

## **CHAPTER 43-49 REFLEXOLOGISTS**

### **43-49-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Board" means the North Dakota board of reflexology.
2. "Reflexologist" means a person who uses special pressure techniques on the reflexes in the human feet, hands, and ears and who has studied the principles of reflexology and anatomy and physiology generally included in a regular course of study.
3. "Reflexology" means the application of specific pressure by the use of the practitioner's hands, thumbs, and fingers to reflex points in the client's hands, feet, or ears using alternating pressure, and such techniques as thumb walking, finger walking, hook and back up, and rotation on a reflex.

### **43-49-02. Board - Appointment - Terms.**

The board consists of three licensed reflexologists appointed by the governor except the first board need not consist of licensed members. A person must be a member of the North Dakota reflexology association in order to be eligible for appointment to, and continued membership on, the board. The members must be appointed for three years, staggered so that the term of one member expires as of July first of each year. Each member shall hold office until that member's successor is appointed and qualified. In July of each year the board shall meet at some convenient place within the state and shall elect one member as president, one member as vice president, and one member as secretary-treasurer. The secretary-treasurer must be bonded in the sum of one thousand dollars for the faithful discharge of the secretary-treasurer's duties. The board may employ, and set the compensation of, employees to assist the secretary-treasurer in the performance of the secretary-treasurer's duties. The board shall hold meetings in the state as determined necessary by the board to discharge its duties. Board members are entitled to receive twenty-five dollars per day and travel expenses in an amount provided by law for state officials and employees when performing the official duties of the board. In addition, the secretary-treasurer is to be paid an extra nine dollars per meeting.

### **43-49-03. Removal of members of the board.**

The governor may remove from office any member of the board for neglect of duties under this chapter, malfeasance or incompetency in office, or unprofessional conduct. The governor may fill any vacancy resulting from removal, resignation, or death of any member of the board. An appointee under this section must be a reflexologist licensed by the board.

### **43-49-04. Duties of the secretary-treasurer - Compensation - Expenses of the board.**

The secretary-treasurer of the board shall:

1. Keep a record of:
  - a. The name and address of every person who is licensed to practice in the state;
  - b. The license number and date of issuance of the license for each licensed reflexologist;
  - c. The renewal date of each license; and
  - d. Other information as required by the board.
2. Furnish, upon demand, any person a certified copy of records upon payment of a ten dollar fee plus twenty-five cents for each page copied.
3. Prepare and submit to the governor and the North Dakota reflexology association a detailed annual report on the income and expenses of the board and a list of licensed reflexologists.

### **43-49-05. Exemptions.**

This chapter does not apply to the activities or services of physicians, chiropractors, physical therapists, cosmetologists, registered nurses, massage therapists, or members of other professions licensed, certified, or registered by the state who may on occasion apply pressure

to the reflex points in the hands, feet, and ears in the course of their work. This chapter does not apply to an individual who takes a self-help class and applies reflexology without pay on immediate family members or the individual's body.

**43-49-06. Requisites for licensure.**

Any person who is eighteen years of age or more and is either a bona fide resident of this state for at least one month immediately preceding the application or is a resident of another state who is practicing reflexology in this state shall submit an application for licensure to the secretary-treasurer of the board. An applicant is entitled to be issued a license as a reflexologist if the applicant:

1. Presents a diploma, certification, or completion credentials issued by a reputable school of reflexology which has submitted its curriculum to the board and has been approved by the board.
2. Presents three character references citing that the applicant is of good moral character.
3. Passes a reasonable demonstrative and written examination in reflexology. If there is an applicant for examination, the board shall conduct an examination at least once a year at a time and place designated by the board. Examinations must be held in the state. An applicant must receive a general average score on the examination of seventy-five percent in all subjects involved and no score of less than fifty percent in any one subject. The board shall notify the applicant of the applicant's score. An applicant who fails to pass any subject is entitled to a re-examination on that subject within six months upon payment of an additional fee of fifty dollars or an amount established by the board. Two re-examinations exhaust the privilege under the original application.
4. Pays a licensing fee of seventy-five dollars or an amount set by the board.

**43-49-07. Qualification for licensure by an applicant licensed in another jurisdiction.**

Notwithstanding the requirements in section 43-49-06 for the issuance of a license, the board shall license an individual who applies for licensure to work in this state if the applicant is licensed as a reflexologist by another state, applies for licensure, pays the applicable fee, meets or exceeds the requirements for licensure set by the board, and who has no imposed or pending disciplinary actions.

**43-49-08. Restriction on use of title.**

A reflexologist licensed by the board may be held out as a "licensed reflexologist" and may use the abbreviation "L.R." as a part of or immediately following that person's name, in connection with the profession. No person may use the title "licensed reflexologist" unless licensed in accordance with this chapter.

**43-49-09. License - Display - Renewal - Renewal fee.**

Each license must be conspicuously displayed at the place of practice. A license must be recorded within thirty days after issuance in the office of the recorder, unless the board of county commissioners designates a different official, in any county where the reflexologist practices.

A license must be renewed before June first of each year. The secretary-treasurer of the board shall mail notice of renewal to each licensed reflexologist's address as shown in the records of the board at least thirty days before the expiration of the license. The notice must include any requests for information necessary for renewal. The licensed reflexologist may renew a license by sending a renewal fee of the amount set by the board, not to exceed one hundred dollars, to the secretary-treasurer of the board, and submitting proof that the reflexologist has attended a seminar on reflexology at least once during the preceding three years. A license that is not renewed by June thirtieth lapses.

**43-49-10. Deposit of fees.**

The secretary-treasurer shall deposit all fees collected under this chapter in a separate account for the administration of this chapter.

**43-49-11. Prohibited practices.**

A reflexologist may not diagnose or treat for specific diseases, practice spinal or other joint manipulations, or prescribe or adjust prescription medication.

**43-49-12. Revocation of licensing.**

The license of a licensed reflexologist may be revoked, suspended, or annulled by the board upon any one or more of the following grounds:

1. That the person is guilty of gross malpractice or incompetence.
2. That the person's mental or physical health endangers public health or safety.
3. That the person fails to comply with rules of the board.
4. That the person is guilty of false or deceptive advertising.
5. That the person engages in unprofessional conduct.

**43-49-13. Administrative procedures.**

Any person may file a written complaint with the board seeking disciplinary action against a reflexologist for violations of this chapter or rules adopted by the board. If the board determines that a complaint alleges facts that, if true, would require denial, revocation, suspension, or nonrenewal or other disciplinary action of a licensed reflexologist, the board shall conduct a hearing. The board may dismiss a complaint that does not state facts that warrant action.