

**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. The governor appoints the board of massage. The board monitors the relationship and interaction between the licenseholder 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
Website: ~~ndboardofmassage.com~~ ndbmt.org
Phone: ~~877-268-8139~~

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

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02, 43-25-05

**CHAPTER 49-01-02
LICENSURE AND FEES**

49-01-02-01. Fees.

The board charges the following fees:

1. To receive a license, one hundred fifty dollars.
2. To renew an annual license, one two hundred dollars. ~~This fee must be paid on or before January first of each year. To renew an annual license after January first it expires, one hundred dollars a late penalty fee of fifty dollars in addition to the two hundred dollar renewal fee 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

49-01-02-03. 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 ~~one year~~ two years from the date of expiration upon payment of the applicable fees and submitting proof of continuing education hours, ~~if required~~. The fee will not be prorated for any period during which the license was expired.
4. A licenseholder shall notify the board of any change in the licenseholder's name, mailing address, business address, name 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; January 1, 2017, _____.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-25-03, 43-25-09

49-01-02-05. Continuing education.

1. To renew a license as a massage therapist, the licenseholder must ~~submit sufficient proof of~~ attest that they have obtained the required number of continuing education hours to the board as outlined in North Dakota Century Code section 43-25-09, which may include proof of 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 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. 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, _____.

General Authority: NDCC 43-25-09

Law Implemented: NDCC 43-25-09

**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 massage establishment in which a massage 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 massage is provided in a client's own home, or when the massage is provided as a public demonstration in a location other than the massage therapist's usual establishment.
2. If the massage establishment is also the residence of the massage therapist providing the massage, 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 massage purposes.
3. Any mirrors and windows in the massage establishment will be positioned or covered in a manner to maintain the privacy of the person receiving the massage at all times during the massage and while the client is dressing and undressing.
4. 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 massage therapist to provide alcohol to a client in the portion of a massage establishment in which a massage 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 should make sure client records are stored so they are not readily accessible to the public.

9. No smoking may occur in the portion of the massage establishment in which a massage is provided.
10. All tools, instruments, implements, and equipment are clean and disinfected before use on a client.
11. All linens, coverings, sheets, towels, and pillow casings must be cleaned and disinfected before coming into contact with a client.
12. All liquids, creams, and other products are kept in clean, closed containers. Original product bottles and containers must have an original manufacturer label disclosing contents. All products used on a client are dispensed by a spatula, scoop, spoon, squeeze bottle, pump, dropper, or similar dispenser, so that the remaining product is not contaminated. Unused products applied to one client are disposed of and not used on another client.
13. Cabinets, drawers, and containers used for storage of tools, equipment, instruments, and towels/linens are clean.

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

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

Law Implemented: NDCC 43-25-03