

## **CHAPTER 49-01-02 LICENSURE AND FEES**

### Section

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#### **49-01-02-01. Fees.**

The board charges the following fees:

1. To receive a license, one hundred fifty dollars.
2. To renew a license, two hundred dollars. To renew a license after it expires, a late penalty fee of fifty dollars in addition to the two hundred dollar renewal fee.

**History:** Effective January 1, 2001; amended effective January 1, 2005; July 1, 2010; April 1, 2018.

**General Authority:** NDCC 43-25-07, 43-25-08, 43-25-09

**Law Implemented:** NDCC 43-25-07, 43-25-08, 43-25-09

#### **49-01-02-02. License applications.**

To receive a license as a massage therapist, the applicant must complete an application provided by the board and must include the following additional information:

1. Sufficient proof to the board that the applicant has satisfied the educational requirements in article 49-02.
2. Passport size photo.
3. Proof of identity, including documentation of any name previously used by the applicant.
4. Proof of a passing score on a test approved by the board. The test results must be received directly from the organization administering or providing the test.
5. Completion of a jurisprudence examination on laws applicable to massage therapy in North Dakota.

**History:** Effective January 1, 2001; amended effective January 1, 2005; July 1, 2010; January 1, 2017.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 43-25-07, 43-25-09

#### **49-01-02-03. Expired licenses.**

1. A massage therapy license is issued on a biennial basis and expires if the required renewal fee has not been paid and continuing education credit-hours have not been submitted by the renewal date.
2. Practicing massage after a massage therapist's license has expired constitutes the unauthorized practice of massage. Practicing massage under an expired license is a violation of North Dakota Century Code section 43-25-03 and is grounds for disciplinary action by the board under North Dakota Century Code section 43-25-10.

3. A license that has expired may be renewed within two years from the date of expiration upon payment of the applicable fees and submitting proof of continuing education hours. The fee will not be prorated for any period during which the license was expired.
4. A licenseholder shall notify the board of any change in the licenseholder's name, mailing address, business address, name of the licenseholder's places of business, and phone number, within sixty days after the change occurs. Failure to notify the board may result in disciplinary action.

**History:** Effective January 1, 2001; amended effective July 1, 2010; January 1, 2017; April 1, 2018.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 43-25-03, 43-25-09

#### **49-01-02-04. Grounds for discipline.**

A licensed massage therapist may be subject to disciplinary action by the board for any of the grounds authorized in North Dakota Century Code chapter 43-25, including:

1. Failure by the licensee to identify himself or herself before beginning the massage;
2. Failure as an instructor to provide sufficient supervision of massage by students; or
3. Commission of one or more acts which indicate the licensee lacks good moral character and is therefore ineligible to be licensed by the board, including:
  - a. Engaging in criminal conduct involving the client as a victim.
  - b. Initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a current massage client of the licensee, even if the client attempts to sexualize the relationship.
  - c. Consuming alcohol while providing massage services or with a client in a massage establishment.
  - d. Intentionally viewing a completely or partially disrobed client, or disregarding proper draping procedures in the course of treatment if the viewing is not legitimately related to treatment under current practice standards.
  - e. Having had a license revoked or suspended, or other disciplinary action taken, or an application for licensure refused, revoked, or suspended by the proper authorities of another state, territory, or country.
  - f. Failing to report to the board when there is direct knowledge of any unprofessional, incompetent, or illegal acts that appear to be in violation of North Dakota Century Code chapter 43-25 or any rules established by the board.
  - g. Failure to apply massage based on current standards of practice, such as those provided by professionally or nationally recognized massage therapy organizations.

**History:** Effective January 1, 2001; amended effective July 1, 2010; January 1, 2017.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 43-25-07, 43-25-10

#### **49-01-02-05. Continuing education.**

1. To renew a license as a massage therapist, the licenseholder must attest the licenseholder has obtained the required number of continuing education hours as outlined in North Dakota Century Code section 43-25-09, which may include proof of the date, time, and location of the

instruction, the name of the program or course, the instructor or instructors, and the provider of the program or course.

2. To qualify as continuing education under this section, the instruction must be offered by a qualified instructor and be directly related to the practice of massage therapy. The course of instruction must be approved by the board. The licenseholder or provider must identify the instructor of the course and describe the qualifications of the instructor, the topics covered during the course, and the total hours for which the licenseholder seeks approval. When deciding whether to approve continuing education, the board will consider the credentials of the provider and instructor. The board also will determine if the content of the course is appropriate for continuing education of massage therapy.
3. Continuing education may be obtained by remote means pursuant to board approval.
4. Continuing education hours must be earned in the two years prior to renewal and no hours may be carried over into the next two-year period.
5. For college credits to qualify as continuing education, the instruction must meet the above requirements and must be directly related to the practice of massage therapy as approved by the board.

**History:** Effective January 1, 2001; amended effective January 1, 2005; July 1, 2010; January 1, 2017; April 1, 2018.

**General Authority:** NDCC 43-25-09

**Law Implemented:** NDCC 43-25-09