

**ADOPTED REGULATION OF THE
BOARD OF MASSAGE THERAPY**

LCB File No. R137-26

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 640C.320; § 2, NRS 640C.320 and 640C.630; §§ 3, 4, 8 and 14, NRS 640C.320 and 640C.330; § 5, NRS 640C.320, 640C.420, 640C.580, 640C.600, 640C.620 and 640C.630; § 6, NRS 640C.320 and 640C.420; § 7, NRS 640C.320 and 640C.710; § 9, NRS 640C.320, 640C.330 and 640C.520; §§ 10-13 and 16, NRS 640C.320 and 640C.500; § 15, NRS 622.085 and 640C.320.

A REGULATION relating to massage therapy, reflexology and structural integration; establishing requirements for the issuance of a temporary license to practice massage therapy, reflexology or structural integration; establishing certain grounds for disciplinary action against a holder of a certificate to operate a massage, reflexology or structural integration establishment; establishing the types of disciplinary action that the Board of Massage Therapy may impose against such certificate holders; revising certain requirements for the recognition of out-of-state programs of massage therapy, reflexology and structural integration for the purpose of licensure; revising the terms of probation that the Board may impose on certain licensees; eliminating certain required contents of an application for a certificate to operate a massage, reflexology or structural integration establishment; revising certain fees; revising requirements governing continuing education for massage therapists, reflexologists and structural integration practitioners; revising the manner in which the Board will review the criminal history of certain petitioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the Board of Massage Therapy to issue a temporary license to practice massage therapy, reflexology or structural integration which expires 90 days after issuance; and (2) requires the holder of a temporary license to be supervised by a fully licensed massage therapist, reflexologist or structural integration practitioner, as applicable. Existing law requires the Board to adopt regulations establishing the requirements for the issuance of such a temporary license. (NRS 640C.630) **Section 2** of this regulation establishes those requirements. **Section 2** also provides that the supervising massage therapist, reflexologist or structural integration practitioner of a temporary licensee is responsible for the acts of the temporary licensee.

Existing law requires an applicant for a license to practice massage therapy, reflexology or structural integration to have successfully completed a program of massage therapy, reflexology or structural integration, as applicable, recognized by the Board. Existing law: (1)

requires the Board to recognize programs approved by the Commission on Postsecondary Education or offered by a public college; and (2) authorizes the Board to recognize certain additional programs. (NRS 640C.580, 640C.600, 640C.620) For the recognition of such an additional program completed by an applicant for a license, existing regulations require the submission of a detailed outline of the training the applicant received. (NAC 640C.060) If a program has been approved by the appropriate licensing authority in another jurisdiction of the United States, **section 5** of this regulation authorizes the submission of documentation which demonstrates that the program satisfies the relevant requirements of existing regulations instead of a detailed outline.

Existing law authorizes the Board to issue a license under certain circumstances to an applicant who holds a current license to practice massage therapy, reflexology or structural integration issued by another state, territory or possession of the United States or the District of Columbia, if the licensing requirements of the other jurisdiction at the time of licensing were substantially equivalent to the licensing requirements of this State. (NRS 640C.420) Existing regulations provide that a program of massage therapy in another jurisdiction is substantially equivalent to a program of massage therapy in this State if the other jurisdiction requires a minimum of 550 hours of training in a program of massage therapy. (NAC 640C.065) **Section 6** of this regulation increases that minimum number of hours from 550 hours to 600 hours.

Existing regulations provide that the Board may issue a license and immediately place the licensee on probation if the applicant has committed certain acts. (NAC 640C.075) **Section 7** of this regulation provides that the terms of such probation may prohibit the licensee from providing mobile massage.

Existing law requires the Board to establish a schedule of fees and charges, including fees for the issuance and renewal of a license or certificate. (NRS 640C.520) **Section 9** of this regulation replaces a fee of \$250 for issuing a temporary license with a fee of \$150 for the application for and issuance of a temporary license. **Section 9** also revises certain fees relating to the issuance of a certificate for certain establishments of massage therapy, reflexology and structural integration.

Existing law requires a regulatory body to develop and implement a process by which a person with a criminal history can petition the regulatory body to determine if the criminal history of the person will disqualify him or her from being licensed by the regulatory body. (NRS 622.085) **Section 15** of this regulation eliminates the requirement for the Board to conduct a background check of the petitioner. **Section 9** eliminates the fee to submit such a petition.

To maintain licensure, existing regulations require licensees who practice: (1) massage therapy or structural integration to complete 24 hours of continuing education during a biennial licensing period; and (2) reflexology to complete 12 hours of continuing education during a biennial licensing period. (NAC 640C.100, 640C.115) **Section 16** of this regulation eliminates separate treatment of reflexologists for the purpose of continuing education, and **section 10** of this regulation instead subjects reflexologists to the same continuing education requirements as massage therapists and structural integration practitioners. **Section 10** reduces the amount of continuing education that all such licensees must complete during a biennial licensing period to 6 hours. **Sections 11-13** of this regulation accordingly reduce the number of hours of credit for continuing education that a licensee may receive for certain activities. **Section 10** also: (1) revises the manner in which a licensee must demonstrate that he or she has completed the required continuing education; and (2) provides that the Board will conduct random audits of licensees to ensure compliance with continuing education.

Existing regulations: (1) specify the types of instruction and other activities for which a licensee who practices massage therapy, reflexology or structural integration may earn credit toward continuing education requirements; and (2) authorize such a licensee to request that the Board consider additional types of continuing education for approval for such credit. (NAC 640C.110, 640C.112, 640C.117) **Sections 11-13** eliminate the authorization for a licensee to request such consideration.

Existing law requires the Board to adopt regulations establishing the grounds for disciplinary action against the holder of a certificate to operate a massage therapy, reflexology or structural integration establishment and the disciplinary actions that the Board may impose on such a certificate holder. (NRS 640C.330) **Section 3** of this regulation provides that the Board may refuse to issue or renew a certificate to operate a massage therapy, reflexology or structural integration establishment or may initiate disciplinary action if the holder of or applicant for a certificate has engaged in certain conduct. **Section 4** of this regulation prescribes the types of disciplinary action that the Board may take against the holder of a certificate to operate a massage therapy, reflexology or structural integration establishment who engages in such conduct. **Sections 8 and 14** of this regulation make conforming changes to remove certain provisions duplicative of **section 3** and indicate the applicability of certain terminology to **section 3**, respectively. **Section 8** also eliminates certain required contents of an application for a certificate to operate a massage therapy, reflexology or structural integration establishment.

Section 1. Chapter 640C of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *An application for a temporary license to practice massage therapy, reflexology or structural integration in this State pursuant to NRS 640C.630 must be accompanied by the fee set forth in NAC 640C.095 and must include:*

(a) A copy of each active license to practice massage therapy, reflexology or structural integration.

(b) A list of each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy, reflexology or structural integration.

(c) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy, reflexology or structural integration verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy, reflexology or structural integration; and

(2) Disciplinary proceedings relating to his or her license to practice massage therapy, reflexology or structural integration are not pending.

(d) The name and license number of the fully licensed massage therapist, fully licensed reflexologist or fully licensed structural integration practitioner, as applicable, who has agreed to supervise the applicant.

2. The supervising massage therapist, reflexologist or structural integration practitioner identified pursuant to paragraph (d) of subsection 1 is responsible for all of the acts performed by the holder of a temporary licensee whom he or she supervises.

Sec. 3. *The Board may refuse to issue or renew a certificate, or may initiate disciplinary action against the applicant for or holder of a certificate, if the applicant or holder of a certificate, or, where applicable, any member, partner, director, officer or manager of the applicant for or holder of a certificate, has:*

1. Submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, territory or possession of the United States, the District of Columbia or the Federal Government;

2. Violated any provision of chapter 640C of NRS or any regulation adopted pursuant thereto;

3. Been convicted of a crime involving violence, prostitution, advancing prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to

massage therapy, reflexology or structural integration or a substantially similar business, or a crime involving moral turpitude;

4. Engaged in or solicited sexual activity during the course of practicing massage, reflexology or structural integration on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the certificate:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board and, where applicable, complied with NAC 640C.340;

5. Been cited or arrested for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances;

6. Been cited by the Board for facilitating unlicensed activities;

7. Failed to provide information requested by the Board within 60 days after receiving the request;

8. In the judgment of the Board, engaged in unethical conduct or unprofessional conduct;

9. Knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy, reflexology or structural integration within 30 days after becoming aware of that conduct;

10. Been disciplined by:

(a) The Board; or

(b) Another state, territory or possession of the United States, the District of Columbia or the Federal Government for conduct that would be a violation of the provisions of this chapter or chapter 640C of NRS if the conduct were committed in this State;

11. Solicited or received compensation for services relating to the practice of massage therapy, reflexology or structural integration that he or she did not provide;

12. Violated the terms and conditions imposed by the Board during a period of probation;
or

13. Engaged in false, deceptive or misleading advertising, including, without limitation:

(a) Falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage, reflexology or structural integration for which he or she has not received training;

(b) Practicing massage therapy, reflexology or structural integration under an assumed name; or

(c) Impersonating a licensed massage therapist, reflexologist or structural integration practitioner.

Sec. 4. 1. *If, after notice and a hearing pursuant to chapter 622A of NRS and NRS 640C.750, the Board finds one or more grounds for taking disciplinary action against the applicant for or the holder of a certificate, the Board may:*

(a) Place the applicant for or holder of the certificate on probation for a specified period or until further order of the Board;

(b) Administer to the applicant or holder of the certificate a public reprimand;

(c) Refuse to issue, renew, reinstate or restore the certificate;

(d) Suspend or revoke the certificate;

(e) Require the applicant for or holder of the certificate to pay the costs incurred by the Board to conduct the investigation and hearing; or

(f) Impose any combination of actions set forth in paragraphs (a) to (e), inclusive.

2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. The Board will not issue a private reprimand.

Sec. 5. NAC 640C.060 is hereby amended to read as follows:

640C.060 1. ~~HH~~ *Except as otherwise provided in subsection 2, if* an applicant for a license to practice massage therapy, reflexology or structural integration who otherwise satisfies the requirements of NRS 640C.420, 640C.580, 640C.600, ~~640C.610,~~ 640C.620 or 640C.630 wishes the Board to recognize a program of massage therapy, reflexology or structural integration other than a program listed in paragraph (a) of subsection 3 of NRS 640C.580, paragraph (a) of subsection 3 of NRS 640C.600 or paragraph (a) of subsection 3 of NRS 640C.620, as applicable, the applicant or the program from which the applicant received training must submit to the Board a detailed outline of the training of the applicant that includes, without limitation:

- (a) A list of the instructors of the training;
- (b) Any texts used as study guides for the training; and
- (c) Certificates of completion for the training which evidence that the applicant has satisfied the number of training hours required by the Commission on Postsecondary Education for a program of massage therapy, reflexology or structural integration.

2. *If an applicant has completed a program of massage therapy, reflexology or structural integration approved by the appropriate licensing authority in another state, territory or possession of the United States or the District of Columbia, the applicant may request the Board to recognize the program of massage therapy, reflexology or structural integration by submitting documentation which demonstrates that the program of massage therapy, reflexology or structural integration satisfies the requirements of NAC 640C.052, 640C.055 or 640C.057, as applicable.*

3. Where practicable, a request for recognition of a program of massage therapy, reflexology or structural integration made pursuant to this section will be considered by the Board at the next regularly scheduled meeting of the Board immediately following the receipt of the request. *The Board will maintain a list of recognized programs of massage therapy, reflexology or structural integration.*

Sec. 6. NAC 640C.065 is hereby amended to read as follows:

640C.065 1. Except as otherwise provided in subsection 2, the licensing requirement in this State to successfully complete a program of massage therapy, reflexology or structural integration is substantially equivalent to a licensing requirement of another state, territory or possession of the United States or the District of Columbia requiring completion of a program of massage therapy, reflexology or structural integration if:

(a) For massage therapy, the other jurisdiction requires a minimum of ~~550~~ 600 hours of training in a program of massage therapy;

(b) For reflexology:

(1) The other jurisdiction requires a minimum of 200 hours of training in a program of reflexology; or

(2) The applicant completed an International Therapy Examination Council (ITEC) diploma program in reflexology; or

(c) For structural integration, the other jurisdiction requires a minimum of 730 hours of training in a program of structural integration.

2. If an applicant who holds a license to practice massage therapy, reflexology or structural integration issued by another state, territory or possession of the United States or the District of Columbia:

(a) Was licensed in another state, territory or possession of the United States or the District of Columbia on or before the date that the last person was licensed under a grandfather clause in this State; and

(b) Has continuously maintained active licensure in the other jurisdiction since the initial date that the applicant was licensed in the other jurisdiction,

↪ the Board will deem the licensing requirements concerning the educational requirements for licensure in this State to be substantially equivalent to those of the other jurisdiction regardless of the number of hours required in the other jurisdiction to complete a program for massage therapy, reflexology or structural integration or the number of hours required in an apprenticeship program.

3. The Executive Director of the Board or his or her designee will maintain a list of jurisdictions that have program requirements for licensure that are substantially equivalent to those of this State.

Sec. 7. NAC 640C.075 is hereby amended to read as follows:

640C.075 1. The Board may issue a license to an applicant and immediately place the licensee on probation pursuant to NRS 640C.710 if the application or background of the

applicant demonstrates that the applicant has committed one or more of the acts described in NRS 640C.700.

2. The terms of probation imposed pursuant to subsection 1 may require the licensee to:

(a) Report to the Board all contact with law enforcement personnel within 48 hours after such contact occurs;

(b) Refrain from providing outcall services;

(c) *Refrain from providing mobile massage;*

(d) Submit employment offers to the staff of the Board for review and approval;

~~(d)~~ (e) Notify the Board of any changes in his or her employment;

~~(e)~~ (f) Complete an ethics course within 90 calendar days after the issuance of the license;

~~(f)~~ (g) Submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report upon renewal of his or her license;

~~(g)~~ (h) Attend a probation orientation;

~~(h)~~ (i) Take any other action that the Board deems appropriate; or

~~(i)~~ (j) Take any combination of the actions set forth in paragraphs (a) to ~~(h)~~, (i), inclusive.

3. As used in this section ~~["outcall"]~~ :

(a) *"Mobile massage" means massage therapy, reflexology or structural integration provided out of a vehicle, mobile unit or at an event for massage services. The term does not include outcall services.*

(b) *"Outcall services" means massage therapy, reflexology or structural integration provided for compensation by a massage therapist, reflexologist or structural integration practitioner in a*

location other than at ~~{the address set forth in the business license of}~~ the massage establishment, reflexology establishment or structural integration establishment ~~{}~~, *including, without limitation, the home or office of a client. The term does not include mobile massage.*

Sec. 8. NAC 640C.083 is hereby amended to read as follows:

640C.083 1. A person shall not operate a massage establishment, a reflexology establishment or a structural integration establishment unless the person holds a valid certificate to operate a massage establishment, a reflexology establishment or a structural integration establishment, as applicable, which has been issued by the Board.

2. To obtain a certificate, an applicant for a certificate must:

(a) Submit a completed application for the applicable certificate on a form prescribed by the Board;

(b) Pay the fee set forth in NAC 640C.095; and

(c) Comply with any other requirements of this chapter and chapter 640C of NRS.

3. The application must include, without limitation:

(a) A copy of the state business license of the applicant; *and*

(b) A copy of any business license or conditional business license of the applicant issued by a local government . ~~{}~~

~~—(c) A list of services that the applicant wishes to provide to clients; and~~

~~—(d) A photograph of the entrance of the establishment.~~

~~—4. The Board will issue a certificate to an applicant who complies with the requirements of subsection 2, if the applicant and, where applicable, each member, partner, director, officer or manager of the applicant, has not been:~~

~~—(a) Convicted of advancing prostitution pursuant to NRS 201.395;~~

~~—(b) Except as otherwise provided in paragraph (a), cited, arrested or convicted for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances; or~~

~~—(c) Previously cited by the Board for facilitating unlicensed activities.~~

~~—5.]~~ **4.** Except as otherwise provided in ~~[subsection 6,]~~ **section 3 of this regulation**, a certificate is valid for 1 year after the first day of the first calendar month immediately following the date of issuance or renewal and may be renewed if, before the certificate expires, the holder of the certificate:

(a) Submits to the Board a completed application for renewal on a form prescribed by the Board;

(b) Pays the fee set forth in NAC 640C.095; and

(c) Complies with any other requirements of this chapter and chapter 640C of NRS.

~~[6.—The Board will not renew a certificate pursuant to subsection 5 if the holder of the certificate or any member, partner, director, officer or manager of the holder has been arrested, convicted or cited, as applicable, in the manner described in subsection 4.~~

~~—7.]~~ **5.** A certificate issued pursuant to this section is not transferable.

Sec. 9. NAC 640C.095 is hereby amended to read as follows:

640C.095 The Board will charge and collect the following nonrefundable fees:

1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted by paper copy\$130

2. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted through the Internet website of the Board.....\$100

3. For issuing a license as a massage therapist, a reflexologist or a structural integration practitioner.....\$295
4. For ~~issuing~~ *an application for and issuance of* a temporary license.....~~[\$250]~~ *\$150*
5. For conducting a background check\$85
6. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted by paper copy\$325
7. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted through the Internet website of the Board.....\$295
8. For restoring an expired license \$25 per each
expired month,
not to exceed \$500
9. For reinstatement of a suspended or revoked license.....\$500
10. For issuing a replacement license\$50
11. For restoring an inactive license\$295
12. For reissuance of a certificate for a massage establishment,
reflexology establishment or structural integration establishment\$25
13. ~~{For a petition submitted to the Board for review of criminal history\$50~~
~~—14.}~~ For issuing a certificate for a massage establishment or a structural integration establishment:
 - (a) For an establishment with a single room for massage therapy or structural integrationno fee

- (b) For an establishment with at least 2 but not more than ~~17~~ 20 rooms
for massage therapy or structural integration.....~~[\$15]~~ \$25
- (c) ~~For an establishment with at least 8 but not more than 20 rooms for
massage therapy or structural integration\$25~~
- ~~—(d) For an establishment with at least 21 but not more than 40 rooms for
massage therapy or structural integration\$35~~
- ~~—(e)~~ For an establishment with more than ~~40~~ 20 rooms for massage
therapy or structural integration.....\$50
- ~~15.~~ 14. For the renewal of a certificate for a massage establishment or
a structural integration establishment:
- (a) For an establishment with a single room for massage therapy or
structural integrationno fee
- (b) For an establishment with at least 2 but not more than ~~17~~ 20 rooms
for massage therapy or structural integration.....~~[\$15]~~ \$25
- (c) ~~For an establishment with at least 8 but not more than 20 rooms for
massage therapy or structural integration\$25~~
- ~~—(d) For an establishment with at least 21 but not more than 40 rooms for
massage therapy or structural integration\$35~~
- ~~—(e)~~ For an establishment with more than ~~40~~ 20 rooms for massage
therapy or structural integration.....\$50
- ~~16.~~ 15. For issuing a certificate for a massage establishment that does
not have rooms for massage therapy:

(a) For an establishment with not more than 10 chairs or tables for
massage therapy ~~[\$20]~~ \$25

(b) For an establishment with more than 10 chairs or tables for massage
therapy..... ~~[\$40]~~ \$50

~~117.1~~ **16.** For the renewal of a certificate for a massage establishment
that does not have rooms for massage therapy:

(a) For an establishment with not more than 10 chairs or tables for
massage therapy ~~[\$20]~~ \$25

(b) For an establishment with more than 10 chairs or tables for massage
therapy..... ~~[\$40]~~ \$50

~~118.1~~ **17.** For issuing a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for
reflexology ~~[\$20]~~ \$25

(b) For an establishment with more than 10 chairs or tables for
reflexology ~~[\$40]~~ \$50

~~119.1~~ **18.** For renewal of a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for
reflexology ~~[\$20]~~ \$25

(b) For an establishment with more than 10 chairs or tables for
reflexology ~~[\$40]~~ \$50

Sec. 10. NAC 640C.100 is hereby amended to read as follows:

640C.100 1. To maintain his or her licensure, a massage therapist , *reflexologist* or
structural integration practitioner must complete ~~[, to the satisfaction of the Board,]~~ at least ~~[24]~~

6 hours of instruction in continuing education as specified in NAC 640C.110 , ~~for~~ 640C.112 ~~or 640C.117~~, as applicable, and 640C.119 within the licensing period immediately preceding the request for renewal of his or her license. ~~Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license.~~ *Each massage therapist, reflexologist or structural integration practitioner must attest to his or her compliance with the requirements set forth in this subsection at the time for the renewal of his or her license.*

2. ~~If a massage therapist or structural integration practitioner obtains more than 24 hours of instruction in continuing education in a licensing period, the massage therapist or structural integration practitioner may request that the Board carry over the excess hours of credit, not to exceed 72 hours of instruction, to apply towards completion of the requirement for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 6 succeeding years.~~

~~3. If a massage therapist or structural integration practitioner fails to complete the requirements for continuing education set forth in subsection 1 before the date on which his or her license expires, the Board will send a notice to the massage therapist or structural integration practitioner indicating that the massage therapist or structural integration practitioner is not in compliance with the requirements for continuing education.~~ *The Board will perform random audits of massage therapists, reflexologists and structural integration practitioners to ensure compliance with the requirements for continuing education prescribed by this section.*

3. *If audited by the Board, a massage therapist, reflexologist or structural integration practitioner shall provide proof that he or she has completed 6 hours of continuing education for the licensing period audited by presenting copies of original certificates of completion or computer printouts from approved providers of continuing education to the Board.*

4. A massage therapist, reflexologist and structural integration practitioner shall maintain documentation of completion of the requirements for continuing education for 4 years after the last day of the licensure period during which the continuing education was completed.

Sec. 11. NAC 640C.110 is hereby amended to read as follows:

640C.110 1. The Board will approve credit for continuing education for a license to practice massage therapy as follows:

(a) One hour of credit will be approved for each hour of instruction that a massage therapist attends a workshop, course, conference or seminar relating to the practice of massage therapy which is provided by a person or entity that is:

(1) Accredited by the National Commission for Certifying Agencies, or an equivalent accrediting body approved or recognized by the Board;

(2) Approved by the National Certification Board for Therapeutic Massage and Bodywork;

(3) A massage therapy school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of massage therapy that is recognized by the Board pursuant to NRS 640C.580 and NAC 640C.060; or

(4) A massage therapist with at least 2 years of experience in the practice of massage therapy or a related field who has previously received approval from the Board for the workshop, course, conference or seminar.

(b) The amount of credit for authoring a publication relating to the practice of massage therapy will be determined upon receipt and evaluation by the Board of the information required to be submitted pursuant to NAC 640C.130.

(c) One hour of credit, up to a maximum of ~~16~~ 4 hours of credit per renewal period for each activity listed in subparagraphs (1), (2) and (3), will be approved for each hour of instruction spent:

(1) Giving a presentation at a workshop, course, conference or seminar relating to the practice of massage therapy.

(2) Preparing a presentation described in subparagraph (1).

(3) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board.

2. A massage therapist may receive credit only once for giving or preparing a presentation described in subparagraph (1) of paragraph (c) of subsection 1.

~~{3.—The Board will consider the written request of a massage therapist for approval of credit for any continuing education that is not specified in subsection 1, including credit for any continuing education that is not specifically related to massage therapy, if the request is submitted to the Board at least 90 days before the date on which the license of the massage therapist expires.}~~

Sec. 12. NAC 640C.112 is hereby amended to read as follows:

640C.112 1. The Board will approve credit for continuing education for a license to practice structural integration as follows:

(a) One hour of credit will be approved for each hour of instruction that a structural integration practitioner attends a workshop, course, conference or seminar relating to the practice of structural integration which is provided by a person or entity that is:

(1) Accredited by the National Commission for Certifying Agencies, or an equivalent accrediting body approved or recognized by the Board;

- (2) Approved by the International Association of Structural Integrators;
 - (3) A structural integration school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of structural integration that is recognized by the Board pursuant to NRS 640C.620 and NAC 640C.060; or
 - (4) A structural integration practitioner with at least 2 years of experience in the practice of structural integration or a related field who has previously received approval from the Board for the workshop, course, conference or seminar.
- (b) The amount of credit for authoring a publication relating to the practice of structural integration will be determined upon receipt and evaluation by the Board of the information required to be submitted pursuant to NAC 640C.130.
- (c) One hour of credit, up to a maximum of ~~16~~ 4 hours of credit per renewal period for each activity listed in subparagraphs (1) to (4), inclusive, will be approved for each hour of instruction spent:
- (1) Giving a presentation at a workshop, course, conference or seminar relating to the practice of structural integration.
 - (2) Preparing a presentation described in subparagraph (1).
 - (3) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board.
 - (4) Serving as a member of a board or committee relating to the practice of structural integration.
2. A structural integration practitioner may receive credit only once for giving or preparing a presentation described in subparagraph (1) of paragraph (c) of subsection 1.

~~{3.—The Board will consider the written request of a structural integration practitioner for approval of credit for any continuing education that is not specified in subsection 1, including credit for any continuing education that is not specifically related to structural integration, if the request is submitted to the Board at least 90 days before the date on which the license of the structural integration practitioner expires.}~~

Sec. 13. NAC 640C.117 is hereby amended to read as follows:

640C.117 1. The Board will approve credit for continuing education for a license to practice reflexology as follows:

(a) One hour of credit will be approved for each hour of instruction that a reflexologist attends a workshop, course, conference or seminar relating to the practice of reflexology which is provided by a person or entity that is:

(1) Accredited by the National Commission for Certifying Agencies, or an equivalent accrediting body approved or recognized by the Board;

(2) Approved by the American Reflexology Certification Board;

(3) A reflexology school, massage therapy school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of reflexology that is recognized by the Board pursuant to NRS 640C.600 and NAC 640C.060; or

(4) A reflexologist with at least 2 years of experience in the practice of reflexology who is certified by the American Reflexology Certification Board, International Institute of Reflexology or National Certification Board for Therapeutic Massage and Bodywork or who has experience in a related field and has previously received approval from the Board for the workshop, course, conference or seminar.

(b) The amount of credit for authoring a publication relating to the practice of reflexology will be determined upon receipt and evaluation by the Board of the information required to be submitted pursuant to NAC 640C.130.

(c) One hour of credit, up to a maximum of ~~16~~ 4 hours of credit per renewal period for each activity listed in subparagraphs (1), (2) and (3), will be approved for each hour of instruction spent:

(1) Giving a presentation at a workshop, course, conference or seminar relating to the practice of reflexology.

(2) Preparing a presentation described in subparagraph (1).

(3) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board.

2. A reflexologist may receive credit only once for giving or preparing a presentation described in subparagraph (1) of paragraph (c) of subsection 1.

~~{3.—The Board will consider the written request of a reflexologist for approval of credit for any continuing education that is not specified in subsection 1, including credit for any continuing education that is not specifically related to reflexology, if the request is submitted to the Board at least 90 days before the date on which the license of the reflexologist expires.}~~

Sec. 14. NAC 640C.410 is hereby amended to read as follows:

640C.410 1. As used in subsection 9 of NRS 640C.700 ~~{}~~ *and section 3 of this regulation*, the Board interprets the phrases:

(a) “Unethical conduct” to include, without limitation, any of the following conduct that occurred outside the course and scope of the practice of massage therapy, reflexology or structural integration:

- (1) Aiding, abetting or assisting any person in performing any act prohibited by law.
 - (2) Performing any act prohibited by law.
- (b) “Unprofessional conduct” to include, without limitation, any of the following conduct that occurred in the course and scope of the practice of massage therapy, reflexology or structural integration:
- (1) Offering to practice massage therapy, reflexology or structural integration on a client in exchange for sexual favors.
 - (2) Using health care information to contact a client for the purpose of engaging in a sexual activity with the client.
 - (3) Using health care information or access to health care information to meet or attempt to meet the sexual needs of the massage therapist, reflexologist or structural integration practitioner.
 - (4) Performing acts beyond the scope of the practice of massage therapy, reflexology or structural integration.
 - (5) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration without adequate training.
 - (6) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration if competency is not maintained or the standards of competence are not satisfied, or both.
 - (7) Disclosing the contents of the examination for licensure or certification, or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration.

(8) Assigning or delegating functions, tasks or responsibilities of licensed or certified persons to unqualified persons.

(9) Failing to supervise a person to whom functions of massage therapy, reflexology or structural integration are delegated or assigned, if responsible for supervising the person.

(10) Failing to safeguard a client from the incompetent, abusive or illegal practice of any person during the practice of massage therapy, reflexology or structural integration.

(11) Practicing massage therapy, reflexology or structural integration while, with or without good cause, the physical, mental or emotional condition of the massage therapist, reflexologist or structural integration practitioner impairs his or her ability to act in a manner consistent with established or customary standards of the practice of massage therapy, reflexology or structural integration, as applicable.

(12) Practicing massage therapy, reflexology or structural integration, if any amount of alcohol or a controlled substance or dangerous drug that is not legally prescribed is present in the body of the massage therapist, reflexologist or structural integration practitioner.

(13) Failing to respect and maintain a client's right to privacy.

(14) Performing or offering to perform the functions of a licensee or holder of a certificate by false representation or under a false or assumed name.

(15) Soliciting or borrowing money, materials or other property, or any combination thereof, from a:

(I) Client; or

(II) Family member of a client.

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

(17) Failing to abide by any state or federal statute or regulation relating to the practice of massage therapy, reflexology or structural integration.

(18) Engaging in sexual contact with a client.

(19) Failing to report the unauthorized practice of massage therapy, reflexology or structural integration.

(20) Endangering the safety of the general public, clients or coworkers by making actual or implied threats of violence or carrying out an act of violence.

(21) Abusing a client.

(22) Misappropriating the property of a client.

(23) Failing to comply with a condition, limitation or restriction which has been placed on the license of the massage therapist, reflexologist or structural integration practitioner, or the certificate of the massage establishment, reflexology establishment or structural integration establishment.

(24) Engaging in the practice of massage therapy, reflexology or structural integration without a license issued pursuant to the provisions of this chapter and chapter 640C of NRS.

(25) Displaying a license, certificate, diploma or permit, or a copy of a license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited or materially altered.

(26) Engaging in a pattern of conduct that demonstrates failure to exercise the knowledge, skills and abilities to use the methods ordinarily exercised by a reasonable and prudent massage therapist, reflexologist or structural integration practitioner to protect the public.

(27) Failing to cooperate with an investigation or inspection conducted by the Board.

(28) Engaging in any other unprofessional conduct with a client that the Board determines is outside the professional boundaries generally considered acceptable in the profession.

(29) Advertising in a manner that is inconsistent with this chapter or chapter 640C of NRS.

2. When evaluating whether a massage therapist, reflexologist or structural integration practitioner is prohibited from engaging or attempting to engage in a sexual activity with a client or former client, the Board will consider, without limitation:

(a) Documentation of a formal termination of the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client;

(b) The transfer of care of the client or former client from the massage therapist, reflexologist or structural integration practitioner to another massage therapist, reflexologist or structural integration practitioner, as applicable;

(c) The duration of the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client;

(d) The amount of time that has passed since the last services related to the practice of massage therapy, reflexology or structural integration were provided to the client or former client by the massage therapist, reflexologist or structural integration practitioner;

(e) The communication between the massage therapist, reflexologist or structural integration practitioner and the client or former client after the last services related to the practice of massage therapy, reflexology or structural integration were provided to the client or former client and before the commencement of the personal relationship;

(f) The extent to which the personal or private information of the client or former client was shared with the massage therapist, reflexologist or structural integration practitioner;

(g) The nature of the health condition of the client or former client, if any, during the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client and after that professional relationship ended;

(h) The extent of emotional dependence of the client or former client on the massage therapist, reflexologist or structural integration practitioner, if any, and the vulnerability of the client or former client; and

(i) The standard cycle for revisiting a massage therapist, reflexologist or structural integration practitioner as determined by the Board.

Sec. 15. NAC 640C.580 is hereby amended to read as follows:

640C.580 1. A person wishing to apply for a license to practice massage therapy, reflexology or structural integration may petition the Board to review his or her criminal history to determine if the criminal history would disqualify the petitioner from being licensed by the Board.

2. The petition must be completed on a form prescribed by the Board.

3. The Board will ~~complete a background check of the petitioner in addition to reviewing~~ **review** the information contained in the petition.

4. Not later than 90 days after receiving the completed petition, the Board will inform the petitioner of whether the criminal history will disqualify the petitioner from being licensed by the Board.

Sec. 16. NAC 640C.115 is hereby repealed.

TEXT OF REPEALED SECTION

640C.115 Reflexologists: Requirements to maintain license; request to carry over excess hours of credit; notice of noncompliance.

1. To maintain his or her license to practice reflexology, a reflexologist must complete, to the satisfaction of the Board, at least 12 hours of instruction in continuing education as specified in NAC 640C.117 within the licensing period immediately preceding the request for renewal of his or her license. Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license.

2. If a reflexologist obtains more than 12 hours of instruction in continuing education in a licensing period, the reflexologist may request that the Board carry over the excess hours of credit, not to exceed 36 hours of instruction, to apply towards completion of the requirement for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 6 succeeding years.

3. If a reflexologist fails to complete the requirements for continuing education set forth in subsection 1 before the date on which his or her license expires, the Board will send a notice to the reflexologist indicating that the reflexologist is not in compliance with the requirements for continuing education.

