

March 21, 2007

S 1314. AMEND MESSAGE & BODYWORK THERAPY ACT. Filed 3/21/07. AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY; AND TO AMEND THE EXISTING LAWS REGARDING ADULT ENTERTAINMENT.

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Cowell.

GS 14, 90, 114

March 22, 2007

S 1314. AMEND MESSAGE & BODYWORK THERAPY ACT. Filed 3/21/07. AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY; AND TO AMEND THE EXISTING LAWS REGARDING ADULT ENTERTAINMENT.

Amends GS 90-622, the definition section of the Massage and Bodywork Therapy Practice Act, to clarify that the practice of massage and bodywork therapy does not include any type of sexual activity. Also makes conforming changes to GS 14-202.10 and 14-202.11 to provide that massage and bodywork therapy cannot be practiced in an adult establishment or an adult bookstore. Makes numerous other changes to the Massage and Bodywork Therapy Practice Act including (1) increasing maximum fees for application and licensing procedures, (2) requiring applicants for licensure to submit to criminal history background checks, (3) allowing licensure by endorsement for therapists coming to North Carolina from other states, and (4) clarifying continuing education requirements for therapists. Adds new Article 36 to GS Chapter 90 to give the Board of Massage and Bodywork Therapy authority to regulate massage and bodywork therapy schools. Specifies an approval process for schools as well as a process for suspension or revocation of approval, sets maximum fees that can be charged in the approval process and makes it a Class 1 misdemeanor for anyone to operate a school without obtaining Board approval.

Intro. by Cowell.

GS 14, 90, 114

July 11, 2007

S 1314. AMEND MESSAGE & BODYWORK THERAPY ACT. Filed 3/21/07. Senate committee substitute makes the following changes to 1st edition. Amends GS 90-622 to add the definition of *massage and bodywork therapy school*, which has been moved from proposed new GS 90-637, and removes the proposed amendment to the definition of *massage and bodywork therapy*. Moves the proposed new provision enumerating activities that are not included in the practice of massage and bodywork therapy from GS 90-622 to GS 90-623. Extends the current terms of the two members of the NC Board of Massage and Bodywork Therapy (board) that were appointed upon recommendation of the Senate President Pro Tem. to a total of five years, and provides that after these five-year terms, future members serve three-year terms. Amends GS 90-626 to give the board the power to approve massage and bodywork therapy schools. Modifies proposed GS 90-634(b2) to reduce the charge from a Class 1 misdemeanor to a Class 3 misdemeanor for advertising a massage and bodywork therapy school without having obtained board approval. Modifies proposed new GS 90-637.1 to clarify that the opening, operation, or advertising of a massage and bodywork therapy school is not allowed unless it has complied with the requirements of the article and rules adopted by the board, and has been approved by the board.

Modifies proposed new GS 90-637.2 to remove the requirement that the schools pay for travel, lodging, and subsistence expenses related to an inspection. Modifies proposed new GS 90-637.3 to remove the reference to a massage and bodywork therapy program. Deletes the proposed amendments to the definitions in GS 14-202.10 and to GS 14-202.11(a), which would have prohibited massage and bodywork therapy in an adult establishment. Changes the effective date from when the act becomes law to October 1, 2007. Makes technical changes. Conforms the title.

July 26, 2007

S 1314. AMEND MASSAGE & BODYWORK THERAPY ACT. Filed 3/21/07. Senate committee substitute makes the following changes to 2nd edition. Corrects terminology in proposed GS 90-629(6) and GS 90-638(b).

July 2, 2008

S 1314. AMEND MASSAGE & BODYWORK THERAPY ACT. Filed 3/21/07. House committee substitute makes the following changes to 3rd edition. Deletes proposed new GS 90-637 (authority to regulate massage and bodywork therapy schools) and inserts its proposed language into other sections of the act as follows: (1) amends GS 90-626 to add a new subdivision to include the power and duties of the Board of Massage and Bodywork Therapy (Board), (2) amends GS 90-631 to add a new subsection to set forth the Board's supervision authority and the standards required for maintenance of schools and (3) adds new language to proposed revised GS 90-631(a) to provide that each location offering training programs constitutes a separate school.

Amends GS 90-622 to (1) remove the specified crimes from the definition of *criminal history record check* and (2) delete the term *jurisdiction*.

Modifies proposed revisions to fees set forth in GS 90-628(b) to (1) restore the \$150 initial license fee (was, increased to \$300 in the previous edition); (2) rename *application for examination* to *application for license* and decrease the fee to \$20 (was, increased from \$200 to \$300 in the previous edition); (3) remove a proposed \$25 fee for an application packet; (4) remove the existing \$50 license by reciprocity fee (was, changed to *license by endorsement* with an increased fee of \$300 in the previous edition), and (5) restore the \$100 license renewal fee (was, increased to \$200 in the previous edition).

Renumbers proposed new sections in Article 36 of GS Chapter 90 and makes changes as follows: (1) enacts a new GS 90-629.1 (was, GS 90-638) and makes conforming technical changes, (2) enacts new GS 90-631.1 (was, GS 90-637.1) and makes a technical change, (3) enacts a new GS 90-631.2 (was, GS 90-637.2), removes the requirement that the fees established by the Board for approvals and renewals be *reasonable*, and limits the frequency of renewal inspections by the Board to no more than every three years unless necessary, and (4) enacts a new GS 90-631.3 (was, GS 90-637.3).

Amends proposed revised GS 90-634.1 to clarify that the continuation of an act for which a penalty is imposed is not a basis for an additional penalty *unless the penalty is imposed against the same party who has repeated the same act for which the discipline has previously been imposed*. Allows the Board to assess the costs of transcription for a disciplinary hearing.

Reorganizes sections and makes technical changes throughout.

Changes the effective date from October 1, 2007, to when the act becomes law.

July 7, 2008

S 1314. AMEND MASSAGE & BODYWORK THERAPY ACT. Filed 3/21/07. House amendment makes the following changes to 4th edition. Adds a December 1, 2008, effective date, as applied to offenses committed on or after that date, for the proposed revisions to GS 90-634, which make it unlawful to open, operate, or advertise a massage and bodywork therapy school without first obtaining approval. Provides that prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

August 20, 2008

SL 2008-224 (S 1314). AMEND MASSAGE AND BODYWORK THERAPY ACT. AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY. Summarized in *Daily Bulletin* 3/22/07, 7/11/07, 7/26/07, 7/2/08, and 7/7/08. Enacted August 17, 2008. Section 18 is effective December 1, 2008. The remainder is effective August 17, 2008.