

2023 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1128

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1128
1/9/2023

Relating to expanding eligible uses for charitable gaming net proceeds.

Chairman Louser called the meeting to order 11:46 AM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representative Boschee, Christy Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

Discussion Topics:

- City or county licensing authority
- Board appointments
- Committee Work

In favor:

Heidi Strain, President North Dakota Board of Massage Therapy #12640

Representative Koppelman moved to amend the bill and leave the strike out lines of 12-15 on page 2 regarding the consumer member of the board. Representative Schauer seconded. Voice vote amendment failed.

Representative Thomas moved to amend taking out the addition of and unscored city, county in lines 4, 9 and 16 in section 6 on page 6.

Representative Koppelman seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	N
Representative Mitch Ostlie	N
Representative Josh Boschee	N
Representative Josh Christy	N
Representative Hamida Dakane	N
Representative Jorin Johnson	N
Representative Jim Kasper	AB
Representative Ben Koppelman	Y
Representative Dan Ruby	N
Representative Austen Schauer	N
Representative Paul J. Thomas	Y
Representative Bill Tveit	N
Representative Scott Wagner	Y
Representative Jonathan Warrey	N

Motion fails 3 yes, 10 no, 1 absent

Representative Thomas moved a Do pass on HB 1128

Representative Wagner seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	AB
Representative Ben Koppelman	N
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 12-1-1

Representative Boschee will carry the bill.

Chairman Louser adjourned at 12:20 PM

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1128: Industry, Business and Labor Committee (Rep. Louser, Chairman)
recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1128
was placed on the Eleventh order on the calendar.

2023 SENATE WORKFORCE DEVELOPMENT

HB 1128

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HB 1128
3/3/2023

Relating to the practice and licensure of massage therapy.

9:29 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Elkin, Larson, Sickler, Piepkorn** were present. **Senator Axtman** was absent.

Discussion Topics:

- Clarifying language
- Updated language
- Display Licenses
- New technology
- From hands to touch
- Board flexibility

9:29 AM **Representative Hatlestad, District 11**, introduced HB 1128 and testified in favor. #21899

9:35 AM **Heidi Strain, President of the ND Board of Massage**, testified in favor. #21909

9:52 AM **Chairman Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HB 1128
3/23/2023

Relating to the practice and licensure of massage therapy.

3:05 PM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** were present.

Discussion Topics:

- Amendment
- Committee action

Senator Wobbema handed out an amendment from **Heidi Strain, President, North Dakota Board of Massage Therapy #26499**

Senator Wobbema moved to adopt amendment, changing language from mental health to behavioral health LC23.0366.01001.

Senator Larson seconded the motion.

Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

Motion passed 6-0-0.

Senator Axtman moved **DO PASS** as **AMENDED**.

Senator Piepkorn seconded the motion.

Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

Motion passed 6-0-0.

Chairman Wobbema will carry HB 1128.

3:10 PM **Chairman Wobbema** closed the meeting.

Patricia Lahr, Committee Clerk

23.0366.01001
Title.02000

Adopted by the Senate Workforce
Development Committee
March 23, 2023

AK
1/1
3-23-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1128

Page 4, line 13, overstrike "mental" and insert immediately thereafter "behavioral health"

Page 5, line 30, replace "mental" with "behavioral health"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1128: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1128 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 4, line 13, overstrike "mental" and insert immediately thereafter "behavioral health"

Page 5, line 30, replace "mental" with "behavioral health"

Renumber accordingly

TESTIMONY

HB 1128

HOUSE INDUSTRY, BUSINESS, AND LABOR
MONDAY, JANUARY 9, 2023, AT 10:30 AM

TESTIMONY OF HEIDI STRAIN
NORTH DAKOTA BOARD OF MASSAGE THERAPY
HOUSE BILL NO. 1128

Good morning, Chairman Louser and members of the Committee. I am Heidi Strain, the current President of the North Dakota Board of Massage and I am here today on behalf of the Board to explain why the Board would like you to pass House Bill 1128. Mostly this is a “clean-up bill” and we are updating outdated language and clarifying areas that have been confusing for the Board, its licensees, and the public, in the past few years.

Section 1

The Board would like to remove the word “hands” and replace it with “touch” as this is more appropriate as licensed massage therapists do use their elbows and forearms frequently and their work is not limited to only “hands.”

Section 2

The Board would like to remove “May not be a current or past member of any other health care licensing entity, may not have a fiduciary obligation to a facility rendering health care services, may not have a financial interest in the rendering of health care services.”

Removing this language would open up the consumer member position on our board as this has historically been a hard spot to fill. The position was vacant from approximately June 2020, until the current consumer member was appointed in approximately January 2022. Leaving the

requirements for this position as they are currently stated in the law places more of a restriction on the requirements.

The Board would like to remove the language “appointed to a term beginning after June 30, 2013” as this is very specific and an expired date - no current board members were appointed before June 30, 2013. Moving forward, all board members may only serve six consecutive years and may not be reappointed until three years have passed.

Section 3

The Board would like to remove the language “and of good moral character and temperate habits” as this has been considered outdated language by the legislature in the past. We believe this change is consistent with other occupational boards that have been updating this language in clean up bills.

The Board would next like to add “Meets any other requirements set by the board by rule” to the requirements for licensure. This change would allow the Board more flexibility to set other requirements, as needed, for licensure by administrative rules. For example, this change would allow the Board to propose administrative rules to address human trafficking concerns, such as in-person interviews next year if this bill passes, more quickly.

Section 4

The Board would like to clarify where licensees are required to display their licenses. The Board would like the this clarified and changed to the following wording, “Each ‘licensee shall display

the licensee's original license or license renewal card' at the 'licensee's' place of practice.”

Removing the verbiage “must be conspicuously displayed.”

The Board felt this would help clear up some confusion licensees had in regarding what piece of paper needed to be displayed.

The Board would like to replace the requirement for no more than “ten hours” of remote continuing education renewal hours to “fifty percent” of a licensee's renewal hours may be by remote means. Making this change would simplify this part of our law and be easier on the licensees and create less confusion.

On page 4, the board would like to add the sentence “Refusal to submit to an examination, if the refusal is not due to circumstances beyond the licensee's control, constitutes grounds for discipline under section 43 - 25 – 10.” The current law allows the Board to require an examination but does not provide any guidance in the situation of refusal. Adding this proposed language would be consistent with the current law and help the board serve its main goal of safety and protection of the public. A later change in the proposed bill would allow the Board to pursue disciplinary action if need be too where as it is right now the Board would not be able to do anything if a licensee or applicant refused the examination.

At the bottom of page 4, line 29, starting after the words “and work experience to” the Board would like to remove, “one of the following credentialing agencies for review; a. International education research foundation; b. International consultants of Delaware, Inc.; or c”

leaving only “a credentialing agency approved by the board.”

The agencies currently listed in a and b are too specific, to the Board’s knowledge have not been used, and the board feels that only leaving “a credentialing agency approved by the board” will suffice.

Section 5

On the bottom of page 5, the board would like to add “(g) The licensee or applicant failed to submit to a physical or mental examination ordered by the Board under section 43-25-09.” As mentioned above, the Board would be adding this section to match the previously requested change in North Dakota Century Code under Section 43-25-09(3) which, again, would just increase the safety and protection of the public.

Section 6

The Board would like to add “city, county” to this subsection so the law would read as such “Any individual who has been duly licensed in another city, county, state territory or jurisdiction of the United States...” Our current law requires massage therapists to be licensed under this reciprocity section; however, not all states have similar licensure requirements. Some states license by city and county. Adding these 2 simple words throughout the subsection would incorporate more of what we are seeing in a few states where they require licensees to be licensed by a city or by a county. This change would make our North Dakota Century Code more inclusive.

This ends my formal testimony. On behalf of the North Dakota State Board of Massage I thank you for your time and consideration and would be happy to answer any questions you may have regarding this bill.

Heidi Strain
President
North Dakota Board of Massage Therapy
PO Box 3141
Bismarck, ND 58502-3141
Phone: 701-712-8624
Website: <https://www.ndbmt.org>.

Opening Statement-MT

Mr. Chairman and Distinguished Members of this committee,

When I first became a legislator, Moses was a baby, we were assigned a mentor.

He offered a hint when delivering a committee presentation or a floor speech:
Use the KISS procedure: ***Keep it short and simple but significant.*** Or as Matt Klein
often said: It's a good bill, pass it!!

I offer HB 1128 relating to the practice and licensure of massage therapy.

1128 is a clean up bill updating out of date language, clarifying language, clearing
areas of possible confusion.

Today it's TIME!

TIMES are changing

It's TIME to refresh the operation

It's TIME to make our Codes more inclusive-***Section 6-difference licensing bodies***

It's TIME to address today's reality including putting teeth into laws

Ability to pursue disciplinary actions

It's TIME to catch up with new technics and technology ***Sect 4***

Hands to touch, Use of virtual learning for part of required renewal work

It's TIME to make our language consistent with other occupational boards – ***Out
of date language, phrases***

It's time to change some requirements in order to fill critical positions on the
board. ***Too restrictive, few apply***

It's TIME to allow the Board more flexibility. ***Set requirements by administrative
rules, approve credentialing agencies***

SENATE WORKFORCE DEVELOPMENT
FRIDAY, MARCH 3, 2023, AT 9:30 AM

TESTIMONY OF HEIDI STRAIN
NORTH DAKOTA BOARD OF MASSAGE THERAPY
HOUSE BILL NO. 1128

Good morning, Chairman Wobbema and members of the Committee. I am Heidi Strain, the current President of the North Dakota Board of Massage and I am here today on behalf of the Board to explain why the Board would like you to pass House Bill 1128. Mostly this is a “clean-up bill” as we are updating outdated language and clarifying areas that have been confusing for the Board, its licensees, and the public, in the past few years.

Section 1

The Board would like to remove the word “hands” and replace it with “touch” as this is a more appropriate description as licensed massage therapists do use their elbows and forearms frequently and their work is not limited to only “hands.”

Section 2

The Board would like to remove “May not be a current or past member of any other health care licensing entity, may not have a fiduciary obligation to a facility rendering health care services, may not have a financial interest in the rendering of health care services” from the board member requirements.

Removing this language would open up our consumer member position which has historically been a hard spot to fill. The position was vacant from approximately June 2020, until the current

consumer member was appointed in approximately January 2022. This led to significant quorum issues for our Board of 5 members. At least 3 meetings had to be rescheduled in 2021 due to lack of quorum. Leaving the requirements for this position as they are currently stated in the law leaves more of a restriction on the requirements.

The Board would like to remove the language “appointed to a term beginning after June 30, 2013” as this is a very specific and expired date - no current Board members were appointed before June 30, 2013. Moving forward, all Board members may only serve six consecutive years and may not be reappointed until three years have passed.

Section 3

The Board would like to remove the language “and of good moral character and temperate habits” from our requirements for licensure. This language is very subjective, has not been used to grant or deny a license to the current Board’s knowledge and we believe this change is consistent with other occupational boards that have been updating this language in clean up bills. The Board is still required by law (N.D.C.C. 43-25-08.1) to require all applicants to submit to a statewide and nationwide criminal history record check. The Board also has the statutory authority to require physical or mental examinations of licensees or applicants that jeopardize the public’s health (N.D.C.C. 43-25-09(3)). Removing the requirement of “good moral character and temperate habits” from the Board’s laws will not cause harm to the public. The Board still has broad authority to deny or discipline licenses, under N.D.C.C. 43-25-10.

The Board would next like to add “Meets any other requirements set by the board by rule” to the requirements for licensure. This change would allow the Board more flexibility to set other requirements, as needed, for licensure by administrative rules. For example, this change would allow the Board to propose administrative rules to address human trafficking concerns, such as in-person interviews next year if this bill passes, more quickly.

Section 4

The Board would like to clarify where licensees are required to display their licenses. The Board would like the this clarified and changed to the following wording, “Each ‘licensee shall display the licensee’s original license or license renewal card’ at the ‘licensee’s’ place of practice.”

Removing the verbiage “must be conspicuously displayed.”

The Board felt this would help clear up some confusion licensees had in regarding what piece of paper needed to be displayed.

The Board would like to replace the requirement for no more than “ten hours” of remote continuing education renewal hours to “fifty percent” of a licensee’s renewal hours may be by remote means. Making this change would simplify this part of our law and be easier on the licensees and create less confusion.

On page 4, the Board would like to add the sentence “Refusal to submit to an examination, if the refusal is not due to circumstances beyond the licensee's control, constitutes grounds for discipline under section 43 - 25 - 10.” The current law allows the Board to require physical or

mental examinations but does not provide any guidance in the situation of refusal. Adding this proposed language would be consistent with the current law and help the Board serve its main goal of safety and protection of the public. A later change in the proposed bill would allow the Board to pursue disciplinary action if need be too where as it is right now the Board may not be able to do anything if a licensee or applicant refused the examination.

At the bottom of page 4, line 29, starting after the words “and work experience to” the Board, related to international transcripts only, would like to remove, “one of the following credentialing agencies for review; a. International education research foundation; b. International consultants of Delaware, Inc.; or c” leaving only “a credentialing agency approved by the board.”

The agencies currently listed in subsections a and b are too specific, to the Board’s knowledge have not been used, and the Board feels that only leaving “a credentialing agency approved by the board” will suffice.

Section 5

On the bottom of page 5, the Board would like to add “(g) The licensee or applicant failed to submit to a physical or mental examination ordered by the Board under section 43-25-09.” This change is for consistency with the requested change in Section 4 of the bill. As mentioned above, the Board would be adding this section to match the previously requested change in North Dakota Century Code under Section 43-25-09(3) which, again, would just increase the safety and protection of the public relating to physical and mental examinations.

Section 6

On reciprocity, the Board would like to add “city, county” to this subsection so the law would read: “Any individual who has been duly licensed in another city, county, state territory or jurisdiction of the United States...” Our current law requires massage therapists to be licensed under this reciprocity section; however, not all jurisdictions have similar licensure requirements. Some jurisdictions license by city and county. For example, Minnesota does not currently license massage therapists at the state level. Adding these 2 words throughout the subsection would incorporate more of what we are seeing in a few jurisdictions where they require massage therapists to be licensed by a city or by a county. This change would make our North Dakota Century Code more inclusive.

This ends my formal testimony. On behalf of the North Dakota State Board of Massage I thank you for your time and consideration and would be happy to answer any questions you may have regarding this bill.

Heidi Strain
President
North Dakota Board of Massage Therapy
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Bismarck, ND 58502-3141
Phone: 701-712-8624
Website: <https://www.ndbmt.org>.

23.0366.01000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1128

Introduced by

Representatives Hatlestad, Longmuir, Pyle, Richter, Rohr, Strinden

Senators Bekkedahl, Kreun

1 A BILL for an Act to amend and reenact subsection 2 of section 43-25-02, subsection 1 of
2 section 43-25-05, subsection 1 of section 43-25-07, section 43-25-09, subsection 1 of section
3 43-25-10, and subsection 1 of section 43-25-18, relating to the practice and licensure of
4 massage therapy.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 43-25-02 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 2. a. "Massage" means the practice of massage therapy by the manual application of
9 a system of structured touch to the soft tissues of the human body, including:

- 10 (1) Assessment, evaluation, or treatment;
- 11 (2) Pressure, friction, stroking, rocking, gliding, kneading, percussion, or
- 12 vibration;
- 13 (3) Active or passive stretching of the body within the normal anatomical range
- 14 of movement;
- 15 (4) Use of manual methods or mechanical or electrical devices or tools that
- 16 mimic or enhance the action of human ~~handstouch~~;
- 17 (5) Use of topical applications such as lubricants, scrubs, or herbal
- 18 preparations; and
- 19 (6) Use of hot or cold applications.

20 b. Except as provided in this chapter, "massage" does not include diagnosis or
21 other services that require a license to practice medicine or surgery, osteopathic
22 medicine, chiropractic, occupational therapy, physical therapy, or podiatry and
23 does not include service provided by professionals who act under their
24 state-issued professional license, certification, or registration.

1 **SECTION 2. AMENDMENT.** Subsection 1 of section 43-25-05 of the North Dakota Century
2 Code is amended and reenacted as follows:

3 1. The governor shall appoint a board of massage therapy, to consist of five members.

4 a. Three members of the board must be massage therapists who are licensed in
5 this state and annually work at least five hundred hours practicing massage in
6 this state and have done so for at least the previous three years. These members
7 must be appointed for terms of three years, staggered so that the term of one
8 member expires each year.

9 b. One member of the board must be a consumer member. To qualify as a
10 consumer member an individual may not be or have been a massage therapist,
11 may not have an immediate family member who is a massage therapist, may not
12 be an owner of or have any affiliation with a massage school, ~~may not be a~~
13 ~~current or past member of any other health care licensing entity, may not have a~~
14 ~~fiduciary obligation to a facility rendering health care services, may not have a~~
15 ~~financial interest in the rendering of health care services,~~ and may not have a
16 direct and substantial financial interest in massage therapy. This member must
17 be appointed for a two-year term, staggered so that the term expires with a
18 licensed board member but not with the instructor board member.

19 c. One member of the board must be a current or former massage therapy
20 instructor of a massage therapy program that meets the standards set by the
21 board. This member must be appointed for a term of two years, staggered so that
22 the term expires with a licensed board member but not with the consumer board
23 member.

24 d. Each member of the board holds office until that member's successor is
25 appointed and qualified. Any member ~~appointed to a term beginning after~~
26 ~~June 30, 2013,~~ may only serve for a total of six consecutive years, after which
27 that member may not be reappointed unless a period of three years has passed
28 since that member last served on the board.

29 **SECTION 3. AMENDMENT.** Subsection 1 of section 43-25-07 of the North Dakota Century
30 Code is amended and reenacted as follows:

- 1 1. Any ~~person~~individual who is eighteen years of age or ~~more and of good moral~~
2 ~~character and temperate habits~~ older is entitled to apply to the board. An applicant
3 may receive a license from the board as a massage therapist if the applicant:
4 a. Presents a diploma or credentials issued by an approved massage therapy
5 education program that meets the standards set by the board;
6 b. Receives a passing score on an examination approved by the board; ~~and~~
7 c. Pays the required fees, which must accompany the application to the board; and
8 d. Meets any other requirements set by the board by rule.

9 **SECTION 4. AMENDMENT.** Section 43-25-09 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **43-25-09. License - Display - Renewal - Renewal fee.**

- 12 1. Each licensee shall display the licensee's original license ~~must be conspicuously~~
13 ~~displayed~~ or license renewal card at the licensee's place of practice.
14 2. Except as otherwise provided under this subsection, twenty-four hours of continuing
15 education, or equivalent college credits, submitted every two years is required for
16 renewal of the license. Of the twenty-four hours, twelve hours must be classroom,
17 hands-on hours. For the first renewal after becoming licensed in this state, a minimum
18 of three hours of the required twenty-four hours must be ethics education. If an
19 applicant for renewal is in good standing and has been actively practicing massage for
20 the fifteen years immediately preceding the renewal, six hours of continuing education,
21 or equivalent college credits, submitted every two years is required for renewal of the
22 license. If an applicant for renewal is in good standing and has been actively practicing
23 massage for the twenty-five years immediately preceding the renewal, three hours of
24 continuing education, or equivalent college credits, submitted every two years is
25 required for renewal of the license. The board may accept continuing education
26 attained by remote means. No more than ~~ten hours~~ fifty percent of a licensee's renewal
27 hours may be by remote means. To qualify as continuing education, the remote
28 education must be board-approved for content and suitability as defined in this
29 chapter.
30 a. Licensees with odd-numbered licenses shall report required continuing education
31 on or before February twenty-eighth of each odd-numbered year and pay a

- 1 required renewal fee of two hundred dollars or a lesser amount established by
2 the board.
- 3 b. Licensees with even-numbered licenses shall report required continuing
4 education on or before February twenty-eighth of each even-numbered year and
5 pay a required renewal fee of two hundred dollars or a lesser amount established
6 by the board.
- 7 c. Licensed individuals during their initial licensure period are not required to report
8 hours of continuing education. Thereafter, the licensees shall report continuing
9 education pursuant to subdivisions a and b.
- 10 d. The board may grant an individual waiver based on health issues or other good
11 cause deemed sufficient by the board.
- 12 3. If the board reasonably believes a massage therapist or applicant has a physical or
13 ~~mental~~behavioral health condition jeopardizing the health of those who seek massage
14 from the individual, the board may require the individual to have an appropriate
15 examination by a qualified examiner approved by the board. Refusal to submit to an
16 examination, if the refusal is not due to circumstances beyond the licensee's control,
17 constitutes grounds for discipline under section 43-25-10. If the individual has had or
18 has any communicable disease deemed sufficient to disqualify the applicant to practice
19 massage in the state, the board shall deny a license until the individual furnishes due
20 proof of being physically and mentally competent and sound.
- 21 4. A holder of an expired license may within two years from the date of its expiration have
22 the license renewed upon payment of the required renewal fee. The board may
23 require a new certificate of physical examination and evidence of completion of any
24 required continued educational hours.
- 25 5. All licenseholders must be designated as licensed massage therapists and may not
26 use any title or abbreviation without the designation "massage therapist".
- 27 6. An applicant with training and credentials outside of the United States ~~must~~ shall
28 submit at the applicant's own expense qualifications, credentials, and work experience
29 to ~~one of the following credentialing agencies for review:~~
- 30 a. ~~International education research foundation;~~
- 31 b. ~~International consultants of Delaware, inc.; or~~

1 e. Aa credentialing agency approved by the board.

2 7. Failure to have a review completed by a credentialing agency under subsection 6 and
3 the massage therapy application procedures indemnified by the board may result in
4 the board denying the application. The board may accept or refuse any
5 recommendation made by the credentialing agency.

6 **SECTION 5. AMENDMENT.** Subsection 1 of section 43-25-10 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 1. The license of a massage therapist may be denied, revoked, suspended, or placed on
9 probation for any of the following grounds:

10 a. The licensee is guilty of fraud in the practice of massage or fraud or deceit in
11 admission to the practice of massage.

12 b. The licensee has been convicted of an offense determined by the board to have
13 a direct bearing upon a person's ability to serve the public as a massage
14 therapist, or, following conviction of any offense, the person is not sufficiently
15 rehabilitated under section 12.1-33-02.1. The conviction of an offense includes
16 conviction in any jurisdiction in the United States of any offense, which if
17 committed within this state would constitute an offense under this state's laws.

18 c. The licensee is engaged in the practice of massage under a false or assumed
19 name, or is impersonating another practitioner of a like or different name.

20 d. The licensee is addicted to the habitual use of intoxicating liquors, or other legal
21 or illegal drugs, to the extent the licensee is compromised or impaired from
22 performing the professional duties of a massage therapist or is under the
23 influence while assessing, treating, or seeing a client.

24 e. The licensee is guilty of untrue, fraudulent, misleading, or deceptive advertising,
25 the licensee prescribes medicines, drugs, or the licensee infringes on any other
26 licensed profession.

27 f. The licensee is guilty of gross negligence in the practice of massage, or is guilty
28 of employing, allowing, or permitting any unlicensed person to perform massage
29 in the licensee's establishment.

30 g. The licensee or applicant failed to submit to a physical or ~~mental~~behavioral health
31 examination ordered by the board under section 43-25-09.

1 h. The licensee has violated this chapter or any rule adopted by the board.

2 **SECTION 6. AMENDMENT.** Subsection 1 of section 43-25-18 of the North Dakota Century
3 Code is amended and reenacted as follows:

4 1. Any individual who has been duly licensed in another city, county, state, territory, or
5 jurisdiction of the United States, to practice massage, may upon paying a fee of one
6 hundred fifty dollars or a lesser fee set by the board be granted a license to practice in
7 this state without being required to take an examination, if the applicant provides
8 evidence satisfactory to the board ~~the applicant:~~

9 a. ~~Is~~The applicant is licensed in good standing in any other city, county, state,
10 territory, or jurisdiction of the United States;

11 b. ~~Actively~~The applicant actively practiced for at least two of the last three years;

12 c. ~~Graduated~~The applicant graduated from a school of massage or massage
13 therapy program approved by the board which may be proven by presentation of
14 a diploma or credentials;

15 d. ~~Passed~~The applicant passed an examination acceptable to the board; and

16 e. A massage license granted to the applicant in any other city, county, state,
17 territory, or jurisdiction is not subject to suspension, revocation, or otherwise
18 restricted in any manner for disciplinary purposes; ~~and.~~