

November 15, 2019

To Members of the Public and Massage Therapists:

The North Dakota Board of Massage Therapy would like to respond to concerns regarding alleged illicit business practices involving the massage therapy profession. The Board hopes the following will aid in explaining the Board's authority, what steps the Board is taking, and what members of the public can do to help combat this issue.

As many of you know, an individual cannot provide massage therapy services in North Dakota without holding a license issued by the Board. It is a Class B misdemeanor to provide massage therapy without a license. See N.D.C.C. § 43-25-19. The license, by law, must be conspicuously displayed at the place of practice. See N.D.C.C. § 43-25-09. Therefore, the first line of defense is for members of the public to make sure they are receiving a massage only from a licensed therapist. Anyone can verify licensure status by accessing the Board's website at www.ndbmt.org and clicking the "Verify" tab.

Please note that the Board can only take disciplinary action against licensed individuals. This requires a signed complaint. See N.D.C.C. § 43-25-10(3). The Board cannot operate or initiate action on hearsay. Without a signed complaint, or witness with firsthand knowledge willing to work with the Board, there is little the Board can do. In order to take disciplinary action, the Board must comply with due process and all other requirements of the Administrative Agencies Practice Act, N.D.C.C. chap. 28-32.

The Board has limited jurisdiction or authority over unlicensed individuals. Therefore, complaints involving unlicensed practice should be reported directly to local law enforcement. This is, again, why it is essential that members of the public are vigilant to receive massage therapy services only from a licensed individual.

Please know that the Board is taking these reports seriously and is working with law enforcement to aid in educating, reporting, and combating this issue. The Board has also attended training and hopes to continue collaborating with other states to address this issue. Finally, the Board holds quarterly in-person meetings and members of the public and licensees are invited to attend and share their concerns.

Thank you for your attention. The Board looks forward to continuing serving the citizens of the North Dakota.

Sincerely,

Heidi Strain
President
North Dakota Board of Massage Therapy