

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 an individual who is licensed to practice reflexology.
3. "Reflexology" means the application of specific or alternating pressure by the use of the practitioner's hands, thumbs, fingers, and accepted tools, to reflexes using techniques such 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 members appointed by the governor. Each member shall hold a current license issued by 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 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 board in the performance of the board's duties. The board shall hold meetings as determined necessary by the board to discharge its duties. Board members are entitled to receive compensation in an amount provided by law for state officials and employees when performing the official duties of the board.

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, address, electronic mail address, if available, and phone number 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;
 - d. Record of payments received; and
 - e. 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 a detailed annual report on the income and expenses of the board and a list of licensed reflexologists.

43-49-04.1. Board rules.

The board may adopt and enforce rules as necessary to implement this chapter.

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 reflexes 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 individual who is eighteen years of age or more 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 approved by the board which meets or exceeds a minimum of one hundred hours.
2. Presents three character references.
3. Passes a practical 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 score of eighty percent or higher on the practical examination and a seventy percent or higher on the written examination. The board shall notify the applicant of the applicant's score. An applicant who fails to pass either the written or practical examination is entitled to a re-examination on the portion that was failed upon payment of an additional fee of fifty dollars or an amount established by the board.
4. Pays a licensing fee of one hundred fifty 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 individual's name, in connection with the profession. No individual 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 renewed before June first of each year. A license renewed June first or later requires a late fee of fifty dollars or an amount established by the board. The secretary-treasurer of the board shall notify in writing each licensed reflexologist 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 as deemed necessary for renewal as required by the board. 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. The licensed reflexologist shall submit proof of completing twelve continuing education credits during the preceding three years.

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 board may deny, refuse to renew, revoke, suspend, or place on probation a license issued under this chapter upon any of the following grounds:

1. Gross malpractice or incompetence in the practice of reflexology.
2. Violation of the provisions under this chapter or the rules adopted by the board.
3. Advertising by means of knowingly false or deceptive statements.
4. Grossly unprofessional or dishonest conduct.
5. Fraud or deceit in admission to the practice of reflexology.

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. Any hearing regarding denial of a license or a disciplinary action must be held pursuant to chapter 28-32. The board may dismiss a complaint that does not state facts that warrant action.

43-49-14. Penalty.

It is a class B misdemeanor for an individual to advertise as a reflexologist or practice reflexology without a license.