~ operations, admissions, financial aid, placement, or student services.

(7) Knowledge, Skills, and Attitudes. – The framework that defines the three core components that form overall competency and readiness to engage in the practice of massage and bodywork therapy. "Knowledge" refers to the theoretical and factual understanding of concepts, information, principles, and procedures. "Skills" refers to practical ability and proficiency. "Attitudes" refers to the internal values, emotional intelligence, behaviors, and dispositions that shape how a massage and bodywork therapist will interact with clients and colleagues.

~~(7)~~(8) Massage and bodywork therapy school. – -- A postsecondary school of higher education that conducts a ~~program,~~ Program, as defined in this Rule, for a tuition charge. Such institutions may be organized as proprietary schools that are privately owned and operated by a sole proprietor, partnership, corporation, association, or other entity; or may be post-secondary colleges or universities, whether publicly or privately owned.

~~(8)~~(9) One classroom hour of supervised instruction. -- At least 50 minutes of any one clock hour during which the student participates ~~in a learning activity~~ in the physical presence of a member of the school's instructional staff.

~~(9)~~(10) One year of professional experience. -- In determining the qualifications of administrative or instructional staff members, at least 500 hours of documented work in the ~~professional job responsibility or~~ subject area in a given year.

~~(10)~~(11) Program. -- A course of study or curriculum consisting of a specified number hours of instruction consistent with the standards set forth in Rule .0620 that is intended to teach the knowledge, skills, ~~skills~~ and attitudes ~~knowledge~~ necessary for the professional practice of massage and bodywork therapy, as defined in G.S. 90-622(3). Each program of a specified number of instructional hours shall be considered a separate program for the purposes of Board approval, and shall require a separate application for approval.

~~(11)~~(12) Student enrollment. -- The total number of students at an approved school in a designated fiscal year who have begun a program for which they have registered and paid ~~a fee~~ tuition for that fiscal year, and who have completed more than 15 percent of such program.

~~(12)~~(13) Teaching assistant. -- A person who meets the qualifications set forth in Rule .0612, who is in the classroom to support the role of the instructor, and who may provide instruction to students only in the presence of and under the direct supervision of the instructor.

*History Note:* *Authority G.S. 90-626(9); 90-631;*
*Temporary Adoption Eff. February 15, 2000;*
*Temporary Adoption Eff. April 1, 2001 replaces the Temporary Adoption Eff. February 15, 2000;*
*Eff. August 1, 2002;*
*Amended Eff. August 1, 2009; October 1, 2007;*
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014;*
*Amended Eff. April 1, ~~2017.~~ 2017;*
*Amended Eff. April 1, 2027.*

21 NCAC 30 .1005 is proposed for readoption with substantive changes as follows:

**21 NCAC 30 .1005 CLIENT RECORDS RETENTION AND OWNERSHIP**

(a) Records shall be maintained by the establishment or the LMBT in compliance with Rules .0504 and .0505 of this Chapter.

(b) Records stored electronically shall be maintained with a weekly back-up system.

~~(c) Client records are the property of the:~~

~~(1) Establishment; or~~

~~(2) LMBT, when working at an establishment.~~

~~(d)~~ (c) Release of Records:

(1) Client records shall be released within 30 days from being requested and authorized by the client in writing or when compelled by law or rule; and

(2) The establishment or LMBT may charge cost for duplicating client records pursuant to G.S. 90-411.

*History Note:* *Authority G.S. 90-632.13(3);*
*Eff. November 15, ~~2019.~~ 2019;*
*Amended Eff. April 1, 2027.*

21 NCAC 30 .1011 is proposed for readoption with substantive changes as follows:

**21 NCAC 30 .1011 CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS**

(a) Establishment licensees shall report to the Board any charges, convictions of, or pleas of guilty or no contest to the following criminal offenses, whether committed by themselves, employees, independent contractors, or by other licensees:

(1) felonies;

(2) crimes that involve moral turpitude;

(3) alcohol or drug-related offenses;

(4) sexual-related offenses; ~~and~~

(5) ~~assault.~~ assault; and

(6) battery.

(b) Establishment licensees shall report to the Board if they are named as a defendant in a civil suit arising out of a licensee's practice of massage and bodywork therapy or out of the practice of massage and bodywork therapy by any employee or independent ~~contractor.~~ contractor of his or her establishment.

(c) Establishment licensees shall report a charge, conviction, or plea in a criminal case, or involvement as a defendant in a civil suit, as set forth in Paragraphs (a) or (b) of this Rule, within 30 days after the licensee obtains ~~knowledge.~~ knowledge of such event.

*History Note:* *Authority G.S. 90-626(9); 90-626(9)b.2; 90-632.10; 90-632.15(a)(5); 90-632.17; 90-632.18; 90-633(a)(6); 90-634(b3);*
*Eff. November 15, ~~2019.~~ 2019;*
*Amended Eff. April 1, 2027.*