

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2065

Introduced by

Workforce Development Committee

(At the request of the North Dakota Board of Reflexology)

1 A BILL for an Act to create and enact sections 43-49-04.1 and 43-49-14 of the North Dakota
2 Century Code, relating to the regulation of reflexologists; to amend and reenact sections
3 43-49-01, 43-49-02, 43-49-04, 43-49-05, 43-49-06, 43-49-08, 43-49-09, 43-49-12, and 43-49-13
4 of the North Dakota Century Code, relating to licensure of reflexologists; and to provide a
5 penalty.

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

7 **SECTION 1. AMENDMENT.** Section 43-49-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-49-01. Definitions.**

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

- 11 1. "Board" means the North Dakota board of reflexology.
- 12 2. "Reflexologist" means ~~a person~~ an individual who uses ~~special pressure techniques on~~
13 ~~the reflexes in the human feet, hands, and ears and who has studied the principles of~~
14 ~~reflexology and anatomy and physiology generally included in a regular course of~~
15 ~~study~~ is licensed to practice reflexology.
- 16 3. "Reflexology" means the application of specific or alternating pressure by the use of
17 ~~the practitioner's hands, thumbs, and fingers, and accepted tools, to reflex points in~~
18 ~~the client's hands, feet, or ears using alternating pressure, and such reflexes using~~
19 ~~techniques~~ such as thumb walking, finger walking, hook and back up, and rotation on
20 a reflex.

21 **SECTION 2. AMENDMENT.** Section 43-49-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

1 **43-49-02. Board - Appointment - Terms.**

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

18 **SECTION 3. AMENDMENT.** Section 43-49-04 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **43-49-04. Duties of the secretary-treasurer - Compensation - Expenses of the board.**

21 The secretary-treasurer of the board shall:

- 22 1. Keep a record of:
- 23 a. The name ~~and~~, address, electronic mail address, if available, and phone number
24 of every person who is licensed to practice in the state;
- 25 b. The license number and date of issuance of the license for each licensed
26 reflexologist;
- 27 c. The renewal date of each license; ~~and~~
- 28 d. Record of payments received; and
- 29 e. Other information as required by the board.
- 30 2. Furnish, upon demand, any person a certified copy of records upon payment of a ten
31 dollar fee plus twenty-five cents for each page copied.

- 1 3. Prepare and submit to the governor and the North Dakota reflexology association a
2 detailed annual report on the income and expenses of the board and a list of licensed
3 reflexologists.

4 **SECTION 4.** Section 43-49-04.1 of the North Dakota Century Code is created and enacted
5 as follows:

6 **43-49-04.1. Board rules.**

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

8 **SECTION 5. AMENDMENT.** Section 43-49-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-49-05. Exemptions.**

11 This chapter does not apply to the activities or services of physicians, chiropractors,
12 physical therapists, cosmetologists, registered nurses, massage therapists, or members of
13 other professions licensed, certified, or registered by the state who may on occasion apply
14 pressure to the reflex points in the hands, feet, and ears reflexes in the course of their work. This
15 chapter does not apply to an individual who takes a self-help class and applies reflexology
16 without pay on immediate family members or the individual's body.

17 **SECTION 6. AMENDMENT.** Section 43-49-06 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **43-49-06. Requisites for licensure.**

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

- 25 1. Presents a diploma, certification, or completion credentials issued by a reputable
26 school of reflexology which has submitted its curriculum to the board and has been
27 approved by the board which meets or exceeds a minimum of one hundred hours.
28 2. Presents three character references citing that the applicant is of good moral
29 character.
30 3. Passes a reasonable demonstrative practical and written examination in reflexology. If
31 there is an applicant for examination, the board shall conduct an examination at least

1 once a year at a time and place designated by the board. Examinations must be held
2 in the state. An applicant must receive a ~~general average score on the examination of~~
3 ~~seventy-five percent in all subjects involved and no score of less than fifty percent in~~
4 ~~any one subject~~ score of eighty percent or higher on the practical examination and a
5 seventy percent or higher on the written examination. The board shall notify the
6 applicant of the applicant's score. An applicant who fails to pass ~~any subject~~ either the
7 written or practical examination is entitled to a re-examination on ~~that subject within six~~
8 ~~months~~ the portion that was failed upon payment of an additional fee of fifty dollars or
9 an amount established by the board. ~~Two re-examinations exhaust the privilege under~~
10 ~~the original application.~~

- 11 4. Pays a licensing fee of ~~seventy-five~~ one hundred and fifty dollars or an amount set by
12 the board.

13 **SECTION 7. AMENDMENT.** Section 43-49-08 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **43-49-08. Restriction on use of title.**

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

20 **SECTION 8. AMENDMENT.** Section 43-49-09 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-49-09. License - Display - Renewal - Renewal fee.**

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

27 A license must be renewed before June first of each year. A license renewed June first or
28 later requires a late fee of fifty dollars or an amount established by the board. The
29 secretary-treasurer of the board shall ~~mail notice of renewal to~~ notify in writing each licensed
30 ~~reflexologist's address~~ reflexologist as shown in the records of the board at least thirty days
31 before the expiration of the license. The notice must include any requests for information as

1 ~~deemed~~ necessary for renewal as required by the board. The licensed reflexologist may renew
2 a license by sending a renewal fee of the amount set by the board, not to exceed one hundred
3 dollars, to the secretary-treasurer of the board, ~~and submitting~~. The licensed reflexologist shall
4 submit proof that ~~the reflexologist has attended a seminar on reflexology at least once of~~
5 completing twelve continuing education credits during the preceding three years. ~~A license that~~
6 ~~is not renewed by June thirtieth lapses.~~

7 **SECTION 9. AMENDMENT.** Section 43-49-12 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-49-12. Revocation of licensing.**

10 ~~The license of a licensed reflexologist~~board may be ~~revoked, suspended~~deny, refuse to
11 renew, revoke, suspend, or annulled by the boardplace on probation a license issued under this
12 chapter upon any ~~one or more~~ of the following grounds:

- 13 1. ~~That the person is guilty of gross~~Gross malpractice or incompetence in the practice of
14 reflexology.
- 15 2. ~~That the person's mental or physical health endangers public health or safety.~~
- 16 3. ~~That the person fails to comply with rules~~Violation of the provisions under this chapter
17 or the rules adopted by the board.
- 18 4.3. ~~That the person is guilty of~~Advertising by means of knowingly false or deceptive
19 advertisingstatements.
- 20 5.4. ~~That the person engages in~~Grossly unprofessional or dishonest conduct.
- 21 5. Fraud or deceit in admission to the practice of reflexology.

22 **SECTION 10. AMENDMENT.** Section 43-49-13 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-49-13. Administrative procedures.**

25 Any person may file a written complaint with the board seeking disciplinary action against a
26 reflexologist for violations of this chapter or rules adopted by the board. If the board determines
27 that a complaint alleges facts that, if true, would require denial, revocation, suspension, or
28 nonrenewal or other disciplinary action of a licensed reflexologist, the board shall conduct a
29 hearing. Any hearing regarding denial of a license or a disciplinary action must be held pursuant
30 to chapter 28-32. The board may dismiss a complaint that does not state facts that warrant
31 action.

1 **SECTION 11.** Section 43-49-14 of the North Dakota Century Code is created and enacted
2 as follows:

3 **43-49-14. Penalty.**

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