

**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 Therapy

49-01-01-01. Organization of board of massage therapy.

1. **History and function.** The 1959 legislative assembly passed the Massage Registration Act, codified as North Dakota Century Code chapter 43-25. The governor appoints the board of massage therapy. The board monitors the relationship and interaction between the license holder and the public and protects the public from those who are unqualified to practice massage therapy in North Dakota.
2. **Inquiries.** Inquiries regarding the board may be addressed to:

North Dakota Board of Massage Therapy
Website: ndbmt.org

History: Amended effective May 1, 1988; February 1, 1993; January 1, 2001; January 1, 2005; January 1, 2017; April 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02, 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 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 with a score of 80% or higher.
6. For reciprocity applications, information on dates and location of prior massage therapy work experience.
7. If requested by the board the applicant must complete a physical and/or behavioral health assessment to determine eligibility.
 - a The board in its sole discretion will determine the need for a physical and/or behavioral health assessment based on the applicant's history.
 - b The physical and/or behavioral health assessment shall be at the applicant's sole cost and the applicant can choose a licensed provider of their own choosing.
 - c The applicant shall be required to sign releases of information to the board for the physical and/or behavioral health assessment.

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 license holder shall notify the board of any change in the license holder's name, mailing address, business address, name of the license holder'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.
- h. Failure to obtain a physical or behavioral health examination required by the board as part of an application or complaint.

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, 43-25-

49-01-02-05. Continuing education.

1. To renew a license as a massage therapist, the license holder must attest the license holder 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, format of instruction, 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 license holder 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 license holder 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

49-01-02-06. Medical and Behavioral Health

Examination

1. If requested by the board during application or disciplinary proceeding the applicant/licensee must complete a physical and/or behavioral health assessment to determine eligibility.

- a The board in its sole discretion will determine the need for a physical and/or behavioral health assessment based on the applicant's history or cause of licensee's complaint.
- b The physical and/or behavioral health assessment shall be at the applicant's/licensee's sole cost and the applicant can choose a licensed provider of their own choosing.
- c The applicant/licensee shall be required to sign releases of information to the board for the physical and/or behavioral health assessment.

History: Effective

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 [Repealed]
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 or school offering a massage program which indicate a cumulative total of seven hundred fifty hours of ~~supervised~~ instruction as determined under this article.
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.

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

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 school offering a massage program 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; amended effective January 1, 2017.

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

Law Implemented: NDCC 43-25-07

49-02-01-03. Eligible instruction.

Repealed effective January 1, 2017.

49-02-01-04. Liaison.

Each massage school or school offering a massage program in the state of North Dakota shall designate one full-time massage therapist faculty person in the state, who shall be the liaison to the board. The liaison shall submit a copy of the school's curriculum to the board each year. Out-of-state schools may select to have a liaison to the board.

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

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.

"Required hours of classroom instruction" means actual hours in attendance in class ~~under supervised instruction in the presence of~~ with face to face interaction with an instructor, including ~~synchronous or through the use of technology that allows for visual as well as auditory~~ live remote education. Other classes may be through asynchronous remote education.

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

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 the case of a reciprocity application, the board may consider documented continuing education courses toward fulfilling the minimum 750 hours of required education. In order to teach in North Dakota, the massage therapist must have at least three years of 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, or pathology is not required to be a licensed massage therapist, but must have earned a recognized master's degree or higher, in an appropriate field of study. Instructors of first aid, sanitation and disease prevention, CPR, business practice and career development, 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. The maximum credit for prior instruction which may be given under this subsection is provided in subsection 5 of section 49-02-02-03.

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

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. One hundred fifty hours of anatomy, physiology, and kinesiology.
 - b. ~~Forty hours of pathology.~~
 - c. Ten hours of first aid and CPR. At the time of graduation, the applicant must hold a valid current CPR card certified by a nationally recognized organization to provide CPR instruction.

- d. One hundred and thirty hours of introductory massage therapy courses, including basic and allied modalities, contraindications, sanitation, disease prevention, and massage theory.
 - e. ~~One hundred seventy-five hours of practical application and clinical practice.~~
- 2. The applicant must also satisfy the following curriculum requirements which do not require supervised face to face interaction with the classroom instruction instructor:
 - a. Fifty hours of business practices, career development, and professional ethics.
 - b. ~~Seventy-five hours of clinical practice.~~
 - c. One hundred twenty hours of other courses directly related to massage therapy.
 - d. Forty hours of pathology.
 - 3. Each hour of instruction may be applied to only one of the above categories.
 - 4. To be counted under this section, the instruction must reflect current scientific knowledge and standards.
 - 5. The number of classroom hours specified in subdivisions a through b 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.
 - 6. 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; July 1, 2010; January 1, 2017.

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 [Repealed]

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 two hundred fifty hours of practical instruction, consisting of practical application and clinical practice. "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; January 1, 2017.

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, internship/externship or a student clinic, the supervising massage therapist must be present on the premises at all times during the massage, which means the instructor is readily accessible to the students at all times. A massage therapist may supervise up to eight massages at a time, sixteen students, 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 their school under a field experience or internship/externship in North Dakota must be supervised by a licensed massage therapist, with a minimum of three years of experience. Before applying massage techniques to a member of the public, under a field experience or internship/externship, as a part of the student's 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. Facilities that contract with schools to provide field experience or internship/externship experiences for students may continue to charge their usual fees for the services the student performs. Students may not be paid for providing these services. Students can accept tips only, directly from the client

5. Students attending North Dakota massage therapy schools must have at least one hundred fifty hours of instruction before beginning to practice on the public. Students may accept tips only directly from the client. Students are not allowed any other remuneration for providing massage services.

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

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

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

49-02-03-03. Required curriculum.

Repealed effective January 1, 2017.

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 message establishment in which a message is provided, and any waiting room and hallway leading to that area, must be in a safe, clean, and sanitary condition at all times. This subsection does not apply when the message is provided in a client's own home, or when the message is provided as a public demonstration in a location other than the message therapist's usual establishment.
2. If the message establishment is also the residence of the message therapist providing the message, the room must be set up as a professional setting and maintained in a safe, clean, and sanitary condition when it is being used for message purposes.
3. Any mirrors and windows in the message establishment will be positioned or covered in a manner to maintain the privacy of the person receiving the message at all times during the message and while the client is dressing and undressing.
4. Prior to providing message to a new client, the therapist must introduce themselves and explain to the client details of what to anticipate during the message, including how draping of the client will be performed during the message and as the client is asked to change positions, during the message. A written informed consent must be signed by the client prior to starting the message. 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's instruction.
6. It is unlawful for a message therapist to provide alcohol to a client in the portion of a message establishment in which a message is provided.
7. The establishment must have an adequate supply of hot and cold running water to conduct business in a sanitary manner. A restroom must also be available on the premises.
8. Licensees shall maintain records on their clients and ensure that client records are stored so they are not readily accessible to the public.
9. No smoking may occur in the portion of the message establishment in which a message is provided.
10. All tools, instruments, implements, and equipment must be clean and disinfected before use on a client.
11. All linens, coverings, sheets, towels, and pillow casings must be properly cleaned before coming into contact with a client.

12. All liquids, creams, and other products must be kept in clean, closed containers. Original product bottles and containers must have an original manufacturer label disclosing contents. All products used on a client must be dispensed by a spatula, scoop, spoon, squeeze bottle, pump, dropper, or similar dispenser, so the remaining product is not contaminated. Unused products applied to one client must be disposed of and not used on another client.
13. Cabinets, drawers, and containers used for storage of tools, equipment, instruments, and towels/linens must be clean.

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

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

Law Implemented: NDCC 43-25-03