

OCCUPATIONS AND PROFESSIONS

CHAPTER 315

H. B. No. 650

(Strege, Stallman, Esterby, Anderson)

MESSAGE REGISTRATION ACT OF 1959

AN ACT

To protect the health, safety, and welfare of the people of the state of North Dakota; defining terms used in this Act; prescribing regulation for the practice of massage and the conduct of massage establishments; providing for the creation of a board of masseurs and defining the powers and duties of such board; providing for the inspection of all massage establishments and requiring the registration of all who practice massage; registration fee, appropriating the proceeds thereof to accomplish the purposes of this Act, and providing penalties for the violation of any provisions of this Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Short Title.) This Act may be referred to and cited as the "Massage Registration Act of 1959".

§ 2. Definitions.)

1. "Masseur" or "masseuse" shall mean a person who practices or administers all or any of the following named subjects, and who has made a study of the underlying principles of anatomy and physiology as are generally included in a regular course of study by a recognized and approved school of massage, to-wit: the art of body massage either by hands or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring, the use of oil rubs, heat lamps, salt glows, hot and cold packs, tub, shower, or cabinet baths. Massage is the practice of a profession scientifically applied to the patient by the operator's hands. Variations of the following procedures are used: touch, stroking, friction, kneading, vibration, percussion, and medical gymnastics. Masseurs or masseuses shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulations, nor prescribe or administer vitamins.
2. The term "massage establishments" as used in this Act shall be construed and deemed to mean any massage establishment, or place of business wherein all or any

one or more of the named subjects and methods of treatments, as defined in this section, are administered or used.

3. The term "board" as used in this Act shall be construed to mean the North Dakota Board of Massage created by this Act.

§ 3. Masseurs and Masseuses To Be Registered.) It shall be unlawful for any person or persons to engage in the practice or attempt to practice massage for a fee, or for a gratuity or to conduct or teach massage without a certificate or registration issued pursuant to the provisions of this Act.

It shall be unlawful for any person or persons to operate or conduct any massage establishment which does not conform to the sanitary regulations herein contained, or which may be adopted by the board created herein, or to employ any person as an operator who does not hold a certificate of registration.

It shall be unlawful for any person or persons to practice any branch of massage as defined in section 2, subsection 1, of this Act, whether for payment or free demonstration without first being a registered masseur or masseuse under the provisions of this Act, or without operating and maintaining a bona fide massage establishment, and without first paying a registration fee to the North Dakota Board of Massage.

§ 4. Exemptions.) The following classes of persons are exempt from this Act:

1. Persons authorized by the laws of this state to practice medicine, surgery, osteopathy, chiropractic, chiropody, or persons holding a drugless practitioner's certificate under the laws of this state.
2. Registered nurses and licensed practical nurses under the laws of this state.
3. Registered physical therapists under the laws of this state.
4. Schools, Y. M. C. A. clubs, athletic clubs, and similar organizations who furnish therapy and massage services to their players and members.

§ 5. Board of Massage Examiners; Terms.) For the purpose of carrying out the provisions of this Act, the governor shall appoint a board to be known as the "North Dakota Board of Massage", to consist of three masseurs or masseuses who are members of the North Dakota massage association. The members of the first board appointed under this Act shall be appointed for terms of one, two and three years respectively and shall hold office until their successors are appointed and qualified. Successors of said members shall be appointed for three years.

§ 6. Removal of Members of Board of Massage; Officers of the Board; Meeting.) The governor may remove from office, members of the North Dakota board of massage for neglect of duties as required by this Act or for malfeasance in office and incompetency, or for unprofessional conduct. The governor may fill any vacancy caused by removal of any member of the board of massage, on his or her resignation or death, all such appointees to be practicing masseurs or masseuses in the state.

The board of massage shall within two weeks after their appointment, meet at some convenient place within the state of North Dakota and shall then elect a president from their own members, and a secretary-treasurer. The secretary-treasurer shall give the governor of the state of North Dakota a penal bond in the sum of one thousand dollars with sufficient sureties to be approved by the governor for the faithful discharge of his duties. The board of massage shall hold examinations from time to time at such place or places as said board may designate.

It shall also be the duty of said board from time to time to examine and inspect or cause to be examined or inspected all massage establishments. Said board and its agents and employees shall have and they are hereby given authority to enter and inspect any such massage establishments at any time during which such establishment is open for the transaction of business.

§ 7. Requisites for Examination; Subject; Minimum Passing Grade; Fees.) Any person who shall furnish to the North Dakota board of massage satisfactory proof that he or she is twenty-one years of age or more, a high school graduate, a bona fide citizen of the United States and a bona fide resident of the state of North Dakota for at least six months immediately preceding his or her application to take the examination, and of good moral character and temperate habits, and shall make oath that he or she has not been convicted of any offense that would constitute a felony, either in this state or any other state or country, and shall present a diploma or credentials issued by a recognized, approved school of massage or like institution of not less than one thousand hours of study and who passes a reasonable demonstrative, oral and written examination, conducted by and under the supervision and direction of said board in the art of body massage by hand, or with any mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring, the use of oil rubs, salt glow, hot and cold packs, tub, shower, heat lamps, and similar baths, and shall pay the fees hereinafter specified, which fees shall accompany the application to the secretary-treasurer of

the board, shall be entitled to be registered and to be issued a certificate of registration as masseur or masseuse. Minimum requirements for certificate of registration shall be a general average in said examination of seventy-five percent in all subjects involved and not less than fifty percent in any one subject.

Any applicant failing to pass said requirements shall be entitled within six months to a re-examination upon payment of an additional fee of ten dollars, but two such re-examinations shall exhaust the privilege under the original application.

§ 8. Fees for Certificate of Registration.) The fee to be paid by an applicant to determine his or her fitness to receive a certificate of registration to practice as a registered masseur or masseuse as classified and defined in this Act shall be thirty-five dollars.

The fee to be paid by a masseur or masseuse for the renewal of a certificate shall be ten dollars for each renewal and said certificate shall be renewed annually. Attendance at postgraduate work at least three days a year, as prescribed by the board, is a further requirement for renewal of said certificate.

§ 9. Certificate of Registration; Recording; Displaying Conspicuously; Renewal.) Each certificate of registration shall be conspicuously displayed at the place of practice and must be recorded in the office of the clerk of the district court of each county wherein such registered masseur or masseuse practices, and within thirty days after issuance of such certificates. Annually, on or before the first day of January of each year, each and every registered masseur or masseuse shall pay to the secretary-treasurer of the board of massage the renewal fee as herein provided. Attendance at postgraduate work at least three days a year, as prescribed by the board, is a further requirement for renewal of said certificate. In the estimation of the board of massage examiners, if they should so decide, and upon due proof, after a physical examination of any operator whom they suspect or know to be in such physical well being as to jeopardize the health of those who seek relief from him or her, the board shall then require the applicant to have a physical examination by a competent medical examiner, and if found to have had or has any communicable disease to disqualify said applicant of a state certificate to practice massage in the state of North Dakota, the granting of such certificate shall be denied until applicant furnishes due proof of being physically and mentally competent and sound. The holder of an expired certificate of registration may, within one year from the date of expiration thereof, have the certificate renewed upon payment of the required renewal fee, and

production of a new certificate of physical examination as herein provided. All certificate holders shall be designated as certified masseurs or masseuses and shall not use any title or abbreviation thereof without the designation "masseur" or "masseuse".

§ 10. Revocation of Certificates; Preferment of Charges.)

The certificate of registration of a masseur or masseuse may be revoked, suspended or annulled upon any one or more of the following grounds:

1. That the registrant is guilty of fraud in the practice of massage or fraud or deceit in his admission to the practice of massage.
2. That the registrant has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense, which if committed within the state of North Dakota would constitute a felony under the laws thereof.
3. That the registrant is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.
4. That the registrant is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate him or her for the performance of his or her professional duties.
5. That the registrant is guilty of untrue, fraudulent, misleading or deceptive advertising, or that he or she prescribes medicines, drugs, or vitamins, or infringes on any other licensed profession.
6. That the registrant is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.
7. That said registrant has violated any provisions of this Act.
8. Any registrant who does not renew his or her registration for two consecutive years because of sickness or other reason, or absence from the state of North Dakota must take the examination as prescribed for an applicant to become a registered operator and to comply with all the provisions hereof, applicable to any applicant to become a registrant.

Charges may be preferred by any person, or the board may on its own motion direct the executive officer of said board to prefer said charges. Any accusation may be filed with the secretary-treasurer of the board charging any registered masseur or masseuse with any of the offenses herein enumerated. Such accusation shall be in writing, signed by the accuser and verified under oath.

§ 11. Provisions for Hearing; Notice.) Whenever such accusations as provided in section 10 are filed, the board shall set a day for hearing and the secretary-treasurer of the board shall transmit to the accused a true copy of any and all charges filed with him relating to such accusations, and shall notify in writing the accused that on the day fixed for the hearing, which shall not be less than ten days from the date of such notice, he may appear or show cause if any, why his or her certificate and license to practice massage in the state of North Dakota should not be revoked, suspended or annulled. For the purpose of such hearing the board may require by subpoena the attendance of witnesses, to administer oaths and hear testimony and receive evidence, either oral or documentary, for and against the accused, and said accused shall have the right at said hearing to cross-examine the witnesses, to produce witnesses in his defense, and to appear personally or by counsel.

The notice provided for in this section shall be substantially in the following form:

To.....

You are hereby notified that charges have been filed with the secretary-treasurer of the North Dakota Board of Massage against you as a practicing.....

(Masseur or Masseuse)

in the state of North Dakota, a true copy of such charges being attached hereto, and that the said board has fixed the.....

day of....., A. D. 19..... at the hour of..... o'clock..... at..... in.....

for a hearing on such charges, at which time and place you are hereby notified to appear before the board, and show cause, if you can, why your certificate to practice massage in the state of North Dakota should not be revoked, suspended or annulled. At the same time and place the board will hear testimony and receive evidence, either oral or documentary both for and against you relating to such charges.

Dated at..... this..... day of..... A. D. 19.....

.....
Secretary-treasurer of the
North Dakota Board of Massage

Such notice shall be sent to the accused by registered mail directed to his last known mailing address, and the post office registration receipt thereof, signed by the accused or his agent, shall be prima facie evidence of service of such notice.

§ 12. Power of Board to Revoke, Suspend, or Annul Certificates.) The board of massage may, upon satisfactory proof

made that any certificate holder has been guilty of any of the charges preferred against him or her, revoke, suspend or annul any certificate to do business issued hereunder, upon a two-thirds majority vote of the board, provided however that such accused person may have the proceedings of said board reviewed by certiorari to the district court of the district in which the certificate is recorded. Said writ shall be issued upon the petition of the person whose certificate has been revoked, suspended or annulled at any time within ninety days after such revocation, suspension or annulment.

The accused shall have the right to demand a trial de novo before the district court and thereafter the court shall hear and determine the guilt or innocence of the accused according to the evidence and law applicable to the facts which shall be produced before him, and unless the court shall render a decision in favor of the accused, and restore him or her to all rights to practice under this Act, the action of the board shall stand. Appeals from any decisions of the district court may be taken to the supreme court of North Dakota in the same manner and subject to like conditions as appeals in other cases are taken. In the event that any such certificate shall be revoked, suspended or annulled under the provisions of this Act, the board shall forthwith transmit to the clerk of the district court in which the accused is registered as a masseur or masseuse, a certificate under its seal certifying that such registration has been revoked, suspended or annulled, as the case may be, and such clerk shall upon receipt of such certificate, file same and forthwith mark such registration revoked, suspended or annulled, as the case may be, and in the event of suspension, shall indicate thereon the period for which it is suspended.

Any person who shall practice massage after his or her certificate has been revoked, suspended or annulled shall be deemed to have practiced massage without a certificate. However, at any time after six months from the date of said conviction, said board may in the exercise of its reasonable discretion by a majority vote, issue a new certificate to the person affected, restoring or conferring all rights and privileges of and pertaining to the practice of massage, but the fee shall be the same as upon issuance of the original certificate.

§ 13. Records To Be Kept by the Secretary-Treasurer of the Board.) The secretary-treasurer of the board shall keep a record book in which shall be entered the names of all persons to whom certificates have been granted under this Act, the certificate number of each, and the date of granting such certificate and renewal thereof and other matters of record, and the book so provided and kept shall be deemed and considered a book of records, and a transcript of any record there-

in or a certificate that there is not entered therein, the name and certificate number of or date of granting such certificate to a person charged with a violation of any of the provisions of this Act, certified under the hand of the secretary-treasurer, and the seal of the board shall be admitted as evidence in any of the courts of the state of North Dakota. The original books, records and papers of the board shall be kept at the office of the secretary-treasurer of said board. The secretary-treasurer shall furnish to any person making application therefor a copy of any such record, certified by him as secretary-treasurer, upon payment of a fee of twenty-five cents per one hundred words so copied, the fee to belong to the secretary-treasurer.

§ 14. Compensation of Board Members; Clerks.) The board members shall receive ten dollars per day and traveling expenses while actually engaged in their official duties. The secretary-treasurer shall be paid three dollars per member per year. The board shall have authority to hire office personnel deemed necessary by it for carrying on its official duties and shall set the compensation to be paid said employees.

§ 15. Disposition of Money Received by the Board.) All moneys collected by the board under this Act shall be paid to the secretary-treasurer, who shall give a receipt therefor and shall deposit moneys so received in a depository bank to the credit of the North Dakota board of massage fund, and said board is hereby empowered to expend said funds for the operation and maintenance of said board under the provisions of this Act, upon vouchers signed by the secretary-treasurer and countersigned by the chairman of the board, provided the total expense incurred shall not exceed the total moneys collected by the board under the provisions of this Act.

§ 16. Other Laws Unaffected by This Act.) Nothing contained in this Act shall be construed or interpreted as changing, modifying, or repealing any of the provisions relating to physicians, osteopaths, chiropractors, chiropodists, optometrists and nurses and the provisions of said several chapters, and the provisions of this Act shall be construed, interpreted, considered and enforced as separate laws and independent of each other.

§ 17. Practitioners at Time Chapter Becomes Effective.) Any person, resident of this state who is actually engaged in the practice of massage, and who has practiced the profession three years at any one place within the state of North Dakota or served as an apprentice three years at any one place within the state of North Dakota, or who has a diploma from an approved school of massage as herein defined at the time of final passage of this Act, or who is eligible for membership in the American Association of Masseurs and Masseuses, shall be granted a certificate of registration as a registered masseur or

masseuse without first having passed the demonstrative, oral or written examination before the board, as provided in section 7 of this Act, by making application to the board and furnishing credentials satisfactory to the board, a certificate of physical examination, and paying the required fee.

§ 18. Reciprocity.) Any person who has been duly licensed in another state to practice massage which state has and maintains a standard of practice, which is substantially the same as that maintained in this state, and who has been lawfully and continuously engaged in such practice for two years or more immediately before filing his or her application to practice in this state and who shall submit to the board a duly attested certificate from the examining board of the state in which he or she is registered, certifying to the fact of his or her registration and being a person of good moral character and of professional attainments may upon paying a fee of thirty-five dollars be granted a certificate for practice in this state without being required to take an examination; provided, however, that no certificate shall be issued to any applicant unless the state or territory from which the certificate is granted extends a like privilege to engage in the practice of massage as defined in this Act within its borders to persons registered under the provisions of this Act, to practice in this state removing to such other state. The board shall have the power to enter into reciprocal relations with other states whose requirements are substantially the same as those herein provided.

§ 19. Penalty for Violation.) Any person who shall violate any of the provisions of this Act shall, upon conviction be punishable by imprisonment in the county jail for not more than thirty days, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Approved March 17, 1959.

CHAPTER 316

S. B. No. 126
(Longmire)

PHYSICAL THERAPISTS

AN ACT

Defining, regulating, and registering physical therapists, providing for the appointment of an examining committee, and providing a penalty for the violation of the provisions of the Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Definitions.) In this Act, unless the context or subject matter otherwise requires:

1. "Physical therapy" means the treatment of any disability, injury, disease or other condition of health of human beings, or the prevention of such disability, injury, disease or other conditions of health and rehabilitation as related thereto by the use of the physical, chemical and other properties of air, cold, heat, electricity, exercise, massage, radiant energy, including ultraviolet, visible and infra-red rays, ultrasound, water and apparatus and equipment used in the application of the foregoing or related thereto. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this Act.
2. "Physical therapist" means a person who applies physical therapy as defined in this Act upon the prescription, and under the direct supervision, of a person licensed and registered in this state to practice medicine and surgery and whose license is in good standing.

§ 2. Duties of State Board of Medical Examiners.) The state board of medical examiners, hereinafter termed the "board", shall administer the provisions of this Act.

§ 3. Examining Committee.) There is hereby created a state examining committee for physical therapists to assist the state board of medical examiners in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, three of whom shall be physical therapists and two of whom shall be licensed and registered doctors of medicine.

§ 4. State Examining Committee; Members; Terms; Appointments; Vacancies.) The governor shall appoint the mem-

bers of the state examining committee for physical therapists for a term of five years. The first term of office shall commence on July 1, 1959, however the terms of office of the members first appointed shall be for one, two, three, four and five years respectively. Thereafter all terms shall be for a term of five years. Except for the first appointments, all appointments to the examining committee shall be made by the governor from a list of three qualified physical therapists or doctors of medicine submitted by the governing body of the North Dakota chapter of the American Physical Therapy Association if a physical therapist is to be appointed and from a list of three doctors submitted by the state board of medical examiners if a doctor is to be appointed. Appointments to the state examining committee to fill a vacancy occurring for other than the expiration of a term shall only be made for the remainder of the unexpired term. After the appointment of the first state examining committee, each physical therapist appointed there-to shall be a duly registered physical therapist, shall have had not less than three years experience in physical therapy immediately preceding his appointment, and shall be actively engaged in physical therapy in this state during his term of office. Each doctor of medicine appointed to said state examining committee shall be duly licensed and registered to practice medicine and surgery in this state, and shall have had not less than four years actual experience in the practice of medicine and surgery. Each member of the state examining committee, before entering upon the discharge of his duties, shall take and file with the secretary of state the oath of office prescribed for state officials.

§ 5. Officers; Duties; Compensation.) Within thirty days after the appointment of the members of the state examining committee for physical therapists, they shall elect from their members a president, a vice president, and a secretary, who shall each serve for one year or until their successors are elected and qualified. The state examining committee shall serve in an advisory capacity to the state board of medical examiners in matters pertaining to physical therapists, and the state board of medical examiners shall have authority to prescribe reasonable rules and regulations relative to the qualification and examination of physical therapist applicants. As to any matters coming under its jurisdiction, the state examining committee may take such testimony as it may deem necessary in the exercise of its powers and the performance of its duties under the provisions of this Act, and any member of said committee shall have the power to administer oaths in the taking of such testimony.

A simple majority of the committee shall constitute a quorum for the transaction of business. The secretary shall keep

a record of all proceedings of said committee. The examining committee shall meet at such time and at such place as the president shall direct, under the direction of the state board of medical examiners, except that the committee shall conduct the examination for the registration of physical therapists at least once each year. The board of medical examiners may appoint and fix the compensation of such employees as may be necessary to assist the examining committee and the board of medical examiners shall have the power to employ such expert assistance as it may deem necessary to carry out the purposes of this Act. No member of the examining committee shall receive any compensation for time spent in the performance of his duties but shall receive actual expenses and travel expenses payable out of the funds of the board.

§ 6. Applicants; Qualifications; Examinations.) It shall be the duty of the state board of medical examiners with the advice and assistance of the state examining committee to pass upon the qualifications of all applicants for examination and registration, provide for and conduct all examinations, determine the applicants who successfully pass the examination, and duly register such persons. A person who desires to be registered as a physical therapist must have the following qualifications:

1. Be at least twenty-one years of age;
2. Be a citizen of the United States of America or have filed a declaration of intention to become a citizen and, having made such declaration of intention, have filed a petition for naturalization within sixty days after becoming eligible to do so;
3. Be of good moral character;
4. Have successfully obtained a high school education or its equivalent, as determined by the board; and
5. Have been graduated by a school of physical therapy approved by the board for training physical therapists.

Application shall be made on a form furnished by the board, for examination for registration as a physical therapist. In determining whether or not such approval shall be given, the board may take into consideration, the approval or nonapproval of such schools by the appropriate Council of the American Medical Association or of the Canadian Medical Association, if any, at the time of applicant's graduation, or if graduated prior to 1936 whether or not the school or course was approved by the American Physical Therapy Association, at the time of graduation. The examination shall embrace the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy as defined in this Act, as applied to medicine, neur-

ology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in physical therapy as defined in this Act, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board a fee of twenty-five dollars which shall not be returned if such application is denied.

§ 7. Registration.) The state board of medical examiners shall register all applicants as physical therapists who successfully pass the examination provided for in this Act and who are otherwise qualified as required herein, and shall furnish a certificate of registration to each successful applicant.

§ 8. Examination, When Not Required.)

1. The state board of medical examiners may register a physical therapist and may furnish him a certificate of registration without examination if he applies for such registration on or before December 31, 1959, and if on the effective date of this Act he meets the qualifications for a physical therapist as set forth by the American Registry of Physical Therapists, and if he is actually engaged in physical therapy in this state and is otherwise qualified. At the time of making such application, the applicant shall pay to the board a fee of twenty-five dollars which shall not be returned if such application is denied.
2. Said board may issue a certificate of registration in physical therapy without examination therein to an applicant who presents evidence, satisfactory to the board, of having passed the examination in physical therapy of the American Registry of Physical Therapists, or an examination before a similar, lawfully authorized examining board in physical therapy of another state, District of Columbia, territory or foreign country, if the standards for registration in physical therapy in such other state, district, territory or foreign country as determined by said board are as high as those of this state. At the time of making such application, the applicant shall pay to the board a fee of twenty-five dollars which shall not be returned if the application is denied.

§ 9. Renewals.) Every physical therapist shall be registered with the board by January 31, 1960, and each January thereafter, shall apply to the board for an extension of his registration and pay a fee of five dollars. Registration that is not renewed on or before January 31, each year, shall lapse on said date. The board, in its discretion, may reinstate a lapsed registration upon the payment of the full five dollar fee.

§ 10. Rules and Regulations.) The board is authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this Act. The secretary of the board shall keep a record of all proceedings under this Act and a list of all persons registered under it. The register shall show the name, address, date and number of the original registration, and the renewal thereof. The board shall, on or before February 15 of each year, compile a list of all registered physical therapists and mail a copy thereof to the state board of health and the state's attorney of each county. Any other interested person may obtain a copy of such list on request to the board upon payment of such amount as may be fixed by the board. The board shall provide blanks, books, application forms, registration certificates, stationery, and any other supplies or assistance that may be necessary to carry out the provisions of this Act. All money received by the board under this Act shall be paid to the secretary of the board. Said money so received may be used by the board in defraying its expenses in carrying out the provisions of this Act. It shall be the duty of the secretary to sign all orders for payment of money and other accounts and other orders of the board.

§ 11. Refusal, Suspension or Revocation of Certificate.) The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend or revoke the registration of any physical therapist for any of the following grounds:

1. Habitual indulgence in the use of narcotic drugs or other habit forming drugs;
2. Excessive indulgence in the use of alcoholic liquors;
3. Conviction of felony;
4. Conviction of a crime involving moral turpitude;
5. Conviction for violating any municipal, state or federal narcotic law;
6. Procuring, aiding, or abetting a criminal abortion;
7. Obtaining or attempting to obtain registration by fraud or deception;
8. Finding by a court of competent jurisdiction that the registrant is a mentally ill person and has not thereafter been restored to legal capacity;
9. Conduct unbecoming a person registered as a physical therapist or detrimental to the best interests of the public;
10. Failure to file a petition for naturalization within ninety days after becoming eligible to do so, or, if such petition has been filed, failure to become a citizen of the United States of America within six months after such filing;

11. For treating or attempting to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this Act;
12. For applying or offering to apply physical therapy independent of the prescription and direct supervision of a person licensed and registered in this state to practice medicine and surgery.

§ 12. Use of Certain Words Prohibited.) Any person who shall, in any manner, represent himself as a physical therapist, or who uses in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, P.T., Ph. T., P.T.T., or R.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that he is a physical therapist, without a valid existing certificate of registration as a physical therapist issued to him pursuant to the provisions of this Act, shall be guilty of a misdemeanor. Provided, however, that nothing in this Act shall prohibit any person licensed or registered, in this state, under another law, from carrying out the therapy or practice for which he is duly licensed or registered. Nor shall it prevent schools, Y.M.C.A. clubs, athletic clubs, and similar organizations from furnishing therapy service to their players and members. This Act, also, shall not be construed so as to prohibit masseurs and masseuses from engaging in their practice not otherwise prohibited by law and provided they do not represent themselves as physical therapists.

§ 13. Physical Therapist Must Be Registered.) It shall be unlawful for any person to practice physical therapy or hold himself out as a physical therapist unless he has been registered by the state board of medical examiners as provided for in this Act.

§ 14. Penalty.) Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

Approved March 17, 1959.

CHAPTER 317

H. B. No. 577

(Brown, Fitch, Neukircher, Idso, Dahl,
(Dick, Hilleboe, Knudsen, Mueller, Lowe.)
(Bye, Vinje, Haugland, Davis, Tough, Johnston)

WATCHMAKERS' ACT

AN ACT

Creating a board of examiners in watchmaking, prescribing the power and duties of the board, providing for the regulation, supervision and licensing of watchmakers as defined in the Act, prescribing penalties for violation of provisions of this Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Definition of Watchmaking.) The term of "watchmaking" includes and means the repairing, replacing, rebuilding, readjusting or regulating of the mechanical parts of watches and clocks, and the repairs thereof and the manufacturing and fitting of parts designed for use or used in watches. Such statements shall not include or mean the manufacturing or repairing of watch or clock cases, but shall include the repairing of all winding mechanisms whether they are parts of such cases or not.

§ 2. Board.) The term "board" means the "North Dakota Board of Examiners in Watchmaking".

§ 3. Watchmakers To Be Registered.) No person shall engage in watchmaking for profit or compensation of any kind without first obtaining a certificate of registration, as hereinafter provided, which certificate shall at all times be conspicuously displayed in his place of business.

§ 4. Board of Examiners in Watchmaking.)

- (1) There is created a board to be known as the North Dakota Board of Examiners in Watchmaking, whose duties it shall be to administer the provisions of this Act. Such board shall consist of five members, appointed by the governor within sixty days after the effective date of this Act. All persons so appointed shall have been residents in this state and actually engaged in watchmaking, as defined, for at least five years immediately preceding the time of their appointment. Each member of the board shall hold office for six years and until his successor shall be appointed, except that in the first appointments 1 member shall be appointed for 6 years,

- 1 member for 5 years, 1 for 4 years and 1 for 3 years, and the term of office in such case shall be designated by the governor at the time of the appointment. The board of five to consist of not less than two employees.
- (2) The board shall choose annually one of its members as president and one as secretary, who shall severally have power to administer oaths and take affidavits certifying thereto under the seal of the board. The board shall meet at such times and places as the officers may direct. A majority of the board shall constitute a quorum. The secretary shall give such bond as the board shall determine to be proper. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be paid per diem of fifteen dollars for time spent in the performance of his duties but not to exceed in one year the total sum of two hundred twenty-five dollars; also they shall be paid mileage of five cents per mile, and actual and necessary expenses for lodging and meals. The secretary, in addition to such per diem and expenses, may be paid an annual salary not to exceed fifteen hundred dollars. All expenses connected with the operation of the board shall be defrayed from the revenue derived from the licenses, renewals, and examination fees.
 - (3) The board shall establish suitable and proper uniform apprenticeship regulations; may retain administrative or legal counsel, if it deems needed or proper.
 - (4) The secretary shall collect the fees and shall pay the same into the state treasury, to be kept by the state treasurer in a fund entitled "watchmakers' fund". The secretary shall draw by warrant for necessary expenses which shall be paid from said fund.

§ 5. Examinations; Fees.) Applicants for certificates shall be examined at a time and place fixed by the board. Applications for examination shall be filed with the board at least ten days before the date set for the examination and shall be accompanied by an examination fee of \$15. The applicant shall be of good character, at least 18 years of age, and possess such training and experience as the board shall determine to be requisite.

§ 6. Examinations; Re-examinations.) An applicant to be entitled to a certificate shall pass an examination before the board which examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include a practical demonstration of the applicant's skill in the manipulation of watchmakers' tools.

The board shall make rules and regulations for conducting examinations and shall define the standards of workmanship and skill. In the case of failure at any examination, the applicant shall have the privilege of taking another examination at any other examination period upon the payment of a fee of \$7.50.

§ 7. Certificates of Registration.)

- (1) If the applicant successfully passes the examination, the secretary of the board shall register such fact and shall issue to him a certificate of registration.
- (2) A watchmaker in good standing, registered and licensed in another state or states and having engaged in watchmaking therein for two years immediately preceding his application for a certificate, upon filing with the board satisfactory proof thereof shall be issued a certificate, without examination upon the payment of a fee of twenty-five dollars.
- (3) Watchmakers of this state who are in the armed forces of the United States of America at the time this becomes a law, shall be exempt from taking the examination herein provided upon making application for certificate within one year after his discharge from service, accompanied by an application fee of ten dollars.
- (4) Certificates of registration shall expire on the first day of January each year and must be renewed within thirty days for one year upon payment of a fee of five dollars or less at the discretion of the board. If such certificate of registration is not renewed on or before June 1st of the year in which issued, such registrant may be required to pay a penalty of one dollar and fifty cents in addition to the renewal fee. Application may be made for renewal after the fifteenth day of December of each year.
- (5) The board shall issue a temporary sixty-day certificate upon payment of a fee of one dollar.
- (6) Any person actively engaged in the trade for a period of at least three years in the state of North Dakota prior to the enactment of this Act is automatically given a certificate without examination and by paying the regular fee of fifteen dollars.

§ 8. Certificates for Apprentice Watchmakers.) Any person sixteen years of age or over, of good character, apprenticed to a registered watchmaker in accordance with the regulations determined and established by the board, may pursue the trade of watchmaking upon obtaining from the board a certificate of registration as an apprentice watchmaker, which certificate

shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers shall pay a fee of two dollars annually.

§ 9. May Revoke Certificates.)

- (1) The board may revoke a certificate of registration upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder thirty days' notice in writing of such proposed revocation.
- (2) The board may revoke a certificate of registration obtained through error of the board or fraud on the part of the applicant, or if the holder is grossly incompetent, guilty of unethical conduct, or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The holder of such certificate shall be given thirty days' notice in writing, enumerating the charges and specifying a date for the hearing on such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the board. The holder may within thirty days after revocation file with the secretary of the board, a written notice of appeal to the district court, and the secretary shall transmit to the court and to the attorney general a certified copy of the record. The appeal shall be tried by the court de novo.
- (3) One whose certificate has been revoked may, upon the expiration of one year after such revocation, apply to the board for registration and, upon satisfactory proof that the cause of revocation no longer exists, the board may, in its discretion, issue to said person a certificate of registration upon payment of the fees herein provided.
- (4) "Unethical conduct" includes and means any conduct of a character likely to mislead, deceive, or defraud the public; advertising of any character in which untruthful or misleading statements are made; loaning of certificate of registration to any person, failure to display the certificate of registration conspicuously at all times; representation that a watch has been cleaned although its major parts, train wheels, and mainspring have not been disassembled and the capped jewels removed and all parts thereof properly cleaned; performance of any work upon a watch, clock, and time-recording instrument in an unworkmanlike or unskilled manner; representation that certain services or parts are necessary or have been or will be used in the repair of a watch,

although such services or parts are not necessary and have not been used in such repairs; employing directly or indirectly any unregistered watchmaker to perform any watchmaking, or repairs on watches, clocks, and time-recording instruments or noncompliance, within thirty days, with the directions given in a written notice from the board to terminate employment with any person who is violating the provisions of this Act.

§ 10. Violations; Penalty Provisions.) Anyone not having a certificate of registration who shall hold himself out as a watchmaker or as qualified to do watchmaking, or anyone who shall violate any of the provisions of this Act is guilty of a gross misdemeanor and shall be punished by revocation of his license for a period of six months and on a second conviction for a period of one year. Upon a third conviction, license shall be revoked for a period of five years.

Approved March 11, 1959.

CHAPTER 318

H. B. No. 630

(Stockman, Baldwin, Lowe, Anderson of Richland)

BARBER SCHOOL STANDARDS

AN ACT

To amend and reenact section 43-0424 of the North Dakota Revised Code of 1943, relating to minimum standard of schools of barbering.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 43-0424 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0424. Minimum Standard of Schools of Barbering.) No school of barbering shall be approved by the board unless it requires as a prerequisite to graduation a course of instruction of not less than twelve hundred hours to be completed within a reasonable period of time as determined by the board with not more than eight hours in any one working day. Such course of instruction shall include the following subjects:

1. Scientific fundamentals of barbering;
2. Hygiene;
3. Bacteriology;
4. Histology of the hair, skin, muscles, and nerves;
5. Structure of the head, face, and neck;

6. Elementary chemistry relating to sterilization and anti-septics;
7. Diseases of the skin, glands, and nails;
8. Massaging and manipulating the muscles of the upper body;
9. Hair cutting;
10. Shaving;
11. Arranging, dressing, coloring, bleaching, and tinting the hair.

Approved March 4, 1959.

CHAPTER 319

S. B. No. 163
(Wenstrom)
(By request)

DENTISTS

AN ACT

Relating to and regulating the practice of dentistry, providing for exceptions, establishing state board of dental examiners, prescribing qualifications of membership, providing for meetings, appointment of officers, and payment of compensation, prescribing the powers and duties of board, requiring examinations, prescribing qualifications of applicants, authorizing the issuance of licenses and certificates of registration, prescribing grounds for suspension or revocation and imposing conditions for renewal thereof, prescribing procedure for hearings, issuance of orders and appeals, authorizing revocation and reinstatement of licenses, and certificates of registration upon payment of fees, declaring certain acts as misdemeanors and prescribing punishment therefor and to repeal chapter 43-08, as amended, of the North Dakota Revised Code of 1943 and all acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Definitions.)

1. Practice of dentistry: Every person shall be deemed to be practicing dentistry within the meaning of this Act:
 - a. Who holds himself out or advertises that he intends to and will diagnose, treat, operate, or prescribe for any disease, pain, injury, deficiency, deformity of the human teeth, oral cavity, alveolar process, gums, jaws or any injury or disease incidental thereto;
 - b. Who shall fill, repair, or treat a human tooth or teeth, or perform any operation whatsoever upon the human tooth or teeth, gums, jaws or oral cavity;

- c. Who shall extract any tooth or teeth or attempt to correct the malposition thereof;
 - d. Who shall by himself, or by or through his agent or employee do, perform or offer to perform any of the acts enumerated herein, whether for reward or gratuitously;
 - e. Who administers a local or general anesthetic as applied to the practice of dentistry;
 - f. Who takes or diagnoses dental X-rays;
 - g. Who makes injections of or prescribes for the use of drugs as applied to dentistry;
 - h. Who replaces any lost tooth or teeth by artificial ones, and furnishes, supplies, constructs, reproduces or repairs prosthetic dentures, bridges, and appliances to be used and worn as substitutes for natural teeth;
 - i. Who shall use the word or letters "Dentist" and "D.D.S." or "D.M.D." or any other letter or title designed to connect him with the practice of dentistry in this state.
2. The "board" shall mean the state Board of Dental Examiners.
 3. "Legal entity" shall include foreign and domestic corporations, partnerships, trade or firm names and public and private institutions.
 4. "Advertising" means to invite the attention of or give notice to the public, by any means, medium or manner whatsoever of any fact, information or data pertaining to or being conducive of the practice of dentistry in this state.
 5. "License" shall mean the right, authority or permission granted by the state board of dental examiners to practice dentistry in this state.
 6. "Certificate of registration" shall mean a written statement of the board declaring that a licensed dentist has paid the annual registration fee required by this Act.

§ 2. Exceptions.) The provisions of this Act shall not apply:

1. To the filling of written prescriptions of a licensed and registered dentist by any person or legal entity, for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances, to be used or worn as substitutes for natural teeth, provided, that such person or legal entity shall not solicit or advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio, television or otherwise to the general public to construct, reproduce, repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth.

2. To students enrolled in and regularly attending any dental college recognized as such by the board, if their acts are done in dental college and under the direct supervision of their instructor.
3. To legally qualified and licensed physicians, surgeons, and other practitioners authorized by law, who performs any act defined herein as the practice of dentistry in emergency cases.
4. To a duly licensed and registered dentist of another state temporarily operating in this state as a clinician or lecturer under the auspices of a dental college, a reputable dental, dental hygienist or dental assistant society.
5. To a dental hygienist, regularly licensed and registered who practices in the manner provided by this Act.
6. To the practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard, Veterans Bureau or Director of the Dental Division of the North Dakota State Health Department.

§ 3. State Board of Dental Examiners; Members; Appointment; Terms of Office; Oath; Vacancies.) The state board of dental examiners shall consist of five members to be appointed by the governor for a term of five years each, with their terms of office so arranged that one term and only one shall expire on the sixteenth day of March of each year. Each member of the board shall hold office until his successor is appointed and qualified. Persons appointed to the board shall qualify by taking the oath required of civil officers. No member shall serve more than one term of office. If a member of the board is absent from two consecutive regular meetings, the board may declare a vacancy to exist. All vacancies on the board shall be filled by the governor by appointment.

§ 4. Qualifications and Appointment of Members of the Board.) No person shall be appointed as a member of the board unless he has the following qualifications:

1. Is a duly licensed and registered dentist.
2. Is actively engaged in the practice of dentistry and has been so engaged in this state for at least five years immediately preceding his appointment.
3. Is recommended for such appointment by the North Dakota dental association.
4. Never has served as a member of the board. At least ninety days before the expiration of a term of any member of the board, the North Dakota dental association shall make its recommendation to the governor. Not less

than three candidates shall be recommended for each appointment. If the recommendations are not made in the required time, the governor shall make the appointment from the last recommendations of the association.

§ 5. Meetings of Board; Officers; Bond; Compensation of Members; Quorum.) The board shall hold a regular meeting, at such place as is designated by it, on the second Tuesday of July of each year, and such special meetings as are necessary. At the regular meeting of the board the members shall elect from their number a president, vice president, and a secretary-treasurer. The secretary-treasurer shall furnish a bond in the amount fixed by the board. Each member of the board shall receive as compensation the sum of ten dollars for each day actually engaged in the duties of his office, five cents per mile for the distance necessarily traveled in going to and returning from meetings of the board, and not to exceed five dollars a day for meals and lodging while attending meetings of the board. The secretary-treasurer shall be paid an annual salary equal to fifteen percent of all funds received by the board during the year. Three members of the board shall constitute a quorum but a smaller number may adjourn from time to time.

§ 6. Powers of the Board.) The board shall have the power:

1. To make, amend, revise and enforce reasonable rules and regulations to govern its proceedings and to carry out the provisions of the Act.
2. To examine applicants for licenses to practice dentistry or dental hygiene in this state.
3. To issue, suspend, revoke and reinstate, licenses to practice dentistry or dental hygiene and certificates of registration upon any grounds authorized by this Act.
4. To issue subpoenas to require the attendance of witnesses; the production of documentary evidence; and to administer oaths. Any member or executive officer of the board may administer oaths to witnesses, or issue subpoenas, but all subpoenas so issued shall be attested by the secretary who shall affix the seal of the board thereto.
5. To employ and compensate attorneys and clerical assistants and to perform such other duties as are imposed upon the board by this Act.

§ 7. Expenses of Board; How Paid; Funds Held by Secretary-Treasurer.) All moneys collected for the board under the provisions of this Act shall be kept in a separate account by the secretary-treasurer and shall be used for the payment of the compensation and necessary expenses of the officers and members of the board, and disbursed only on warrants signed

by the president and secretary-treasurer. At the end of his term, the secretary-treasurer shall render a full and true account to his successor for any moneys remaining in his hands.

§ 8. Records of Board; Use as Evidence.) The board shall keep full and complete minutes of its proceedings and of its receipts and disbursements and a full and accurate list of all persons licensed and registered by it. The records of the board, together with the list of all licensed and registered dentists, shall be public records and shall be open to public inspection at all reasonable times. Such records, or a transcript of the same or any part thereof, under the seal of the board, duly certified by its secretary-treasurer, shall be competent evidence of the facts therein stated. A certificate of the secretary-treasurer under the seal of the board stating that any person is or is not a duly licensed and registered dentist shall be prima facie evidence of such fact.

§ 9. Report to Governor.) On or before the thirtieth day of June in each year, the board shall make a report of its proceedings during the preceding year to the governor. Such report shall contain an account of all moneys received and disbursed by the board during said time.

§ 10. License and Certificate Required.) No person shall practice dentistry in this state unless:

1. He first obtains a license to practice in this state, and
2. He holds a valid annual certificate of registration, provided, however, that any dentist so licensed and registered may issue a death certificate in an emergency, when the cause of death is known to such dentist.

§ 11. Examination Required; Application; Qualifications; Fees.) Any person who desires to obtain a license to practice dentistry in this state shall make application to the secretary-treasurer of the board on such forms as it may provide and shall submit to an examination by the board. The application shall be verified under oath to the effect that all of the statements contained therein are true of applicant's own knowledge. Applicant shall enclose with his application a recent autographed picture of himself; the sum of fifty dollars; and proof that he has the following qualifications:

1. Is a graduate of a dental college recognized by the board.
2. Is a citizen of the U. S. or has filed a declaration of his intention to become a citizen of the U. S. and that his application for naturalization has been approved by the proper authorities.
3. Is a person of good moral character.

§ 12. Examination; Subjects Covered.) At the next regular meeting of the board held after an application for a license

and a certificate of registration to practice dentistry in this state is made the applicant shall present himself to the board, which shall give him an examination to test his fitness for the practice of dentistry. The examination may include the following subjects:

1. Anatomy;
2. Physiology;
3. Oral surgery;
4. Chemistry;
5. Materia medica;
6. Therapeutics;
7. Metallurgy;
8. Histology;
9. Pathology;
10. Bacteriology;
11. Orthodontics;
12. Prosthetic dentistry;
13. Crown and bridge, X-ray, operative, surgical and mechanical dentistry, and
14. Such other subjects which the board, at the time the examination is given, may deem necessary.

§ 13. License, Certificate When Issued and Re-examination When Required.) If an applicant has the necessary qualifications and successfully passes the examination for a license to practice dentistry in this state, the board shall:

1. Issue to the applicant a license to practice dentistry in this state, which shall be entered upon the records of the board.
2. Issue said licensed dentist a certificate of registration in the form prescribed by the board. Any dentist so licensed and registered, who does not undertake the actual practice of dentistry in this state within five years from the date of his license and registration, shall, before engaging in the practice of dentistry in this state, notify the board of his intention in writing so to do, whereupon the board, after a full investigation, may re-examine said dentist as to his qualifications to practice dentistry in this state should the board deem such re-examination necessary and notify such dentist thereof. The failure of such dentist to give the written notice to the board required herein before he engages in the practice of dentistry in his state shall operate as a forfeiture of his license to practice dentistry.

§ 14. Re-examination; Fee.) If an applicant fails to pass the examination given by the board, he may apply for another examination, and upon the payment of a fee of ten dollars shall be re-examined. The board shall determine the number of times an applicant may be re-examined.

§ 15. License and Certificate, When Issued to Practitioners of Another State.) The board may issue a license and certificate of registration to practice dentistry in this state to any person who wishes to move to this state from another state upon a practical examination only, if such person:

1. For five years or more immediately preceding his application has been licensed to practice dentistry in another state where the requirements are equivalent to those of this state, and where like provisions are accorded to holders of certificates of registration issued in this state;
2. Is a reputable dentist of good moral character;
3. Pays to the board a fee of seventy-five dollars;
4. Delivers to the board a certificate from the examining board of the state in which he is practicing, certifying that he is a licensed and registered dentist in that state, and is of good moral character;
5. Demonstrates his ability to the satisfaction of the board.

§ 16. Certificate; Term; Displayed in Place of Business; Renewal; Fee.) A certificate of registration issued under the provisions of this chapter shall be valid for only one year and shall be renewed on or before the first day of January in each year. The fee for renewal of the certificate shall not exceed ten dollars. The holder of a license and certificate of registration shall display the same conspicuously in his place of business. The certificate of registration or the renewal thereof, shall be prima facie evidence of the right of the holder to practice dentistry in this state during the time for which it is issued. All fees provided for in this Act may be collected by the board in a civil action.

§ 17. Failure to Pay Annual Fee Revocation of License.) Whenever a licensed dentist fails to pay the annual fee for the renewal of his certificate of registration, after thirty days written notice of such default, the board may revoke his license to practice dentistry forthwith and notify such dentist thereof.

§ 18. Revocation or Suspension of License and Certificate, Grounds for.) The board may revoke or suspend the license and the certificate of registration of any dentist who has:

1. Been guilty of dishonorable, unprofessional or immoral conduct;
2. Been denied admission to citizenship in the United States;
3. Been convicted of a felony or other crime involving moral turpitude, whether within or without this state;
4. Has been adjudged insane and not judicially restored by the regularly constituted authorities;
5. Been guilty of habitual intemperance or addicted to the use of drugs;

6. Employed or permitted unlicensed persons to practice dentistry in the office under his control;
7. Become grossly negligent in the practice of his profession;
8. Practiced fraud and deceit in obtaining his license or in the practice of dentistry;
9. Employed a solicitor or agent to obtain business;
10. Willfully betrayed confidential relations;
11. Practiced dentistry under a trade name or a false name other than a partnership name containing the names of one or more of the partners or deceased partners; provided, however, that a licensed dentist, who is associated with an ethical medical clinic, may announce the fact of such association;
12. Shared any professional fee with any one or paid any one for sending or referring patients to him, provided, however, that this shall not prohibit licensed dentists from practicing in a partnership and sharing one another's professional fees, nor prohibit a licensed dentist from employing any other licensed dentist or licensed dental hygienist;
13. Given a public demonstration of any dental operation under any circumstances, except such as may be approved by the board;
14. Used any advertising of any character tending to mislead and deceive the public;
15. Used any advertising in which reference is made to the character or quality of the services performed or to be performed to the materials or medicines used by him or to any price, cost, charge, fee or terms of credit for services performed or for materials used;
16. Used a display sign in a larger area than six hundred square inches or containing letters more than six inches in height;
17. Used artificial lighting or illumination of any kind as a part of a sign or which has the effect of making any sign more prominent or conspicuous;
18. Advertised any free dental work, free examination, free consultation, a guarantee of any dental services, or the painless performance of any dental operation;
19. Used in connection with any advertising any artificial teeth, dentures or any representation of a tooth, teeth, bridgework or any portion of the human head;
20. Used any newspaper advertising except a professional card in the local press, or in programs, year books and other similar publications, which do not occupy more space than four column inches and which do not include more than the dentist's name, title, address, telephone

- number and office hours, provided that a dentist who has a specialty may announce that fact if he has been authorized to do so by the board;
21. Controls or owns a dental laboratory or X-ray laboratory or operates the same in connection with his office, and has advertised such dental or X-ray laboratory in a manner prohibited herein;
 22. Made any false or untrue statements in his application for an examination to obtain a license to practice dentistry;
 23. Made any false representations that he is the holder of a license or certificate of registration to practice dentistry;
 24. Made any false claims that he is a graduate of a dental college or the holder of any diploma or degree from such college; and
 25. Violated any of the provisions of this Act.

§ 19. Revocation of License and Certificate; Proceedings, How Initiated; Service of Notice and Hearing.) Proceedings for the suspension or revocation of a license and certificate of registration to practice dentistry in this state may be initiated:

1. Upon the complaint of any member of the board, or
2. Upon the complaint of another person.

The complaint shall be in writing and verified under oath by the complainant, either upon personal knowledge or upon information and belief. Three copies thereof shall be filed with the secretary-treasurer of the board, whereupon the board, if it deems the complaint sufficient, shall issue its order setting a date and place for the hearing thereof on the merits. The secretary-treasurer of the board shall cause a copy of the complaint and order for hearing to be served upon the accused, either personally or by certified mail, such service shall be made at least twenty days before the day set forth for hearing thereon.

§ 20. Plea, Answer, Trial of Issues, Witnesses and Cost.) A dentist served with a complaint and order shall appear before the board at the time appointed for such hearing and shall either plead to or answer the charge made against him. If he admits the truth of the charge then the board shall make appropriate findings of fact and conclusions of law and order the suspension or revocation of his license and certificate without any further proceedings. But if the accused fails to appear or if he appears and denies the charge that then the issues presented by the pleadings shall be heard, tried and determined upon the merits in accordance with the procedure prescribed by the Uniform Practice Act applicable to adminis-

trative agencies. The board and the accused may be represented by licensed attorneys. Witnesses may be subpoenaed, examined and cross-examined, depositions may be taken, filed and introduced in evidence in the manner provided for the production and examination of witnesses and the taking of depositions in civil actions in the district court. The hearing, for good cause shown, may be continued from time to time until the trial has been completed. The board shall make a full and complete written record of all the testimony and exhibits offered and received in evidence and of all proceedings had before it at such hearing. A transcript of the evidence and of all proceedings had and made a matter of record shall be furnished to the accused upon written request therefor upon payment of a reasonable fee to be fixed by the board.

§ 21. Determination, Order, Appeal and Review.) If the board finds and determines, after due hearing, that the accusations contained in the complaint have been established by substantial evidence, the board shall make its findings of fact, conclusions of law, and issue its order suspending or revoking the license and certificate of registration, or order the dismissal of the proceedings upon the merits, for failure of proof. The original order shall be filed with the secretary and a copy thereof shall be served upon the respondent by certified mail within ten days from the entry thereof. If the accused feels aggrieved by or dissatisfied with the order of the board he shall have the right to appeal therefrom to the district court of the county wherein such proceedings were tried and determined for a review thereof in said court within the time and in the manner prescribed by law for appeals to the district court from orders issued by administrative agencies.

§ 22. Reinstatement of License, Renewal of Certificate, When Issued, Fees.) No dentist shall be reinstated, and no license and certificate of registration shall be reissued, except on the following conditions:

1. Where the license and certificate of registration have been revoked for cause upon one or more of the grounds specified in this Act, a dentist may be reinstated only:
 - a. Upon application to the board for re-examination;
 - b. Upon payment of examination fees required by this Act;
 - c. Upon successfully passing said re-examination;
 - d. Upon payment of an additional administrative fee to be fixed by the board, which shall not exceed fifty dollars.
2. Where the license and certificate of registration has been revoked for nonpayment of annual registration fees required by this Act, said dentist may be reinstated upon

payment to the board of the amount of renewal fees then in default, with an additional administrative fee to be fixed by the board not to exceed fifty dollars; provided, however, that the board after an investigation, may require a dentist whose license has been revoked for nonpayment of the annual registration fee to submit to a re-examination as to his qualification to practice dentistry before he is reinstated, if the board in the exercise of its discretion finds and determines that the best interests of the public, and the applicant, will be served thereby.

§ 23. Notice to Board of Change of Address.) Within ten days after a licensed and registered dentist changes his place of business, he shall notify the secretary-treasurer of the board of his new address. The notice shall be given by certified mail and return receipt requested. Such licensed and registered dentist shall not practice dentistry in his state for more than ten days after such removal without giving such notice.

§ 24. Duplicate License and Certificate; When Issued; Fee.) If a license or certificate of registration to practice dentistry in this state is lost or destroyed, the board shall issue and deliver a duplicate license or certificate upon satisfactory proof by applicant of the loss or destruction thereof. The fee for such duplicate license shall be five dollars and the fee for issuing a duplicate certificate of registration shall be one dollar.

§ 25. Acts Declared a Misdemeanor.) It shall be unlawful:

1. For any dentist, dental hygienist, legal entity or unlicensed person, who owns, operates, or controls any room or office where dental work of any kind is done or contracted for to employ, keep or retain any unregistered dentist or dental hygienist or other unlicensed persons to do any dental work whatsoever.
2. For any dentist to help or assist any unlicensed person to perform any act or operation which is defined herein as the practice of dentistry.
3. For any dentist to advise or direct patients to dental laboratories or dental laboratory technicians for any dental service, or to advise or direct patients to deal directly with laboratories or dental laboratory technicians.
4. For any dentist to work or cooperate with dental laboratories which advertise for public patronage by delegating work to such laboratories in return for the reference of laboratory patrons for professional services.

5. For any dentist to use the services of any person or legal entity not licensed to practice dentistry in this state, to construct, alter, repair or duplicate any denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance, without first furnishing such unlicensed person a written prescription on forms prescribed by the board, which shall contain:
 - a. The name and address of such unlicensed person;
 - b. The patient's name or number, in the event such number is used, the name of the patient shall be written upon the duplicate copy of such prescription retained by the dentist;
 - c. The date on which it was written;
 - d. A prescription of the work to be done, with diagram, if necessary;
 - e. A specification of the type and quality of materials to be used;
 - f. The signature of the dentist and the number of his North Dakota license.

Such unlicensed person shall retain the original prescription and the dentist shall retain a duplicate copy thereof for inspection by the board or its agent for two years.

6. For any dentist:
 - a. To use the service of any unlicensed persons without first having furnished him such prescription;
 - b. To fail to retain a duplicate copy thereof for two years, or
 - c. To refuse to allow the board or its agent to inspect such prescription during the two-year period of time.
7. For any unlicensed person:
 - a. To perform any such service without first having obtained such prescription;
 - b. To fail to retain the original thereof for two years; or
 - c. To refuse to allow the board or its agent to inspect it during such two-year period of time.
8. For any person:
 - a. To falsely claim or pretend to be a graduate from any dental college or the holder of any diploma or degree from such college;
 - b. To practice any fraud and deceit either in obtaining a license or a certificate of registration;
 - c. To falsely claim or pretend to have or hold a license or certificate of registration from the board to practice dentistry; and
 - d. To practice dentistry in this state without a license and certificate of registration.

Any dentist, dental hygienist, legal entity, or unlicensed person who commits any act in violation of the provisions of this section shall be guilty of a misdemeanor and shall be subject to the penalty prescribed in this Act.

§ 26. Punishment for Misdemeanors.) Any dentist, dental hygienist, legal entity or unlicensed person who shall commit any act which is declared to be unlawful herein shall be guilty of a misdemeanor and upon conviction thereof shall be punished, for the first offense, by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty nor more than ninety days, or by both such fine and imprisonment, and upon conviction of two or more of any of such offenses by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ninety days nor more than one year or by both such fine and imprisonment. Provided, further that the civil remedy of injunction shall be available to enjoin and restrain any violation of any acts declared to be unlawful herein without proof that any person sustained any actual damages.

§ 27. Repeal.) Chapter 43-08 of the North Dakota Revised Code of 1943 as amended and all acts in conflict herewith are hereby repealed.

Approved March 14, 1959.

CHAPTER 320

H. B. No. 576

(Neukircher, Scott, Loewen, Doherty)

LICENSE FEES FOR EMBALMERS

AN ACT

To amend and reenact sections 43-1014 and 43-1015 of the North Dakota Revised Code of 1943 relating to license fees of embalmers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 43-1014 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1014. License: Issued Without Examination.) The board may issue a license to practice embalming or preparing dead human bodies for burial or shipment to an applicant who has not taken the examination if:

1. He holds a license to practice embalming issued to him by another state where the requirements for a license are equivalent to those of this state and where like privileges are accorded to holders of licenses issued in this state;
2. He pays the fee of fifty dollars.

§ 2. **Amendment.)** Section 43-1015 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1015. License: Term; Renewal; Fee for Renewal.) The license to practice embalming or preparing dead human bodies for burial shall be issued for one year only but shall be renewed by the board upon the payment to the treasurer of the annual renewal fee. The amount of such fee shall be determined by the board but shall not exceed twenty-five dollars. The board may refuse to renew the license for cause.

Approved March 9, 1959.

CHAPTER 321

H. B. No. 696

(Fitch, Haugland, Hjelle, Loewen)

HAIRDRESSING AND COSMETOLOGY

AN ACT

To amend and reenact sections 43-1104 and 43-1121 of the North Dakota Revised Code of 1943, and sections 43-1106 and 43-1117 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the profession of hairdressing and cosmetology.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 43-1104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1104. Members of Board: Qualifications.) Each member of the board shall be a citizen of this state and is a licensed hairdresser or a cosmetologist who has had at least three years practical experience in her occupation. No two members of the board shall be members of or affiliated with any school teaching hairdressing or cosmetology, nor shall any two members of the board be graduates of the same school of hairdressers or cosmetologists.

§ 2. Amendment.) Section 43-1106 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1106. Compensation of Members of Board; How Paid.) Each member of the board shall receive fifteen dollars for each day employed in the actual discharge of her duties and her necessary expenses so incurred. The secretary of the board shall receive an annual salary of not more than three thousand six hundred dollars to be fixed by the board, and her necessary expenses actually incurred in the performance of her official duties. The compensation and expenses of all members of the board shall be paid from the fund in the state treasury to the use of the board on requisition signed by the president and the secretary of the board and the warrant of the state auditor.

§ 3. Amendment.) Section 43-1117 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1117. Certificate of Registration Issued for Schools of Hairdressing, Cosmetology and Shops; Fee for Annual Registration.) The board may issue an annual certificate of registration for a school giving instruction in hairdressing and cosmetology. The annual registration fee for such school shall be determined annually by the board but shall not exceed the sum of one hundred dollars. The board shall, after inspection and approval, issue a shop registration certificate, the annual fee for which shall not exceed ten dollars for new registrations and five dollars for shops registered before, but shops duly registered prior to July 1, 1959, shall not be required to register until December 31, 1959.

§ 4. Amendment.) Subsection 3 of section 43-1121 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. Such examination fee as may be fixed by the board which shall not exceed fifteen dollars for both classifications;

Approved March 12, 1959.

CHAPTER 322

S. B. No. 109
(Vendsel, Fiedler, Gronvold,
(Hernett, Meidinger)

DRUG AND PHARMACIST REGULATION

AN ACT

Relating to sale, regulation, and control of drugs, medicines, chemicals, compounds, and pharmacists and amending and reenacting sections 43-1501, 43-1502, 43-1505, 43-1506, 43-1509, 43-1510, 43-1514, 43-1515, 43-1518, 43-1525 and 43-1530 of the North Dakota Revised Code of 1943, as amended.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 43-1501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1501. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "Pharmacy" or "drug store" shall mean every store or shop where drugs, medicines, or chemicals are dispensed, displayed for sale, or sold, at retail for medicinal purposes, or where prescriptions are compounded, and which is duly registered by the state board of pharmacy;
2. "Board" shall mean the state board of pharmacy;
3. "Pharmacist" means a person to whom the board has issued a certificate of registration to practice the profession of pharmacy whose certificate has not expired, or been suspended;
4. "Prescription" means any order for drugs or medical supplies, where such order is written or signed or transmitted by word of mouth, telephone, telegram or other means of communication by a duly licensed physician, dentist, veterinarian or other practitioner, licensed by law to prescribe and administer such drugs or medical supplies intended to be filled, compounded or dispensed by a pharmacist;
5. "Drugs" includes:
 - a. All substances and preparations recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, Official National Formulary and New and Non-official Drugs, or any official supplement to any of them;

6. "Device", as applied to section 12 herein, means instruments, apparatus or contrivances, including their component parts, and accessories, intended:
 - a. For use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;
 - b. To affect the structure of any function of the body of man or other animals.
7. "Medicine" means a drug or combination of drugs, used in treating disease in man or other animals.
8. "Dispense" includes sell, distribute, leave with, give away, dispose of, deliver or supply.
9. "Original package" means the original carton, case, can, box, vial, bottle or other receptacle, put up by the manufacturer or wholesaler or distributor, with label attached, making one complete package of the drug article.

§ 2. **Amendment.)** Section 43-1502 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1502. Exemptions.) The provisions of this chapter shall not apply to the following:

1. A duly licensed practitioner of medicine supplying his own patients with such remedies as he may desire;
2. The exclusive wholesale business of any dealer;
3. The keeping for sale and sale by general dealers of proprietary medicines in original packages and such simple household remedies as from time to time may be approved for such sale by the board.
4. Registered or copyrighted proprietary medicines;
5. The manufacture of proprietary remedies or the sale of the same in original packages by other than pharmacists.

§ 3. **Amendment.)** Section 43-1505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1505. Compensation of Board; Disposition of Fees.) Each member of the board shall receive a per diem of twenty dollars for attendance at board meetings, and all actual and necessary expenses incurred in attending such meetings and in performing other official duties. The mileage and travel expense allowed shall not exceed the amount provided for in section 54-0609 as amended. The per diem and expenses shall be paid only from moneys received by the board under the provisions of this chapter. Any moneys remaining after the payment of the per diem and expenses herein provided for shall be held by the treasurer of the board as a special fund to meet the ex-

penses of the board and of the reports and annual meeting of the North Dakota pharmaceutical association, and such other necessary expenses as may be incurred by the association.

§ 4. **Amendment.)** Section 43-1506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1506. Organization of Board: Officers Who Act in Place of Those Elected.) At the first regular meeting of the board after the appointment and qualification of a new member for a full term, the board shall elect a president, a secretary, and a treasurer. The president shall be chosen from the membership of the board, but any suitable person, whether a member of the board or not, may be chosen for the other offices. In case of the death, removal, resignation, absence, or refusal or inability to act of the president of the board, the senior member present shall act as president. In case of the death, removal, resignation, absence, or refusal or inability to act of the secretary or treasurer, the board may choose another person to act temporarily or for the remainder of the year.

§ 5. **Amendment.)** Section 43-1509 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1509. Meetings: When Held; Notice; Quorum.) The board shall hold at least two and not more than four meetings in each calendar year for the examination of applicants for registration. The board may hold such other meetings as may be necessary for the performance of its duties. A special meeting shall be held at such time and place as a majority of the members agree upon, or may be called by the secretary, at the request of the president or any two members, by giving such notice to the members as the board may prescribe by its rules and regulations. A majority of the board shall constitute a quorum for the transaction of business.

§ 6. **Amendment.)** Section 43-1510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1510. Powers of Board.) In addition to other powers provided by law, the board shall have the following powers and duties, which shall be exercised in conformity with the Administrative Agencies Uniform Practice Act, chapter 28-32 North Dakota Revised Code of 1943, and amendments thereto, in order to protect the public health, welfare, and safety:

1. To cancel, revoke, or suspend the certificate and registration of any registered pharmacist, or registered assistant pharmacist, who:
 - a. Is addicted to any drug habit;

- b. Uses any advertising statements of a character tending to deceive or mislead the public, or uses any advertising in which reference is made to any price, cost, charge or fee for prescription services or prescription materials, elements, or compounds;
 - c. Is a chronic or persistent inebriate;
 - d. Permits or engages in the unauthorized sale of narcotic drugs;
 - e. Permits or engages an unauthorized person to practice pharmacy;
 - f. Is mentally or physically incompetent to handle his pharmaceutical duties;
 - g. Is guilty of fraud, deception, or misrepresentation in passing his pharmacist examination;
 - h. Willfully and repeatedly violates any of the provisions of the laws regulating pharmacists or the rules and regulations established by the board;
2. To prescribe rules and regulations not inconsistent with this chapter governing the cancellation or suspension of a certificate of registration;
 3. To examine and register as pharmacist and assistant pharmacist any applicant found entitled to such registration;
 4. To prescribe rules and regulations for the guidance of its members, officers, and employees, and to ensure the proper and orderly dispatch of its business;
 5. To employ and pay such persons as it may deem necessary to inspect pharmacies in this state, investigate pharmacies for the information of the board, procure evidence in any proceeding pending before the board, or procure evidence in aid of any prosecution or action in any court commenced or about to be commenced by or against the board in relation to any matter in which the board has any duty to perform;
 6. To employ and pay counsel to advise the board, or to prosecute or defend any action or proceeding commenced by or against the board or pending before it;
 7. To grant permits and renewals thereof for the establishment and operation of pharmacies;
 8. Only for good cause to cancel, revoke, or suspend permits and renewals thereof for the establishment and operation of pharmacies;
 9. To prescribe reasonable and nondiscriminatory rules and regulations in regard to granting, renewing, canceling, revoking, or suspending permits and renewals for establishing and operating pharmacies;

10. Action by the board canceling, revoking, suspending or refusing to renew a permit to establish or operate a pharmacy shall not be enforced for thirty days after notice has been given aggrieved party by the board, nor during the time that an appeal by such aggrieved party is pending and until such appeal is finally determined.

§ 7. **Amendment.**) Section 43-1514 of the North Dakota Revised Code of 1943 as amended is hereby amended and reenacted to read as follows:

43-1514. Drugs, Poisons, Medicines, Chemicals; Who May Sell.) No drug, poison, medicine, or chemical, except patent or proprietary preparations shall be manufactured, compounded, sold, or dispensed in this state for medicinal use by any person other than a registered pharmacist, assistant registered pharmacist, pharmacy intern enrolled in a school of pharmacy after the freshman year as provided in subsection 4 of section 43-1515 of the North Dakota Revised Code of 1943, as amended, or regularly licensed physician, nor shall any person except a registered pharmacist, assistant registered pharmacist, or a regularly licensed physician, or pharmacy intern enrolled in a school of pharmacy after the freshman year as provided in subsection 4 of section 43-1515 of the North Dakota Revised Code of 1943 as amended, dispense or compound a prescription of a medical practitioner except as provided in this chapter.

§ 8. **Amendment.**) Section 43-1515 of the North Dakota Revised Code of 1943 as amended in the 1957 Supplement is hereby amended and reenacted to read as follows:

43-1515. Qualifications of Registered Pharmacist.) Every applicant for registration as a pharmacist in this state shall have the following qualifications:

1. Be at least twenty-one years of age;
2. Be of good moral character;
3. Be a graduate of a school or college of pharmacy recognized by the board as an approved school;
4. Before a certificate will be granted by the North Dakota board of pharmacy, the applicant must have at least one year of practical experience in a retail pharmacy under the supervision of a registered pharmacist, which experience shall be predominantly work directly relating to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, keeping records, and making reports required under the state and federal statutes.

The board may determine what is to be considered an approved school or college of pharmacy but to be approved the school or college shall maintain standards equivalent to the require-

ments for membership in the American association of colleges of pharmacy. The applicant must file with the board satisfactory evidence of the educational requirement and the requirement as to experience.

§ 9. Amendment.) Section 43-1518 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1518. Registration of Pharmacy Intern.) To register in this state a pharmacy intern must have a common school diploma and must be employed by a registered pharmacist. At the date of entering into his internship, he shall file with the secretary of the board the following certificates accompanied by a fee of one dollar:

1. A certificate stating he has entered into an internship and giving his age, name, and educational qualifications;
2. A certificate from his employer stating that the applicant has been employed by him as a pharmacy intern, that to his knowledge the applicant possesses the education and qualifications necessary to obtain a common school diploma.

The secretary of the board shall file the certificates and register the applicant as a pharmacy intern.

§ 10. Amendment.) Section 43-1525 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1525. Term of Certificate; Renewal; Fee; Where Displayed.) The certificate issued by the board to a pharmacist or assistant pharmacist under the provisions of this chapter, and the registration thereof, shall entitle the holder to act in the capacity therein stated for one year unless duly canceled, suspended, or revoked. Every registrant who desires to retain his registration, on or before the first day of March in each year, shall pay to the secretary of the board a renewal fee in an amount to be fixed by the board not to exceed five dollars. Upon the payment of the fee, a renewal certificate shall be issued. The certificate and renewal shall be displayed in a conspicuous place in the pharmacy and drug store where the holder is employed. After a registrant has held certificates duly issued over a period of fifty consecutive years, the secretary of the board may issue such registrant a lifetime certificate which will entitle the registrant to act in the capacity of pharmacist thereafter without further payment unless such certificate is canceled, revoked, or suspended.

§ 11. Amendment.) Section 43-1530 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1530. Registered Pharmacist Member of North Dakota Pharmaceutical Association.) Registration as a pharmacist by the board entitles the person so registered to a one-year membership in the North Dakota pharmaceutical association.

§ 12. Sale by Vending Machines Prohibited; Evidence; Destruction.) The offering for sale, distribution or other disposition by means of a vending machine or other automatic machine of drugs, medicines or devices for the prevention of disease is expressly prohibited. Possession of such machines by a person, firm, or corporation in his place of business shall be prima facie evidence of sale. Any such machine shall be destroyed on order of a magistrate when found in violation hereof, and the possessor shall be guilty of a misdemeanor.

§ 13. Construction.) Section 12 of this Act shall be construed as being part of and additions to chapter 43-15 of the North Dakota Revised Code of 1943 as amended.

Approved March 12, 1959.