

## ARTICLE 49-01

### GENERAL ADMINISTRATION

Chapter	
49-01-01	Organization of Board
49-01-02	Licensure and Fees

#### CHAPTER 49-01-01 ORGANIZATION OF BOARD

Section	
49-01-01-01	Organization of Board of Massage

##### **49-01-01-01. Organization of board of massage.**

1. **History and function.** The 1959 legislative assembly passed the Massage Registration Act, codified as North Dakota Century Code chapter 43-25. This chapter requires the governor to appoint the board of massage. The board, generally speaking, monitors the relationship and interaction between the licenseholder and the public. It is the responsibility of the board to protect the public against poorly trained massage therapists.
2. **Board membership.** The board consists of three massage therapist members and two consumer members appointed by the governor. The massage therapist members serve three-year terms and the consumer members serve two-year terms, and not more than one term in each category expires each year.
3. **Secretary-treasurer.** The secretary-treasurer of the board is appointed by the board and is responsible for administration of the board's activities.
4. **Inquiries.** Inquiries regarding the board may be addressed to:

Ms. Karen Wojahn  
State Board of Massage  
P.O. Box 218  
Beach, ND 58621

**History:** Amended effective May 1, 1988; February 1, 1993; January 1, 2001; January 1, 2005.

**General Authority:** NDCC 28-32-02.1

**Law Implemented:** NDCC 28-32-02.1, 43-25-05

**Chapter 49-01-02  
LICENSURE AND FEES**

Section	
49-01-02-01	Fees
49-01-02-02	License Applications
49-01-02-03	Expired Licenses
49-01-02-04	Grounds for Discipline
49-01-02-05	Continuing Education

**49-01-02-01. Fees.** The board charges the following fees:

1. To receive a license, one hundred fifty dollars.
2. To renew an annual license, ~~fifty~~ one hundred dollars. This fee must be paid on or before January first of each year. To renew an annual license after January first, one hundred dollars, in addition the licensee may be subjected to disciplinary action.
3. To retake an examination within six months of the initial failure to pass the board's examination, fifty dollars.

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

**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 education requirements in article 49-02.
2. A copy of the applicant's high school diploma or proof of equivalent education.
3. A statement from a license physician, written in the last year, that the applicant is free of signs or symptoms of contagious diseases or that the applicant has been trained in taking sufficient precautions to prevent the spread of communicable diseases.
4. Passport size photo.

The application and additional information must be postmarked or actually received by the secretary-treasurer at least thirty days before the examination date in order for the applicant to take the examination.

**History:** Effective January 1, 2001; amended effective January 1, 2005

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

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

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

1. A license as a massage therapist is issued on an annual basis. A license expires on January first if the required renewal fee has not been paid on or by that 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 the board to refuse to renew the person's license under subsection 3.
3. A license that has expired may be renewed within one year from the date of expiration upon payment of the required renewal fee and submitting current continuing education hours. The fee will not be prorated for any period during which the license was expired.
4. An application for renewal of a license more than one year after the license expired will be considered an application for initial licensure; this requirement includes passing the current licensing exam and meeting all other licensing requirements.
5. A license holder shall notify the board of any change in the license holder's name or mailing address, or of any change in the physical address of one of the license holder's places of business, within sixty days after the change occurs. Failure to notify the board may result in disciplinary action.

**History:** Effective January 1, 2001.

**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 therapists 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 and failure to provide sufficient supervision of massage by students; or
2. 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; and
  - 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 professional setting including a massage establishment. A professional setting means an area where the environment is set up with equipment and supplies for providing massage.

**History:** January 1, 2001.

**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 license holder must submit sufficient proof to the board of completion of ~~at least eighteen hours of continuing education within the last year~~ every two years including 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 in advance 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. Any continuing education is required to be preapproved by the board. When deciding whether to approve continuing education, the board will consider the quality and reputation of the provider and instructor, including consideration whether the provider or instructor is nationally recognized or accredited in the field of education of massage therapy or the specific subject being taught, and whether the instructor has the education and other requirements to teach the subject for credit as contained in section 49-02-02-02. Further, the board must determine whether the content of the course is appropriate for continuing education of massage therapy.
3. Continuing education of ~~up to six hours per year~~ may be obtained by remote means such as telephone, internet, correspondence course, or videotape. Any remote continuing education is required to be preapproved by the board. When deciding whether to approve remote continuing education the board will consider the quality and reputation of the provider and instructor, including consideration whether the provider or instructor is nationally recognized or accredited in the field of education of massage therapy or the specific subject being taught, and whether the instructor has the education and other requirements to teach the subject for credit as contained in section 49-02-02-02. Further the board must determine whether the content of the course is appropriate for continuing education of massage therapy and whether the topic is suitable for training by remote means, such as ethics or business practices. The board may also consider whether the provider has adopted a procedure or method to determine that the license holder has actually reviewed the materials, such as by testing or other methods.

**History:** Effective January 1, 2001; amended effective January 1, 2005

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

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

## ARTICLE 49-02

### EDUCATIONAL REQUIREMENTS FOR LICENSURE

#### Chapter

49-02-01 General Education Requirements

49-02-02 Classroom Instruction

49-02-03 Practical Instruction and Supervision of Students

#### CHAPTER 49-02-01

#### GENERAL EDUCATION REQUIREMENTS

#### Section

49-02-01-01 Hours of Instruction

49-02-01-02 Location of Instruction

49-02-01-03 Eligible Instruction

49-02-01-04 Liaison

##### **49-02-01-01. Hours of instruction.**

1. To be eligible for a license as a massage therapist, an applicant must present a diploma or credentials issued by one or more schools of massage which indicate a cumulative total of seven hundred and fifty hours of supervised instruction as determined under this article. ~~or a total of five hundred hours for students who were enrolled in a school of massage on or before April 8, 1999.~~
2. As used in this article, a "clock-hour" or hour of classroom or practical instruction means a sixty-minute block of time consisting of a minimum of fifty minutes of instruction with appropriate breaks.
3. ~~The instruction received by the applicant must cover the elements of massage therapy, technique, and practice which include gliding strokes, kneading, direct pressure, deep friction, superficial warming techniques, percussion, compression (pumping), vibration, jostling, shaking, and rocking.~~
4. ~~The instruction received by the applicant must include elements of contraindications, benefits of massage, universal precautions, body mechanics, business, history, ethics, legalities of massage, and professional standards regarding draping and modesty.~~
5. ~~This article does not apply to applicants who were enrolled in a school of massage on the effective date of this article.~~

**History:** Effective January 1, 2001.

**General Authority:** NDCC 28-32-02, 43-25-07

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

**49-02-01-02. Location of instruction.** The education requirements in this article may be satisfied by instruction provided at a single school of massage or by attendance at more than one school, as long as the hours of total instruction provided to the student are not redundant and satisfy the other requirements in this article. An applicant shall submit a diploma or other credentials from each school attended.

**History:** Effective January 1, 2001.

**General Authority:** NDCC 28-32-02, 43-25-07

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

**49-02-01-03. Eligible instruction.** Unless waived by the board for good cause, instruction must be provided within the five years immediately preceding the date of the license application to be counted toward the total hours of instruction.

**49-02-01-04. Liaison.** Each Massage School in the state of ND shall designate one full time massage therapist faculty person in the state, who shall be the liaison to the board. Out of state schools may select to have a liaison to the board. The individual selected must have the authority to maintain curriculum in compliance with North Dakota Law.

**History:** Effective January 1, 2001

**General Authority:** NDCC 28-32-02, 43-25-07

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

**CHAPTER 49-02-02  
CLASSROOM INSTRUCTION**

Section

49-02-02-01 Hours of Classroom Instruction

49-02-02-02 Eligible Classroom Instruction

49-02-02-03 Required Curriculum

**49-02-02-01. Hours of classroom instruction.** The required seven hundred fifty total hours of supervised instruction required under this article must include at least four hundred fifty ~~hours of classroom instruction as determined under this chapter. "Hours of classroom instruction" means actual hours in attendance in class under supervised instruction in the presence of an instructor.~~ required hours of classroom instruction as stated under section 49-02-02-03, Required Curriculum. "Required hours of class room instruction" means actual hours in attendance in class under supervised instruction in the presence of an instructor, including synchronous or live remote education. Other classes may be through asynchronous remote education.

**History:** Effective January 1, 2001.

**General Authority:** NDCC 28-32-02, 43-25-07

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

**49-02-02-02. Eligible classroom instruction.**

1. Except as otherwise provided in this section or waived by the board for good cause, ~~classroom instruction under this chapter must be provided by a licensed massage therapist at a recognized and approved school of massage and credit may not be given for prior educational instruction. In order to teach, in North Dakota the licensed massage therapist must have at least three years of licensed, hands-on experience as a massage therapist, hold a current North Dakota License and be in good standing with the Board.~~
2. An instructor of anatomy, physiology, ~~neurology,~~ or pathology is not required to be a licensed massage therapist, ~~but must have earned a recognized postgraduate degree or higher in the field of study in which the instructor is providing instruction. Masters degree or higher, in an appropriate field of study. Instructors of first aid, hygiene, CPR, business practice or ethics must have appropriate credentials, but need not be licensed massage therapists.~~
3. A school of massage may give a student credit for prior educational instruction which was provided by a postsecondary institution. To receive credit, the prior instruction must have been provided by a

qualified instructor within the five-year period immediately preceding the date of the application for licensure. The maximum credit for prior instruction which may be given under this subsection is provided in subsection 4 of section 49-02-02-03.

4. Correspondence courses are not recognized by the board under this section.

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

**General Authority:** NDCC 28-32-02, 43-25-07

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

**49-02-02-03. Required curriculum.**

1. The supervised required hours of classroom instruction received by an applicant must satisfy the following curriculum requirements:
  - a. At least one hundred fifty hours of anatomy and physiology. ~~and neurology, including sixty hours of anatomy, sixty hours of physiology, and thirty hours of neurology.~~
  - b. At least forty-five hours of pathology.
  - c. At least ninety hours of kinesiology, including origin, insertion, action, and innervation.
  - d. At least, but not more than, ten hours of first aid, hygiene, and CPR. At the time of graduation, the applicant must hold a valid current CPR card certified by a nationally recognized organization to provide ~~first aid and~~ CPR instruction.
  - e. At least thirty hours of business practices and ~~thirty hours of~~ professional ethics.
2. Each hour of instruction may be applied to only one of the above categories.
3. To be counted under this section, the instruction must reflect current scientific knowledge and standards.
4. The number of classroom hours specified in subdivisions a through c of subsection 1 also is the maximum amount of prior education credits in each subject which may be given under section 49-02-02-02. The remaining ~~ninety-five~~ one hundred twenty-five hours must include ~~a majority of hours in massage therapy, technique, indications, and contraindications.~~ elements of contraindications.

benefits of massage, universal precautions, body mechanics, business, history, ethics, legalities of massage, and professional standards regarding draping and modesty.

5. Hours of instruction for programs which measure their instruction in credit hours per semester or per quarter shall be determined as follows:
  - a. For semester credits, fifteen clock-hours of lecture equals one credit hour and thirty clock-hours of practical instruction (clinical or lab) equals one credit hour.
  - b. For quarter credits, ten clock-hours of lecture equals one credit hour and twenty clock-hours of practical instruction (clinical or lab) equals one credit hour.

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

**General Authority:** NDCC 28-32-02, 43-25-07

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

**CHAPTER 49-02-03  
PRACTICAL INSTRUCTION AND SUPERVISION OF STUDENTS**

Section

49-02-03-01 Hours of Practical Instruction

49-02-03-02 Direct Supervision of Students

49-02-03-03 Required Curriculum

**49-02-03-01. Hours of practical instruction.** The seven hundred fifty total hours of supervised instruction required under this article must include at least three hundred hours of practical instruction. "Hours of practical instruction" means actual hours of providing massage to another person, or receiving massage from a fellow student, under the direct supervision of a licensed massage therapist. In order to provide direct supervision, the licensed massage therapist must have at least three years of licensed, hands-on experience as a massage therapist.

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

**General Authority:** NDCC 28-32-02, 43-25-07

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

**49-02-03-02. Direct supervision of students.** As used in this chapter and in North Dakota Century Code chapter 43-25, "direct supervision of a licensed massage therapist" has the following meaning:

1. For a student receiving practical instruction in the classroom setting, the supervising massage therapist must be in the same room as the student at all times during the massage. A massage therapist may supervise up to eight massages at a time (sixteen students) under this subsection.
2. For a student receiving practical instruction through field experience or a student clinic, the supervising massage therapist must be present on the premises at all times during the massage, which means the instructor's are readily accessible to the students at all times. A massage therapist may supervise up to six massages at a time under this subsection.
3. Notwithstanding any other provision in this section, a supervising massage therapist must exercise an appropriate degree of supervision at all times. Failure to do so is grounds for disciplinary action by the board.
4. Any student practicing outside of the school under a field experience or internship in North Dakota must be supervised by a licensed massage therapist, must meet the requirements of Section 49-02-03-03 (2), and the students school must register the pertinent facts with the board.

**History:** Effective January 1, 2001.

**General Authority:** NDCC 28-32-02, 43-25-07

**Law Implemented:** NDCC 43-25-04, 43-25-07

**49-02-03-03. Required curriculum.**

1. The instruction received by the applicant must include the elements of massage therapy, technique, and practice which includes gliding strokes, kneading, direct pressure, deep friction, superficial warming techniques, percussion, compression (pumping), vibration, jostling, shaking, and rocking.
  
2. ~~Before providing a massage to~~ applying massage techniques to a member of the public, as a part of their education, a student must have completed, or received prior education credit for, at least two hundred twenty-five hours of classroom instruction and at least one hundred fifty hours of practical instruction in the classroom setting.

**History:** Effective January 1, 2001.

**General Authority:** NDCC 28-32-02, 43-25-07

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

## ARTICLE 49-03

### MESSAGE ESTABLISHMENTS

Chapter

49-03-01 Requirements for Massage Establishments

#### CHAPTER 49-03-01

#### REQUIREMENTS FOR MESSAGE ESTABLISHMENTS

Section

49-03-01-01 Sanitation, Location, and Conditions

##### **49-03-01-01. Sanitation, location, and conditions.**

1. The portion of a massage establishment in which a massage is provided, and any waiting room and hallway leading to that area, must be in a clean and sanitary condition at all times. This subsection does not apply when the massage is provided to a person in the person's own home, or when the massage is provided as a public demonstration in a location other than the massage therapist's usual establishment.
2. If the massage establishment is also the residence of the massage therapist providing the massage, ~~the massage may not be provided in a bedroom.~~ the room must be set up as a professional setting.
3. Any mirrors or windows in the massage establishment will be located and covered in a manner to maintain the privacy of the person receiving the massage at all times during the massage and while the client is dressing and undressing.
4. A therapist must provide draping and treatment in a way that ensures the personal safety, comfort, and privacy of the client.
5. The therapist is responsible for maintaining all equipment and supplies in good working order and in accordance with any manufacturer instruction.
6. It is unlawful for a massage therapist to provide alcohol to a client in the portion of a massage establishment in which a massage is provided.

**History:** Effective January 1, 2001.

**General Authority:** NDCC 28-32-02, 43-25-03

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