

**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~~ The governor ~~to appoint~~ appoints 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 and protect~~ protects the public ~~against poorly trained massage therapists from those who are unqualified to practice massage therapy in North Dakota.~~
  - ~~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.~~
- 4.2. **Inquiries.** Inquiries regarding the board may be addressed to:

~~Ms. Karen Wojahn  
State North Dakota Board of Massage  
P.O. ~~Box 218~~ Website: ndboardofmassage.com  
Beach, ND ~~58621~~ Phone: 877-268-8139~~

**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 applicable to licensure as allowed by North Dakota Century Code chapter 43-25.

- ~~1. To receive a license, one hundred fifty dollars.~~
- ~~2. To renew an annual license, 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 and, 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; July 1, 2010; \_\_\_\_\_.

**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~~educational 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 licensed 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. \_\_\_\_\_~~
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.

5. Completion of a juris prudence examination on laws applicable to massage therapy in North Dakota.

~~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; July 1, 2010; \_\_\_\_\_.

**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 therapy license is issued on an annual basis. ~~A license and expires on January first~~ if the required renewal fee has not been paid ~~on or that date 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 ~~the board to refuse to renew the person's license under subsection 3~~ disciplinary action by the board under North Dakota Century Code section 43-25-10.
3. A license that has expired may be renewed within one year from the date of expiration upon payment of the ~~required applicable renewal fee fees~~ and submitting ~~current proof of~~ continuing education hours, if required. 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 examination and meeting all other licensing requirements.~~
- ~~5.4.~~ A licenseholder shall notify the board of any change in the licenseholder's name, ~~or~~ mailing address, ~~or of any change in the physical business~~ address, ~~name of one~~ 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; \_\_\_\_\_.

**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;

~~1.2.~~ ~~and failure~~ Failure as an instructor to provide sufficient supervision of massage by students; or

~~2.3.~~ 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; ~~and~~
- 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.~~
- 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 this 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.

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

**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 submit sufficient proof ~~to the board of completion~~ of continuing education ~~every two years to the board as outlined in 43-25-09~~, 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 credentials 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~~ The board must will also determine whetherif 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 ~~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 licenseholder has actually reviewed the materials, such as by testing or other methods.~~

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

**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 <u>[REPEALED]</u>
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 and/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.

**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 and/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.

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

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

**49-02-01-03. Eligible instruction. ~~[REPEALED]~~**

~~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.~~

**History:** Effective January 1, 2001; \_\_\_\_\_.

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

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

**49-02-01-04. Liaison.**

Each massage school and/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. ~~The individual selected must have the authority to maintain curriculum in compliance with North Dakota law.~~

**History:** Effective July 1, 2010; \_\_\_\_\_.

**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 required seventy-five~~ hours of classroom instruction as stated under section 49-02-02-03. "Required hours of classroom 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; amended effective July 1, 2010; \_\_\_\_\_.

**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 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, ~~hygiene 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. ~~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 45 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; July 1, 2010; \_\_\_\_\_.

**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~~ One hundred fifty hours of anatomy, ~~and~~ physiology, ~~and~~ kinesiology.
- b. ~~At least forty-five~~ Forty hours of pathology.
- ~~c. At least ninety hours of kinesiology, including origin, insertion, action, and innervation.~~
- ~~d.c.~~ At least, but not more than, ten 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 CPR instruction.
- ~~d.~~ At least thirty hours of business practices and thirty hours of professional ethics 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:

- 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.

~~2.3.~~ Each hour of instruction may be applied to only one of the above categories.

~~3.4.~~ To be counted under this section, the instruction must reflect current scientific knowledge and standards.

~~4.5.~~ The number of classroom hours specified in subdivisions a through ~~eb~~ 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 one hundred twenty five hours 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.~~

~~5.6.~~ 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; \_\_\_\_\_.

**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 <u>[REPEALED]</u>

**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~~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; \_\_\_\_\_.

**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 ~~instructors~~instructor ~~are~~is readily accessible to the students at all times. A massage therapist may supervise up to ~~six~~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 the school under a field experience or internship in North Dakota must be supervised by a licensed massage therapist, ~~must meet the requirements of subsection 2 of section 49-02-03-03, and the student's school must register the pertinent facts with the board.~~ Before applying massage techniques to a member of the public, 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.

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

**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]**

~~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 applying massage techniques to a member of the public, 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.~~

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

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

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

