

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 607  
PROPOSED COMMITTEE SUBSTITUTE H607-PCS10426-BCf-16

Short Title: Massage Board Membership.

(Public)

Sponsors:

Referred to:

April 8, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE MASSAGE AND BODYWORK THERAPY BOARD TO  
3 INCLUDE AN ESTABLISHMENT OWNER.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 90-625(a) reads as rewritten:

6 "(a) The North Carolina Board of Massage and Bodywork Therapy is created. The Board  
7 shall consist of ~~seven~~eight members who are residents of this State and are as follows:

- 8 (1) Five members shall be massage and bodywork therapists who have been  
9 licensed under this Article and have been in the practice of massage and  
10 bodywork therapy for at least five of the last seven years prior to their serving  
11 on the Board. Consideration shall be given to geographical distribution,  
12 practice setting, clinical specialty, involvement in massage and bodywork  
13 therapy education, and other factors that will promote diversity of the  
14 profession on the Board. Two of the five members shall be appointed by the  
15 General Assembly, upon the recommendation of the Speaker of the House of  
16 Representatives, two shall be appointed by the General Assembly, upon the  
17 recommendation of the President Pro Tempore of the Senate, and one shall be  
18 appointed by the Governor.
- 19 (2) One member shall be a physician licensed pursuant to Article 1 of Chapter 90  
20 of the General Statutes or a person once licensed as a physician whose license  
21 lapsed while the person was in good standing with the profession and eligible  
22 for licensure. The appointment shall be made by the Governor and may be  
23 made from a list provided by the North Carolina Medical Society.
- 24 (3) One member shall be a member of the general public who shall not be licensed  
25 under Chapter 90 of the General Statutes or the spouse of a person who is so  
26 licensed, or have any financial interest, directly or indirectly, in the profession  
27 regulated under this Article. The appointment shall be made by the Governor.
- 28 (4) One member shall be an individual who is currently licensed to operate a  
29 massage and bodywork therapy establishment under this Article, or if the  
30 Board has not begun to issue any establishment licenses, a current owner of a  
31 massage and bodywork therapy establishment. This appointment shall be  
32 made by the Governor."

33 **SECTION 2.** G.S. 90-628 reads as rewritten:

34 "§ 90-628. Expenses and fees.

35 (a) All salaries, compensation, and expenses incurred or allowed for the purposes of this  
36 Article shall be paid by the Board exclusively out of the fees received by the Board as authorized



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1 by this Article or from funds received from other sources. In no case shall any salary, expense,  
2 or other obligations of the Board be charged against the General Fund.

3 (b) The Board may impose the following fees up to the amounts listed below for a license  
4 to practice massage and bodywork therapy:

5	(1)	Application for license .....	<del>\$20.00</del> <u>\$40.00</u>
6	(2)	Initial license fee .....	<del>150.00</del> <u>300.00</u>
7	(3)	License renewal.....	<del>100.00</del> <u>200.00</u>
8	(4)	Late renewal penalty .....	<del>75.00</del> <u>150.00</u>
9	(5)	Repealed by Session Laws 2008-224, s. 8, effective August 17, 2008.	
10	(6)	Duplicate license .....	<del>25.00</del> <u>50.00</u>
11	(7)	Repealed by Session Laws 2008-224, s. 8, effective August 17, 2008."	

12 **SECTION 3.** G.S. 90-629 reads as rewritten:

13 **"§ 90-629. Requirements for licensure to practice.**

14 Upon application to the Board and the payment of the required fees, an applicant may be  
15 licensed as a massage and bodywork therapist if the applicant meets all of the following  
16 qualifications:

- 17 (1) Has obtained a high school diploma or equivalent.
- 18 (2) Is 18 years of age or older.
- 19 (3) Is of good moral character as determined by the Board.
- 20 (4) Has successfully completed a training program consisting of a minimum of  
21 500-650 in-class hours of supervised instruction at a Board-approved school.
- 22 (5) Has passed a competency assessment examination that meets generally  
23 accepted psychometric principles and standards and is approved by the Board.
- 24 (6) Has submitted fingerprint cards in a form acceptable to the Board at the time  
25 the license application is filed and consented to a criminal history record check  
26 by the North Carolina Department of Public Safety.
- 27 (7) Demonstrates satisfactory proof of proficiency in the English language."

28 **SECTION 4.** G.S. 90-634.1 reads as rewritten:

29 **"§ 90-634.1. Civil penalties; disciplinary costs.**

30 (a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty not in  
31 excess of ~~one two~~ thousand dollars (~~\$1,000~~–\$2,000) for the violation of any section of this  
32 Article or the violation of any rules adopted by the Board. The continuation of the same act for  
33 which the penalty is imposed shall not be the basis for an additional penalty unless the penalty is  
34 imposed against the same party who has repeated the same act for which the discipline has  
35 previously been imposed. The clear proceeds of any civil penalty assessed under this section shall  
36 be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

37 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the Board  
38 shall consider the following factors:

- 39 (1) The nature, gravity, and persistence of the particular violation.
- 40 (2) The appropriateness of the imposition of a civil penalty when considered alone  
41 or in combination with other punishment.
- 42 (3) Whether the violation was willful and malicious.
- 43 (4) Any other factors that would tend to mitigate or aggravate the violations found  
44 to exist.

45 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties  
46 for violations of this Article and rules adopted by the Board.

47 (d) ~~Transcriptions~~ Costs. – The Board may assess ~~the costs of transcriptions of a~~  
48 ~~disciplinary hearing held by the Board or the Office of Administrative Hearings to include the~~  
49 ~~recording of the hearing by a court reporter and transcription of the proceeding~~ investigative and  
50 discipline hearing costs against a person found to be in violation of this Article or rules adopted  
51 by the Board."

1           **SECTION 5.** As enacted by Section 1 of this act, the initial term of office for the  
2 member who is currently licensed to operate a massage and bodywork therapy establishment  
3 under this Article and appointed by the Governor shall begin on July 1, 2019, and shall expire on  
4 June 30, 2022. Consistent with G.S. 90-625(c), subsequent appointees to these positions shall be  
5 appointed for a term of three years, but notwithstanding the appointment for a term of three years,  
6 the member shall serve at the will of the appointing authority.

7           **SECTION 6.** This act is effective July 1, 2019, and applies to persons first licensed  
8 on or after that date. Section 3 of this act is effective July 1, 2019, and applies to individuals first  
9 licensed on or after that date. The remainder of this act is effective July 1, 2019.