



This report is a publication of the Nevada Chapter of the American Massage Therapy Association - the AMTA-NV Chapter is solely responsible for its content. It is intended for member notification of the official proceedings of the Nevada State Board of Massage Therapy and is available to the general public when posted on the chapter's website at amta-nv.org and is not intended to take the place of the official Minutes of the NSBMT. The official NSBMT Minutes are [available on their website](#) approximately 30 days after the date of the corresponding Meeting. Requests for NSBMT Meeting Minutes and audio recordings can be made to nvmassagebd@state.nv.us.

This is a brief overview of public proceedings during a scheduled Meeting of the Nevada State Board of Massage Therapy (NSBMT) regarding the NSBMT's actions that affect its licensees, the profession of massage therapy, reflexology, and structural integration, and the Public in Nevada. Disciplinary hearings and/or Items and Public Comment are not a part of this report.

>> begin report

NOTE: *this publication of the AMTA-NV Chapter NSBMT Meeting Notes only spans part of Day One (8/14/19) and all of Day 2 (8/15/19) of the NSBMT Meeting & Workshop scheduled.*

Locations of Meeting: see attached NSBMT Agenda

Date of NSBMT Meeting: 8/14/19

Date of NSBMT Workshop: 8/15/19

Meeting Start Time (8/14 & 8/15): 9:00am

Item #1: 8/14: Called to order at 9:12am, all Board Members accounted for. 8/15: Called to order at ~9:10am, all Board Members accounted for.

Item #2: To date, no new Board member(s) are appointed

Item #4a,b,c: a. Diane Huleva was elected Chair; b. Dierdre Strunk was elected Vice Chair; c. Elisabeth Barnard was elected Secretary/Treasurer.

Item #14-23: Not available.

Item #25: New Provision 1: Section 1, there was discussion to add subsection (e) with wording to the effect that an owner must NOT have been cited for knowingly hiring unlicensed therapists.

New Provision 2: No proposed changes

New Provision 3:(a) There was public comment in support and in opposition to mandatory ceus on the topic of human trafficking. It was clarified that this mandatory training applies to licensees within their first licensing period. The logistics of who will conduct the training and how it will be offered to licensees have yet to be determined.

New Provision 4: New language added 7/29/19 was accepted

New Provision 5: It was recommended that the effective date be changed to 2022.

The logistics of who will offer the training and how it will be offered to licensees have yet to be determined.

New Provision 6: Not available

New Provision 7: with regards to establishments including contact information of a client in their report to the Board of a statement (by the client) of inappropriate touch. There was concern that this requirement may



deter a client from reporting for fear of being later identified. The Executive Director stressed that without being able to contact the client, it can be challenging to get enough information to pursue disciplinary action.

With regards to establishments posting a Client Bill of Rights in a conspicuous manner, several representatives of resort spas expressed challenges with excessive signage affecting their aesthetic. It was proposed that the existence of a Client Bill of Rights be included in the client intake form/waiver, and that the client must actively acknowledge the Bill of Rights by initials

New Provision 8: Accepted

New Provision 9: Not available

New Provision 10: Section 1, subsection (a) It was recommended that it be revised to exclude Reflexology since it is commonly practiced side-by-side, and the clients are not undressed.

Section 2-legal counsel clarified that the intent is NOT to prevent practitioners from conducting business in their home-based office, but to prevent establishments from housing their employees on premises.

New Provisions 11-24: accepted

New Provision 25: Section 1(a) It was proposed that new language added 7/29/19 be amended from “two inches below the collarbone” to “three inches below the collarbone.”

New Provisions 26-29: accepted

New Provision 30: Section 4 after discussion to strike “cannabinol” from the list until the FDA has stated their position on CBD, it was decided to amend the new language proposed 7/29/19 to “A licensee must ensure there are no contraindications prior to the use of any lubricant or topical application.”

New Provisions 31-36: Not available

Item #26: Not available.

Item #28: Adjournment on 8/14/19: Time not available. Adjournment on 8/15/19: ~4:15pm

Respectfully submitted,

David Otto, Chair - Government Relations Committee

Meaghan Maillet, Member - Government Relations Committee

>>end report



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

MEETING AGENDA and NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

LOCATIONS:	Legislature 401 South Carson Street, Room 2134 Carson City, NV 89701
Videoconference To:	Grant Sawyer Building – Las Vegas 555 East Washington Avenue, Suite 4412 Las Vegas, NV 89101
DATES AND TIMES:	August 14, 2019 commencing at 9:00 a.m. August 15, 2019 Workshop commencing at 9:00 a.m.

The Board will conduct a meeting beginning Wednesday, August 14, 2019, at 9 a.m. and continuing on Thursday, August 15, 2019 at 9 a.m., or until the Board concludes its business. The Board will hold a Regulation Workshop during its meeting on Thursday, August 15, 2019. The Regulation Workshop will begin at 9:00 a.m. on Thursday, August 15, 2019.

Notice of a Public Workshop and Request for Comments for possible changes to Nevada Administrative Code, Chapter 640C related to the practice of massage therapy, reflexology, and structural integration; and/or amendments pertaining to revisions to NAC 640C.

The purpose of the workshop is to receive comments from all interested persons and to consider the review of the Nevada Administrative Code, Chapter 640C. Persons wishing to comment and participate in the workshop of the Nevada State Board of Massage Therapy may appear at the scheduled workshop August 15, 2019 at the locations above or may address their comments, data, views, or arguments, in written form to: The Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502 Attn: Sandy Anderson, or via email at sjanderson@lmt.nv.gov. In order for written submissions to be made available to members of the public at the workshop, all written submissions must be received in the Board Office by 5 p.m. on Thursday, August 8, 2019.

A copy of this Notice will be on file at the State Library, 100 N. Stewart Street, Carson City, Nevada. Additional copies of the notice will be available at the offices of the Board, Nevada State Board of

Massage Therapy, 1755 East Plumb Lane, Suite 252, Reno, Nevada 89502, Nevada State Board of Massage Therapy, 1621 East Flamingo Road, Suite 16A, Las Vegas, Nevada 89121, on Board's website massagetherapy.nv.gov, at notice.nv.gov, and on the State Legislatures website at <https://www.leg.state.nv.us/App/Notice/A/>.

AGENDA

Please Note: The Nevada State Board of Massage Therapy may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific Agenda Items. Public comment may also be taken at other such times as requested as long as the request that public comment will not interrupt ongoing Board business. The Board may discuss the matters not on the Agenda but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide Public Comment, please avoid repetition. The Board Chair may limit public comment to three (3) minutes per person.

Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126. Please be aware that after the quasi-judicial Board has rendered a decision in the contested case and, assuming this happens before adjournment, the Board may entertain public comment on the proceeding at that time.

1. Call to order and roll call of Board members.
2. Introduction of new Board member(s) appointed by the Governor.
3. Public comment. (Discussion Only) Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting. The Board will not restrict comments based on viewpoint. The opportunity for public comment will be available at the beginning and ending of each day of the meeting and during the open discussion period of the workshop on August 15, 2019.
4. Election of officers (For Possible Action)
 - a. Chair
 - b. Vice Chair
 - c. Secretary/Treasurer

5. Formal Hearing Jenny Hoang-Coursol – NVMT #8339 – NVMT-C-1828. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
6. Formal Hearing Li Jang – NVMT #5450 – NVMT-C-1904. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
7. Formal Hearing Wen Ji Sun – NVMT #1743 – NVMT-C-1905. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
8. Formal Hearing for Wei Geng – NVMT #8314 – NVMT-C-1906. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
9. Formal Hearing Meixiang Yang – NVMT #7696 – NVMT-C-1907. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
10. Formal Hearing Aihua Wang – NVMT #8552 – NVMT-C-1917. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
11. Voluntary Surrender for Eric Hall – NVMT #7942 – NVMT-C-1926. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
12. Formal Hearing Yuvadee Phumpachart – NVMT #5477 – NVMT-C-1930. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
13. Discussion and review of Citation Appeal Troy Stephenson. (For Possible Action). The Board may vote to uphold the citation or withdraw the citation after hearing arguments from Mr. Stephenson and receiving evidence from Board staff regarding the citation.
14. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
 - a. Review Application of Haili Chen. (For Possible Action)
 - b. Review Application of Qi Feng. (For Possible Action)
 - c. Review Application of Jianqin Wang. (For Possible Action)
 - d. Review Application of Xinpu Yan. (For Possible Action)
 - e. Review Application of Jiunan Yang. (For Possible Action)

Consent agenda items are shown in italics. The Consent Agenda contains matters of routine acceptance. The Board members may approve the consent agenda items as written or, at their discretion, may remove individual items for discussion or change prior to approval of that item.

15. *Consent Agenda Items – Board members may choose to request any item listed below be pulled for discussion and possible action. Any items not pulled may be approved in a single motion to approve the consent agenda excluding pulled items. (For Possible Action)*
 - a. *Approval of applications approved and authorized by the Chairperson through June 30, 2019 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2020 Budget versus Actual Year-To-Date. (For Possible Action)*
 - c. *Discuss, amend and approve Board meeting minutes for June 4th and 5th, 2019. (For Possible Action)*
 - d. *Discuss, amend and approve Board meeting minutes for July 3, 2019. (For Possible Action)*
 - e. *Discussion and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C (see Exhibit B). (For Possible Action)*
 - f. *Discussion and possible action regarding approval of Policies and Procedures as amended at the June 4th and 5th, 2019 meeting of the Board. (For Possible Action)*
 - i. *1.1.1 Work Schedule*
 - ii. *1.2.1 Leave and Overtime*
 - iii. *1.3.1 Catastrophic Leave*
 - iv. *1.4.1 FMLA*
 - v. *2.1.1 Standards of Conduct*
 - vi. *2.2.1 Personal Appearance*
 - vii. *2.7.1 Harassment*
16. Discussion and possible action regarding review and acceptance of the Fiscal Year 2019 Year End Financial Statements and approval to send to Coulson and Associates for annual audit. (For Possible Action)
17. Discussion and possible action regarding approval of Executive Director to attend the Polaris National Strategy Convening on Ending Human Trafficking in the Illicit Massage Industry to be held in Washington, DC, October 2nd and 3rd with an out-of-state travel budgetary increase not to exceed \$2,800. (For Possible Action)
18. Discussion and possible action regarding sending a delegate to the FSMTB Annual Meeting to be held October 3rd through 5th in Atlanta at no cost as well as sending the Executive Director and another member of the Board and/or staff at a cost of \$2,700 per attendee. (For Possible Action)
19. Discussion and possible action regarding options available for the Board with regard to Unemployment Compensation. (For Possible Action)
20. Strategic Plan and SWOT results including guidance from the Board to staff regarding primary focus and three (3) to five (5) goals for implementation over the next three (3) to five (5) years. (For Possible Action)

21. Board Counsel report including training and discussion of ways to handling application reviews and potential disciplinary action or contingencies for new licensees with criminal history. Discussion regarding the audit of licensing boards conducted by the Governor's Office of Finance, Division of Internal Audit. (For Discussion)
22. Executive Director Report including but not limited to inspection team key indicators, investigations, Governor's Office of Finance, Division of Internal Audit Boards 1 and 2 Audits, SCR-6, and website activity and compliance with ADA requirements. (For Discussion)
23. Reflexology licensure status update. (For Possible Action)
24. Discussion and possible action regarding Nevada State Board of Massage Therapy Policies and Procedures. (For Possible Action)
 - a. 2.3.1 Ethical Behavior
 - b. 2.4.1 Possession Firearms and Dangerous Weapons
 - c. 2.5.1 Workplace Violence Prevention
 - d. 2.6.1 Alcohol and Drug Free Workplace
 - e. 3.1.1 Compensation and Performance Reviews
 - f. 3.2.1 Separation of Employment
 - g. 4.1.1 Board Issued Cellular Phone and Portable Device
 - h. 4.2.1 State Owned Computers and Information
 - i. 4.3.1 Use of State-Owned Motor Vehicles
 - j. 5.1.1 – Internal Control Monitoring and Evaluation updated and modified to comply with changes recommended by Governor's Finance Office – Division of Internal Audits – Executive Branch Auditor Heather Domenici and administrative changes recommended by staff. Including formally adding \$5,000 signing authority for the Executive Director and \$10,000 signing authority for the Executive Director for unexpected expenses if approved by the Chair or the Treasurer.
 - k. 6.1.1 Board Responsibility for Records
 - l. 7.1.1 Workers' Compensation
 - m. 9.1.1 Computer Software, Computers, E-Mail, and Voice Mail Usage
 - n. 9.2.1 Receiving Gifts
 - o. 10.1.1 Organizational Chart
 - p. 10.2.1 Description of Chairperson
 - q. 10.3.1 Description of Vice Chairperson
 - r. 10.4.1 Description of Secretary/Treasurer
 - s. 10.5.1 Description of Executive Director
 - t. 10.6.1 Board Member Responsibilities
25. **August 15, 2019 at 9 a.m.:** Regulation workshop to review, update, and make changes to NAC 640C as needed to conform with recent legislative change and to ensure that its regulations are clear and up-to-date and may make changes with regard to licensing,

continuing education, massage establishments, standards of practice, and unprofessional conduct. A draft of proposed changes is available from the Board office by contacting sjanderson@lmt.nv.gov or visiting the Board's website at http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/. Public comment is welcomed and appreciated during this agenda item. Public comment may be limited to three (3) minutes at the discretion of the Board Chair. (For Possible Action)

26. Discussion regarding recommended future agenda items. (For Discussion)
27. Public comment. (Discussion Only) Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting. The Board will not restrict comments based on viewpoint.
28. Adjournment not later than 4:30 PM each day of the meeting. (For Possible Action)

Notices:

Items may be combined for consideration by the Board. Items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and at the end of the meeting. No vote may be taken upon a matter raised during public comment until the matter itself has been specifically included on a future agenda as an item upon which action may be taken. (NRS 241.020). The Chair may limit public comment to three (3) minutes per person.

The Nevada State Board of Massage Therapy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than **Thursday, August 8, 2019** to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502. To request supporting materials, please contact: Sandy Anderson, Executive Director at 775.687.9951 or via email: sjanderson@lmt.nv.gov supporting materials are also available at the Board's office and on the Board's website http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/**

Supporting material for this meeting may be requested from Sandy Anderson at 775.687.9955 (sjanderson@lmt.nv.gov) and is available at the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502.

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Sandy Anderson at 775.687.9951 or sjanderson@lmt.nv.gov no later than 48 hours prior to the meeting.

Nevada State Board of Massage Therapy

Agenda – August 14 and 15, 2019

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In accordance with NRS 241.020, this public notice and agenda was posted on or before July 30, 2019, at the following locations:

http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/

<https://notice.nv.gov>

<https://www.leg.state.nv.us/App/Notice/A/>

Nevada Attorney General – Carson City Office, 100 N. Carson St. Carson City, NV 89701

Nevada Attorney General – Las Vegas Office, 555 E. Washington Ave., Las Vegas, NV 89101

Nevada Legislature Building, 401 S. Carson Street, Carson City, NV 89701

Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502

Nevada State Board of Massage Therapy, 1621 E. Flamingo Road, Suite 16A, Las Vegas NV 89121

Nevada State Library and Archives, 100 N. Stewart St., Carson City, NV 89701

NAC Chapter 640C Draft Regulations

Blue = New Language added 7/1/2019 *Red* = Deleted Language as of 7/1/2019 *Orange* = New Language added 7/29/2019 *Green* = Deleted Language as of 7/29/2019

Licensing

New Provision 1: Adds to LCB File No. R040-18 Sec. 26 (NRS 640C.320; NRS 640C.330)

1. *To receive and maintain certification by the Board, massage establishments, reflexology establishments and structural integration establishments:*
 - a. *Must comply with all requirements in NAC 640C.200 to 640C.310, inclusive, and those requirements in LCB File No. R040-18 section 15 through 19.*
 - b. *May not be convicted for a violation of NRS Chapter 201 as amended by AB166 from the 80th Legislative Session.*
 - c. *The owner of the establishment may not be arrested or indicted for acts of prostitution, acts of pandering, labor trafficking, or sex trafficking.*
 - d. *The owner of the establishment may not be arrested, indicted, or convicted for acts of drug distribution or any illegal activity occurring in the establishment.*
2. *After notice and hearing, failure to comply with the requirements in subsection 1 may result in disciplinary action against the certificate pursuant to NRS 640C.700, NRS 640C.710, and NRS 640C.712.*
3. *All massage establishments, reflexology establishments and structural integration establishments must maintain a current certificate issued by the Board pursuant to NRS 640C.330.*
4. *As part of the application, the applicant must provide a copy of the following documents:*
 - a. *State business license*
 - b. *City and/or county business license*
 - c. *Menu/price list*
 - d. *Photograph of the entrance to the establishment*

New Provision 2: (NRS 640C.320; NRS 640C.420)

For applications submitted pursuant to NRS 640C.420, the Board deems jurisdictions requiring the following as “substantially equivalent”:

1. *For massage therapist, the jurisdiction must require a minimum of 550 hours of training in a massage therapy program.*
2. *For reflexologist, the jurisdiction must require a minimum of 200 hours of training in a reflexology program.*

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3. *For structural integration **practitioner**, the jurisdiction must require a minimum of 730 hours of training in a structural integration program.*

For applicants who were issued licenses under grandfather clauses, an applicant must have five years' of verifiable experience practicing massage therapy, reflexology, or structural integration, as applicable.

For massage therapist applicants applying based on apprenticeships, the applicant must have 1000 hours of verifiable training prior to licensure in that jurisdiction and five years' of verifiable experience practicing massage therapy.

For reflexologist applicants applying based on apprenticeships, the applicant must have 400 hours of verifiable training prior to licensure in that jurisdiction and five years' of verifiable experience practicing reflexology.

The Executive Director or his or her designee shall maintain a list of jurisdictions with substantially equivalent licensing requirements.

New Provision 3: Adds to NAC 640C.100 as amended by LCB File No. R040-18 Sec. 21 (NRS 640C.320)

(a) At least 2 of the 24 hours must be ~~in-person~~ on the subject of human trafficking for all licensees within their first licensing period. For all licensees who work or reside in a county with a population greater than 100,000, this education must be completed in person.

(b) At least 2 of the 24 hours must be on the subject of ethics. The subject of ethics includes, without limitation, the requirements of NRS 432B.220, the standards of conduct for licensees, the requirements of HIPAA, human trafficking, and additional applicable Nevada and Federal jurisprudence.

*(c) All current licensees are eligible to complete the Board's jurisprudence examination and will ~~to~~ receive 2 continuing education **ethics** hours for successful completion of the examination.*

New Provision 4: (NRS 640C.320; NRS 640C.420)

“Clinical instruction” is defined as practicing massage therapy, reflexology, or structural integration on members of the public in a clinical setting. “Members of the public” may include other students, licensees and Board members so long as the clinical instruction is completed in a clinical

NAC Chapter 640C Draft Regulations

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setting for educational purposes, the practice of which includes client intake, evaluation, client treatment notes and evaluation of the student.

New Provision 5: Adds to NAC 640C.050 (NRS 640C.320)

Effective July 1, 2020, all applicants for a license to practice massage therapy, reflexology or structural integration must pass a jurisprudence examination on Nevada law administered by the Board.

New Provision 6: Adds to LCB File No. R108-17 Sec. 6 and R040-18 Sec. 25 (NRS 640C.320; NRS 640C.520)

1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner *using the Internet website of the Board...* \$100.

For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner using a paper form... \$130.

5. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner *using the Internet website of the Board...\$2795.*

For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner using a paper form...\$325.

For the jurisprudence examination...\$50.

For reissuance of an establishment certificate that has been modified or a duplicate... \$25.

For petition for criminal history review by the Board... \$50.

Continued Compliance with License Requirements

New Provision 7: Adds to LCB File No. R040-18 Subsection 2 of Sec. 19 (NRS 640C.320; NRS 640C.330)

Any statement made by a client to a massage establishment, reflexology establishment or structural integration establishment operated by the holder that the client was touched inappropriately by a massage therapist, reflexologist or

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structural integration practitioner. ~~*The report must include the name of the client.*~~ *Any establishment that receives such a statement must inform the client that a report may be made to the Board and offer to report the incident on the client's behalf. The establishment shall inform the client that a report would include the client's contact information and that any personally identifying information in the report would remain confidential by the Board until otherwise authorized by the client.*

A massage establishment, reflexology establishment or structural integration establishment must post in a conspicuous manner, a Client Bill of Rights. This posting may be provided by the Board or at a minimum, must include the following:

New Provision 8: Adds to LCB File No. R040-18 Sec. 16 (NRS 640C.300; NRS 640C.320; NRS 640C.750)

A licensee or a holder of a certificate shall ~~notify~~ *report to* the Board in writing within 10 business days after:

1. An action is taken against any license, certification, registration or other credential relating to the practice of massage therapy, reflexology or structural integration that is held by the licensee or holder of a certificate and was issued by another jurisdiction;
2. A criminal charge *or arrest* is filed in any jurisdiction against the licensee or holder of the certificate;
3. The licensee or holder of a certificate is convicted of a criminal offense in any jurisdiction, other than a *minor* traffic offense, *as defined in NRS 622A.220 which is a misdemeanor*;
4. A civil action for malpractice is filed in any jurisdiction against the licensee or holder of a certificate; or
5. A settlement or judgment is entered in any civil action for malpractice, in any case filed in any jurisdiction against the licensee or holder of a certificate for any act relating to the practice of massage therapy, reflexology or structural integration, as applicable.
6. *The issuance of any extended order of protection for domestic violence, stalking, or harassment entered against the licensee initiated in this State or any other state or territory or by the Federal Government, or a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.*

All licensees must remain in compliance with the licensing requirements for the duration of their licensing period.

1. *To ensure compliance with these requirements, the Board may conduct annual inspections or other inspections as needed of the*

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massage, reflexology or structural integration establishment in which they practice.

The Executive Director or his or her designee will review all reports made pursuant to this section and initiate an investigation as he or she deems necessary. The licensee may be asked for additional information about an event, and making a report as required by this section does not automatically mean the Board will take disciplinary action against the licensee. Failure to report a qualifying event as required by this provision or failure to participate in the Board's investigation of a report made pursuant to this section is grounds for disciplinary action.

Standards of Practice

New Provision 9: (NRS 640C.320)

A parent or guardian has the right to be present with his or her minor child in a room in which his or her minor child is receiving massage therapy, reflexology, or structural integration treatment. If the parent or guardian of a minor child, waives his or her right to be present, the massage therapist, reflexologist, or structural integration practitioner shall ensure that a written, signed waiver is obtained from the parent or guardian prior to providing treatment to the minor child. The massage therapy establishment, reflexology establishment, or structural integration establishment shall ensure that all massage therapists, reflexologists, or structural integration practitioners in the establishment obtain this waiver and ensure that the written, signed waiver be maintained in the client's file for a minimum of two years.

New Provision 10: (NRS 640C.320) **Amend NAC 640C.230 Requirements for room in which massage therapy is practiced.** (NRS 640C.320)

1. A room in which massage therapy, reflexology or structural integration is practiced must:
 - (a) Be designed to provide privacy for the client;
 - (b) Have the capability of maintaining the air temperature in the room at 75 degrees Fahrenheit at a point 24 inches above the floor;
 - (c) Have sufficient ventilation and circulation to prevent objectionable odors; and
 - (d) Have lighting fixtures which are capable of providing a minimum of 5 foot-candles of light at the floor level. Such lighting fixtures must be used when any cleaning operations are conducted in the room.
 - (e) Have at least 18 inches of open space on each side of the massage table that allows a person to circumnavigate the table safely.*

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2. ~~A room in which massage therapy is practiced~~ *A massage therapy establishment, reflexology establishment, and structural integration establishment must* may not be used simultaneously for massage therapy, reflexology, or structural integration and any ~~domestic dwelling~~ purposes.
3. *A room in which massage therapy, reflexology or structural integration is practiced must not contain surveillance equipment. If a computer is present in the massage therapy, structural integration or reflexology treatment room, any camera in the computer must be covered whenever a client is present and monitor screens must not be readily visible to the therapist. This provision does not include client-owned devices or devices owned by passers-by in an out-call setting, and does not prohibit surveillance as mandated by the Gaming Control Board.*
4. *A room in which massage therapy, reflexology or structural integration is practiced must not be video- or audio-recorded.*
5. *A client may sign a written waiver allowing photographs of him or her to be taken during the massage therapy, reflexology or structural integration treatment for treatment and/or educational purposes; the areas photographed must not include those areas prohibited by sub-section 21 of New Provision 33. In such situations, the massage therapist shall ensure that a written, signed waiver is obtained from the client prior to taking the photographs. The massage therapy, reflexology or structural integration establishment shall ensure that all massage therapists, reflexologists or structural integration practitioners obtain this waiver and ensure that the written, signed waiver be maintained in the client's file for a minimum of two years.*
6. *No part of this section is meant to inhibit the ability of law enforcement to conduct an investigation.*

[Note: "...a dwelling need not be continuously or permanently occupied to be inhabited..." *Dunham v. State*, 134 Nev. Adv. Op. 68, 426 P. 3d 11, 15 (Nev. 2018).]

New Provision 11: Adds to NAC 640C.200 as amended by LCB File No. R108-17 Sec. 18(2)(b) (NRS 640C.320)

Where disinfection and sanitization are impracticable, a barrier must be placed between the client and the surface. "Barrier" includes, but is not limited to, a towel, linen or paper-roll.

A barrier is considered an item designed for single service, as referenced in NAC 640C.240 and must be changed between each client.

New Provision 12: (NRS 640C.510; NRS 640C.320)

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When a licensee requests that his or her inactive license be renewed pursuant to NRS 640C.510, the licensee must submit proof of completion of continuing education requirements for an active licensee during the period the licensee was inactive as proof that the licensee is qualified and competent to practice.

New Provision 13: (NRS 640C.320)

All massage therapy establishments, reflexology establishments, and structural integration establishments must maintain a list of all licensees practicing at the establishment and any ~~aliases~~ alternate names used by those licensees. The establishment must provide information from this list to the Executive Director or his or her designee upon request. This list must also be made available to a Board inspector during an inspection of the establishment. Any licensees practicing outcall massage must provide their ~~aliases~~ alternate names to the Board prior to use on the form provided by the Board. "Alternate names" include, but are not limited to, nicknames and preferred names.

New Provision 14: (NRS 640C.320)

1. Except as otherwise provided in subsection 3 and NRS 640C.757, every notice, decision, advisory opinion, declaratory order or other document to be served by the Board will be served by mail or delivery in person at the last known address of the person on record with the Board. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

2. Every document required to be served by a party must be served by mail or delivery in person. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

3. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served thereafter upon the party must be served upon his or her attorney and such service is, for all purposes, valid service upon the party represented.

New Provision 15: (NRS 640C.320)

All parties to hearings or other Board proceedings, their counsel and spectators shall conduct themselves in a respectful manner.

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New Provision 16: (NRS 640C.320)

In addition to the facts mentioned in subsection 5 of NRS 233B.123, the Board may take official notice of regulations, official reports, decisions, orders, standards or records of the Board, of any other regulatory agency of the State of Nevada or any other state or jurisdiction, or of any court of record.

New Provision 17: (NRS 233B.120)

1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.

2. A petition for a declaratory order or an advisory opinion must be in writing on a form prescribed by the Board.

New Provision 18: (NRS 233B.120)

1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.

2. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.

3. At a meeting at which a petition has been placed on the agenda for discussion, the Board will consider any information relevant to the petition, including, without limitation:

- (a) Oral or written testimony; and*
- (b) Any other evidence.*

4. After consideration of the information relevant to the petition, the Board will grant or deny the petition.

5. If the Board denies the petition, no further action will be taken.

New Provision 19: (NRS 233B.120)

1. If the Board grants a petition pursuant to subsection 4 of New Provision 18, the Board will issue a declaratory order or advisory opinion. The President or other presiding officer shall assign one member of the Board to write the declaratory order or advisory opinion. The member so assigned has 30 days within which to submit to the Board the final draft, after reviewing comments by all members of the Board on the issue, researching the issue and seeking the assistance of the Attorney General, if necessary. Upon completing his or her draft of the declaratory order or advisory

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opinion, the assigned member shall submit it to the Board for final approval at the next regularly scheduled meeting of the Board. The declaratory order or advisory opinion must be approved by a majority of the members of the Board who are present at the meeting.

2. After the Board renders its declaratory order or advisory opinion, the Board will give notice of it to the petitioner.

New Provision 20: (NRS 640C.320)

A petitioner shall comply with the provisions of a declaratory order or advisory opinion issued by the Board.

New Provision 21: (NRS 233B.100)

1. Pursuant to NRS 233B.100, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.

2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and must include:

(a) The name and address of the petitioner;

(b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;

(c) The proposed language of the regulation to be adopted, filed, amended or repealed;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation; and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.

4. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.

New Provision 22: (NRS 640C.320)

*Pursuant to NRS 622A.360(4), the Board authorizes its Chair to decide prehearing motions listed in NRS 622A.360(2) *with the exception of subsection (e)*. If the Chair is unavailable, this authority is delegated to the Board's Vice Chair. If the Chair, or Vice Chair, as applicable, believes that*

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the motion should be decided by the full Board, the Chair, or Vice Chair, may decline to exercise this authority and a Board meeting shall be scheduled to decide the motion at issue within the required timeframe.

New Provision 23: (NRS 640C.320)

*Pursuant to NRS 622A.390(4), the Board authorizes its Chair to decide post hearing motions listed in NRS 622A.360(1). If the Chair is unavailable, this authority is delegated to the Board's Vice Chair. If the Chair, or Vice Chair, as applicable, believes that the motion should be decided by the full Board, the Chair, or Vice Chair, may decline to exercise this authority and **the motion will be heard within 25 days.** ~~a Board meeting shall be scheduled to decide the motion at issue within the required timeframe.~~*

New Provision 24: **Amend: NAC 640C.200 Required facilities; sanitary and safety requirements. (NRS 640C.320)**

1. A massage establishment that provides vapor baths, steam baths or portable saunas must be equipped with adequate shower facilities. *A massage establishment that provides dry saunas is not required to have shower facilities.*

2. A massage therapist shall ensure that:

(a) All portable saunas, showers, tubs, basins, massage or steam tables, combs, brushes, shower caps and any other equipment used in the massage establishment is cleaned and rendered free from harmful organisms by the application of a bactericidal agent;

(b) Any equipment that comes in contact with a client of the massage therapist is cleaned with soap or detergent and hot water and is sanitized before the equipment is used on another client;

(c) All equipment, furniture and fixtures, including, without limitation, tables used for massage, are clean and well maintained;

(d) All electrical equipment used for the care of a client is clean and well maintained and is listed to applicable standards and requirements by Underwriters Laboratories Inc., or approved by another nationally recognized testing laboratory; and

(e) All hydrotherapy equipment is cleaned after each use, is well maintained and is only used in the manner prescribed by the manufacturer of the equipment.

3. A massage therapy, reflexology or structural integration establishment must be kept free of all insects, rodents or other vermin.

New Provision 25: **Amend: NAC 640C.250 Clothing and hygiene requirements.**

1. A massage therapist, reflexologist or structural integration practitioner shall:

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(a) Wear clean opaque clothing *which completely covers from the mid-thigh to two inches below the collarbone* and practice strict standards of personal hygiene while practicing massage therapy, reflexology or structural integration;

(b) Thoroughly wash his or her hands with soap and water or an alcohol liquid:

(1) Before and after providing massage therapy, reflexology or structural integration to each client;

(2) After using the restroom; and

(3) Sanitize his or her hands in the room or area, as applicable, in which massage therapy, reflexology or structural integration is practiced before and after each client.

2. A massage establishment, reflexology establishment or structural integration establishment which provides its massage therapists, reflexologists or structural integration practitioners with a uniform, must provide a clean opaque uniform.

~~3. For purposes of this section, clean opaque clothing does not include, without limitation, wearing a sports bra, bra, underwear, negligee, swimsuit, swim trunks, or bikini, without an opaque shirt and bottom garment covering those items. The Executive Director or his or her designee may grant exceptions to this regulation upon a showing that the massage therapist, reflexologist, or structural integration practitioner will be poolside at a resort.~~

New Provision 26:

Amend: NAC 640C.260 Water supply and water distribution system piping. (NRS 640C.320)

1. A massage establishment must have an adequate supply of hot and cold running water that is safe and sanitary. *Hot water must be at least 98100 degrees.*

2. The interior piping in a water distribution system in a massage establishment must be installed and maintained in compliance with any applicable local building codes or ordinances prescribing standards for plumbing.

New Provision 27: Amend: NAC 640C.270 Bathing facilities. (NRS 640C.320)

1. If a bathing facility other than a shower is used in a massage establishment, the bathing facility must:

(a) Have floors that are slip-resistant, easily cleaned and coved to a height of 4 inches;

(b) If an artificial surface made from resilient materials is used for the floor, be vacuumed with a wet vacuum frequently, to keep the floor clean and free from accumulated moisture;

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(c) Have interior walls and ceiling finishes which are easily cleaned and are impervious to water; and

(d) If there is more than one bathing facility, be separated by a nonporous, nonabsorbent floor.

2. A massage therapist shall ensure that:

(a) An effective watertight joint between the wall and the floor is maintained in a bathing facility that is used in a massage establishment; and

(b) Any rubber or impervious mats that are used in the bathing facility are cleaned, sanitized and dried between uses.

3. If a shower is provided in a massage establishment, the shower must:

(a) Have compartments which are impervious to water to a height of 6 feet above the floor;

(b) Have a floor that is furnished with a nonslip impervious surface; and

(c) Have tempered glass or acrylic glass doors if the doors are made of glass or a substitute for glass.

4. A massage therapist shall ensure that all bathing facilities provided for use in a massage establishment satisfy the requirements of chapters 444 of NRS and NAC.

5. As used in this section:

(a) "Bathing facility" includes, without limitation, a spa, **table shower**, shower, **Vichy shower, balneotherapy tub**, bathtub, sauna and steam bath.

(b) "Spa" means a pool primarily designed for therapeutic use which is not drained, cleaned or refilled for each user. The term includes units which employ hydrojet circulation, hot water, cold water, mineral water or air induction bubbles, or any combination thereof.

New Provision 28:

Amend: NAC 640C.350 Advertisements

Any advertisements for the practice of massage therapy, **reflexology or structural integration** must include the license number of the massage therapist, **reflexologist or structural integration practitioner** to which the advertisement pertains.

Any advertisements for the practice of massage therapy, reflexology or structural integration must not depict a person licensed as or portraying a massage therapist, reflexologist or structural integrationist in a manner inconsistent with the practice of massage therapy, reflexology or structural integration as defined by NRS Chapter 640C and NAC Chapter 640C. This includes, without limitation, any depiction of sexual activity as interpreted by NAC 640C.400 or failure to comply with proper dress requirements as defined in NAC 640C.350(1).

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Any advertisements for the practice of massage therapy, reflexology or structural integration must not be published on a platform which promotes sexual or illicit activity.

New Provision 29: Amends LCB File No. R040-18 Sec. 23

Violation	First	Second	Third or Subsequent
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Advertising to perform massage therapy, reflexology, or structural integration in a manner inconsistent with the practice... \$1,000... \$2,500... \$5,000.

Practicing reflexology on an undressed client... \$1,000... \$2,500...\$5,000.

New Provision 30: Adds to NAC 640C.210 as amended by LCB File No. R108-17 Sec. 19

- 4. A licensee must ensure there are no contraindications prior to use of any lubricant or topical application, including emollients containing herbs, essential oils, cannabinal, or industrial hemp on a client.*

New Provision 31: Amends NAC 640C.410 LCB File No. R108-17 Sec. 31

1. As used in subsection 9 of NRS 640C.700, *as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462*, the Board interprets ~~the phrase “unethical or~~ unprofessional conduct” to *be conduct that occurs in the course and scope of practice and* includes, without limitation:

~~*(p) Aiding, abetting or assisting any person in performing any acts prohibited by law.*~~

(cc) Advertising in a manner inconsistent with NAC 640C.350, as amended by New Provision 28.

The Board interprets “unethical conduct” to be conduct that occurs outside the course and scope of practice that relates to the licensee’s ability to practice safely and includes, without limitation:

(a) Aiding, abetting or assisting any person in performing any acts prohibited by law

(b) Performing any acts prohibited by law

New Provision 32: Adds to LCB File No. R108-17 Sec. 31

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Pursuant to NRS 640C.700 and NRS 640C.720, the Board may deny the application of a person who has been charged with engaging in or soliciting sexual activity during the course of practicing massage therapy, reflexology, or structural integration on a person even if the charge does not result in a conviction. Pursuant to NRS 640C.700 and NRS 640C.720, the Board may discipline the license of a person who has been charged with engaging in or soliciting sexual activity during the course of practicing massage therapy, reflexology, or structural integration on a person even if the charge does not result in a conviction. For purposes of this regulation, the Board will consider, without limitation, charges for sexual solicitation, pandering, prostitution, or sex trafficking.

New Provision 33: Adds to NAC 640C.400, as amended by LCB File No. R108-17 Sec. 30

The Board interprets the phrase “sexual activity” to include, without limitation:

20. Touching a client under his or her underwear or other clothing which the client has elected to wear.

21. Photographing and/or publishing photographs in any manner of the genitalia or breasts of a licensee or client.

New Provision 34: (NRS 640C.320)

1. The Board will consider petitions for review of criminal history as required by AB 319. Petitions must not be submitted prior to completion of the required background check.

2. A petition for review of criminal history must be in writing on a form prescribed by the Board.

New Provision 35: (NRS 640C.320)

1. Upon receiving a petition for review of criminal history, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board not later than 90 days after the receipt of the petition.

2. After review of the petition for review of criminal history, the Board will issue a determination whether the criminal history submitted will disqualify the petitioner from receiving licensure.

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New Provision 36: (NRS 640C.320; NRS 640C.600)

Notwithstanding the requirements of LCB File No. R040-18, the Board recognizes the International Therapies Examination Council (ITEC) program of reflexology.