

Board of Massage Therapy

Nevada Revised Statutes (NRS) Chapter 640C

Board members (NRS 640C.150 and 640C.160)—The Board consists of nine members and one advisory member appointed by the Governor, as follows:

- Six members who are licensed to practice massage therapy, three of whom must be residents of Clark County, two must be residents of Washoe County, and one must be a resident of any other county;
- One member who is licensed to practice reflexology;
- One member who is licensed to practice structural integration; and
- One member who represents the general public, who must not be a licensed massage therapist, reflexologist, or structural integration practitioner, or a relative of such individual.

In addition, the Governor shall appoint one nonvoting advisory member who is a resident of Clark County, is certified by the Peace Officers' Standards and Training Commission, and is or has been a police officer with the Las Vegas Metropolitan Police Department.

Powers and duties of the Board—The Board:

- Shall review and evaluate applications;
- Shall determine qualifications of applicants;
- Shall issue licenses, investigate complaints, and discipline licensees as provided;
- Shall enforce the provisions of Chapter 640C of NRS;
- Shall maintain lists of licensees, including applicants for license and licensees whose licenses have been suspended or revoked, and disclose information on each list, for which it may charge a fee;
- Shall adopt regulations regarding continuing education, standards for licensure, and curriculum for schools of massage therapy, reflexology, and structural integration;
- May issue a temporary license or license by endorsement;
- May issue a license to an individual who holds a license from another jurisdiction if the requirements are substantially equivalent;

- Shall adopt regulations to prescribe requirements for the certification and operation of massage, reflexology, and structural integration establishments, provided that local governments have concurrent jurisdiction with the Board over licensure and regulation of such establishments;
- May delegate to a hearing officer or panel its authority to take disciplinary action; and
- May impose administrative fines if the Board determines that a licensee has engaged in or solicited sexual activity while practicing massage therapy, reflexology, or structural integration.

Operations of the Board—The Board:

- May receive a salary, per diem allowance, and travel expenses;
- Shall elect officers from among its members;
- Shall alternate meeting locations between the northern and the southern districts as provided;
- May retain or employ attorneys as it deems necessary, provided that the Attorney General or deputies are designated as the attorneys for the Board;
- Shall employ an executive director and set the compensation for the position;
- May employ or contract with inspectors, advisers, examiners, consultants, and others necessary to carry out the provisions of Chapter 640C.

Background

- 2005—Assembly Bill 250 (Chapter 325, *Statutes of Nevada*)—Created the Board of Massage Therapists; prescribed the powers and duties of the Board, licensing requirements, and grounds for disciplinary action;
- 2009—Senate Bill 119 (Chapter 459, *Statutes of Nevada*)—Revised provisions governing the regulation of massage therapists by the Board, including provisions governing the disciplining of massage therapists; authorized the Board to issue administrative fines; and required governmental agencies and courts to provide certain records;
- 2015—AB 126 (Chapter 386, *Statutes of Nevada*)—Revised powers of the Board, including requiring the examination be a nationally recognized competency examination approved by the Board; removed the 10-year limitation on convictions for moral turpitude and allowed the Board to take action on a conviction regardless of when the conviction occurred;
- 2015—AB 89 (Chapter 546, *Statutes of Nevada*)—Authorized the Board to issue a license by endorsement; and

- 2017—AB 179 (Chapter 275, *Statutes of Nevada*)—Changed the name to Board of Massage Therapy; increased the membership from seven to nine members, including a reflexology licensee and a structural integration licensee; authorized the Board to license applicants to practice reflexology and structural integration; required the Board to adopt regulations concerning certification of massage, reflexology, and structural integration establishments; revised the validity of a license from one year to two; and authorized the Board to establish different fee amounts for different types of licenses.

Legislative history—The following legislative history has been compiled and is available on the website of the Research Library:

- [AB 250](#) (2005)—Sponsored by Assemblyman Morse Arberry, Jr., by request.

In addition, the bill pages for the following legislation are available on the Legislature’s website:

- [SB 119](#) (2009)—Sponsored by Senator Maggie Carlton;
- [AB 126](#) (2015)—Sponsored by Assemblywoman Maggie Carlton;
- [AB 89](#) (2015)—Sponsored by the Assembly Committee on Commerce and Labor on behalf of the Governor; and
- [AB 179](#) (2017)—Sponsored by Assemblywoman Maggie Carlton.

Reports to the Legislature—No reports to the Legislature are required pursuant to Chapter 640C of NRS.

NRS 622.100 requires a report to the Director of the Legislative Counsel Bureau (LCB) including information relating to licensing and disciplinary actions. (Senate Bill 69 [Chapter 518, *Statutes of Nevada 2017*] revised the reporting provisions.)

Records held by the LCB—No publications relating to the Board of Massage Therapy are held by the Research Library.

Current contact—Sandy Anderson, Executive Director

Website—<http://massagetherapy.nv.gov/>

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NRS 640C.150 Creation; appointment and qualifications of voting members; terms, vacancies and removal from office.

1. The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this chapter and one nonvoting advisory member appointed pursuant to [NRS 640C.160](#).
2. The Governor shall appoint to the Board seven members as follows:
 - (a) Six members who:
 - (1) Are licensed to practice massage therapy in this State; and
 - (2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.
 - ↳ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.
 - (b) One member who is a member of the general public. This member must not be:
 - (1) A massage therapist; or
 - (2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.
3. The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.
4. After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.
5. A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.
6. A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.
7. The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.
(Added to NRS by [2005, 1120](#); A [2007, 1847](#))

NRS CROSS REFERENCES.

Residency requirements, qualifications of representatives of general public, [NRS 232A.020](#), [622.205](#)

REVISER'S NOTE.

Ch. 325, Stats. 2005, the source of this section, contains the following provisions not included in NRS:

- “1. As soon as practicable, the Governor shall appoint to the Board of Massage Therapists pursuant to sections 9 and 10 of this act [\[NRS 640C.150 and 640C.160\]](#):
- (a) Two members whose terms expire on June 30, 2007;
 - (b) Three members whose terms expire on June 30, 2008;
 - (c) Two members whose terms expire on June 30, 2009; and
 - (d) One nonvoting advisory member whose term expires on June 30, 2009,
- ↳ except that no member may begin serving a term sooner than July 1, 2005.
2. Notwithstanding the provisions of section 9 of this act [\[NRS 640C.150\]](#), each massage therapist who is appointed to the Board of Massage Therapists to an initial term pursuant to subsection 1 is not required to hold a license issued pursuant to sections 2 to 34, inclusive, of this act [\[NRS ch. 640C\]](#) at the time of appointment but must be eligible for such a license at the time of appointment.”

NRS 640C.160 Appointment of nonvoting advisory member.

1. The Governor shall appoint to the Board one nonvoting advisory member.
2. The advisory member must be a person who:
 - (a) Is a resident of Clark County;
 - (b) Has been certified by the Peace Officers' Standards and Training Commission created pursuant to [NRS](#)

[289.500](#); and

(c) Is actively serving or has retired from service as a police officer with the Las Vegas Metropolitan Police Department.

3. The advisory member is subject to the provisions of [NRS 640C.150](#) with regard to his or her terms, reappointment, vacancy and removal.

4. The advisory member:

(a) Serves solely as an advisor to the Board.

(b) May be designated by the Board to assist in any investigation conducted pursuant to this chapter.

(c) May not be counted in determining a quorum of the Board.

(d) May not vote on any matter before the Board.

5. The advisory member:

(a) Serves without salary or compensation.

(b) Is entitled to receive the per diem allowance and travel expenses provided for in [NRS 640C.170](#).

6. If the advisory member is actively serving as a police officer, the advisory member must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board and perform any work that is necessary to carry out his or her duties with the Board in the most timely manner practicable. The advisory member's employer shall not require the advisory member to:

(a) Make up the time he or she is absent from work to carry out his or her duties with the Board; or

(b) Take annual leave or compensatory time for the absence.

7. Notwithstanding any other provision of law, the advisory member:

(a) Is not disqualified from public employment or holding a public office because of membership on the Board; and

(b) Does not forfeit his or her public office or public employment because of membership on the Board.

(Added to NRS by [2005, 1121](#))

REVISER'S NOTE.

Ch. 325, Stats. 2005, the source of this section, contains the following provision not included in NRS:

"1. As soon as practicable, the Governor shall appoint to the Board of Massage Therapists pursuant to sections 9 and 10 of this act [[NRS 640C.150](#) and [640C.160](#)]:

(a) Two members whose terms expire on June 30, 2007;

(b) Three members whose terms expire on June 30, 2008;

(c) Two members whose terms expire on June 30, 2009; and

(d) One nonvoting advisory member whose term expires on June 30, 2009,

↪ except that no member may begin serving a term sooner than July 1, 2005.

* * *"

NRS 640C.170 Salary of members; per diem allowance and travel expenses of members and employees.

Except as otherwise provided in [NRS 640C.160](#), while engaged in the business of the Board:

1. Each member of the Board is entitled to receive a salary of not more than \$150 per day, as established by the Board; and

2. Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.

(Added to NRS by [2005, 1123](#); A [2007, 2954](#))

NRS 640C.180 Election of Chair, Vice Chair and Secretary-Treasurer; meetings; quorum.

1. At the first meeting of each fiscal year, the members of the Board shall elect a Chair, Vice Chair and Secretary-Treasurer from among the members.

2. The Board shall meet at least quarterly and may meet at other times at the call of the Chair or upon the written request of a majority of the members of the Board.

3. The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:

(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

4. A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of [chapter 241](#) of NRS and any other applicable provisions of law.

5. Four members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.

(Added to NRS by [2005, 1122](#))

NRS CROSS REFERENCES.

Meetings of public agencies, [NRS ch. 241](#), 622.320

NRS 640C.190 Attorneys for Board.

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

(Added to NRS by [2005, 1123](#))

NRS 640C.200 Employment of Executive Director.

1. The Board shall employ a person as the Executive Director of the Board.

2. The Executive Director serves as the chief administrative officer of the Board at a level of compensation set by the Board.

3. The Executive Director is an at-will employee who serves at the pleasure of the Board.

(Added to NRS by [2005, 1123](#))

NRS CROSS REFERENCES.

Executive Director or Executive Secretary, conditions and limitations of employment, [NRS 622.220](#)

NRS 640C.210 Employment of other personnel.

1. The Board may employ or contract with inspectors, investigators, advisers, examiners and clerks and any other persons required to carry out its duties and secure the services of attorneys and other professional consultants as it may deem necessary to carry out the provisions of this chapter.

2. Each employee of the Board is an at-will employee who serves at the pleasure of the Board. The Board may discharge an employee of the Board for any reason that does not violate public policy, including, without limitation, making a false representation to the Board.

(Added to NRS by [2005, 1123](#))

NRS CROSS REFERENCES.

Contracts for services to be in writing and approved, [NRS 284.013](#)

Employment of immediate relatives, conditions and limitations, [NRS 622.210-622.230](#)

NRS 640C.220 Immunity. The Board and any of its members and its staff and employees, including, without limitation, inspectors, investigators, advisers, examiners, clerks, counsel, experts, committees, panels, hearing officers and consultants, are immune from civil liability for any act performed in good faith and without malicious intent in the execution of any duties pursuant to this chapter.

(Added to NRS by [2005, 1123](#))

NRS 640C.230 Fiscal year. The Board shall adopt a fiscal year beginning on July 1 and ending on June 30.

(Added to NRS by [2005, 1124](#))

NRS 640C.240 Payment of expenses; acceptance of gifts, grants, donations and contributions; deposit of money; delegation of authority to take disciplinary action; deposit of fines; claims for attorney's fees and costs of investigation.

1. Except as otherwise provided in subsection 5, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money that it receives. No part of any expenses of the Board may be paid from the State General Fund.

2. The Board may accept gifts, grants, donations and contributions from any source to assist in carrying out the provisions of this chapter.

3. All money received by the Board must be deposited in a bank or other financial institution in this State and paid out upon the Board's order for its expenses.

4. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor, and deposit the money therefrom in a bank or other financial institution in this State.

5. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 4 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

(Added to NRS by [2005, 1124](#))

NRS CROSS REFERENCES.

Attorney's fees and costs, recovery, [NRS 622.400, 622.410](#)

NRS 640C.300 Duties. The Board shall:

1. Adopt a seal of which each court in this State shall take judicial notice;
2. Prepare and maintain a record of its proceedings and transactions;
3. Review and evaluate applications for the licensing of massage therapists;
4. Determine the qualifications and fitness of applicants;
5. Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;
6. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;
7. Investigate any complaints filed with the Board;
8. Impose any penalties it determines are required to administer the provisions of this chapter; and
9. Transact any other business required to carry out its duties.

(Added to NRS by [2005, 1122](#))

NRS 640C.310 Preparation, maintenance and disclosure of certain information regarding applicants and licensees.

1. The Board shall prepare and maintain a separate list of:
 - (a) Persons issued a license;
 - (b) Applicants for a license; and
 - (c) Persons whose licenses have been revoked or suspended by the Board.
2. The Board shall, upon request, disclose the information included in each list and may charge a fee for a copy of the list. The fee may not exceed the actual cost incurred by the Board to make a copy of the list.
(Added to NRS by [2005, 1122](#))

NRS 640C.320 Regulations. The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the requirements for continuing education for the renewal of a license;
2. Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy;
3. Establish the requirements for the approval of an instructor of a course of continuing education;
4. Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy;
5. Except as otherwise provided in [NRS 622.090](#), prescribe the requirements for any practical, oral or written examination for a license that the Board may require, including, without limitation, the passing grade for such an examination;
6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant; and
7. Prescribe the form of a written administrative citation issued pursuant to [NRS 640C.755](#).
(Added to NRS by [2005, 1123](#); A [2007, 2954](#); [2009, 2576](#))

NRS 640C.695 Jurisdiction of Board over licensee unaffected by expiration or voluntary surrender of license. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

(Added to NRS by [2009, 2574](#))

NRS 640C.700 Grounds for refusal to issue license or for disciplinary action. The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;
2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;
3. Has been convicted of a crime involving violence, 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 or a substantially similar business, or a crime involving moral turpitude;
4. Has engaged in or solicited sexual activity during the course of practicing massage on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:
 - (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;
5. Has habitually abused alcohol or is addicted to a controlled substance;

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6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy;
 7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy;
 8. Has failed to provide information requested by the Board within 60 days after receiving the request;
 9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy;
 10. Has 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 within 30 days after becoming aware of that conduct;
 11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;
 12. Has solicited or received compensation for services relating to the practice of massage therapy that he or she did not provide;
 13. If the holder of the license is on probation, has violated the terms of the probation;
 14. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage for which he or she has not received training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;
 15. Has operated a medical facility, as defined in [NRS 449.0151](#), at any time during which:
 - (a) The license of the facility was suspended or revoked; or
 - (b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to [NRS 449.160](#).
- ↪ This subsection applies to an owner or other principal responsible for the operation of the facility.
16. Has failed to comply with a written administrative citation issued pursuant to [NRS 640C.755](#) within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to [NRS 640C.757](#), within 15 business days after the hearing; or
17. Except as otherwise provided in subsection 16, has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:
 - (a) Receiving notice of the imposition of the fine; or
 - (b) The final administrative or judicial decision affirming the imposition of the fine,
- ↪ whichever occurs later.
- (Added to NRS by [2005, 1130](#); A [2009, 899, 2579](#); [2015, 2187](#))

ADMINISTRATIVE REGULATIONS.

Unprofessional conduct, [NAC 640C.400-640C.420](#)

NRS 640C.710 Authorized disciplinary action; orders imposing discipline deemed public records; private reprimands prohibited.

1. If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:
 - (a) Place the applicant or holder of the license on probation for a specified period or until further order of the Board;
 - (b) Administer to the applicant or holder of the license a public reprimand;
 - (c) Refuse to issue, renew, reinstate or restore the license;
 - (d) Suspend or revoke the license;
 - (e) Except as otherwise provided in [NRS 640C.712](#), impose an administrative fine of not more than \$5,000 for

each violation;

(f) Require the applicant or holder of the license to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), 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 shall not issue a private reprimand.

(Added to NRS by [2005, 1131](#); A [2009, 2580](#))

NRS 640C.712 Administrative fines for certain unlawful acts; regulations.

1. In addition to any other actions authorized by [NRS 640C.710](#), if, after notice and a hearing as required by law, the Board determines that a licensee has engaged in or solicited sexual activity during the course of practicing massage on a person, as set forth in subsection 4 of [NRS 640C.700](#), or has been convicted of prostitution or any other sexual offense that occurred during the course of practicing massage on a person, the Board shall:

(a) For a first violation, impose an administrative fine of not less than \$100 and not more than \$1,000;

(b) For a second violation, impose an administrative fine of not less than \$250 and not more than \$5,000; and

(c) For a third violation and for each additional violation, impose an administrative fine of not less than \$500 and not more than \$10,000.

2. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

(Added to NRS by [2009, 2574](#))

NRS 640C.720 Temporary suspension of license. Notwithstanding any other statute to the contrary:

1. If the Board finds, based upon evidence in its possession, that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, temporarily suspend his or her license without a prior hearing for a period not to exceed 15 business days. The massage therapist may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the massage therapist receives notice of the temporary suspension. If the massage therapist:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 30 days after the date on which the Board provides notice of the initial temporary suspension. After holding such a hearing, the

Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. If a massage therapist is charged with or cited for prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately issue by certified mail to the massage therapist a cease and desist order temporarily suspending the license of the massage therapist without a prior hearing. The temporary suspension of the license is effective immediately after the massage therapist receives notice of the cease and desist order and must not exceed 15 business days. The massage therapist may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the massage therapist:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

3. If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist pending proceedings for disciplinary action, a court shall not stay that order.

4. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

(Added to NRS by [2005, 1132](#); A [2009, 2580](#))

REVISER'S NOTE.

Ch. 459, Stats. 2009, which amended this section, added new subsections 4 and 5 to this section which have been codified as [NRS 640C.745](#).

NRS 640C.740 Complaints: Filing; investigation; retention.

1. If any member of the Board or the Executive Director becomes aware of any ground for initiating disciplinary action against a holder of a license, the member or Executive Director shall file a written complaint with the Board.

2. The complaint must specifically:

(a) Set forth the relevant facts; and

(b) Charge one or more grounds for initiating disciplinary action.

3. As soon as practicable after the filing of the complaint, an investigation of the complaint must be conducted to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the holder of the license.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years,

including, without limitation, any complaints not acted upon.

(Added to NRS by [2005, 1131](#); A [2009, 900](#))

NRS 640C.745 Records relating to convictions for certain crimes: Requests; confidentiality; use.

1. When conducting an investigation of a massage therapist pursuant to this chapter, the Board or the Executive Director may request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction of the massage therapist for a crime involving violence, prostitution or any other sexual offense. Such records include, without limitation, a record of criminal history as defined in [NRS 179A.070](#).

2. Upon receiving a request from the Board or the Executive Director pursuant to subsection 1, the governmental agency or court of competent jurisdiction shall provide the requested records to the Board or the Executive Director as soon as reasonably practicable. The governmental agency or court of competent jurisdiction may redact from the records produced pursuant to this subsection any information relating to the agency or court that is deemed confidential by the agency or court. Upon receiving the records from the governmental agency or court, the Board and the Executive Director:

(a) Shall maintain the confidentiality of the records if such confidentiality is required by federal or state law; and

(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist pursuant to this chapter.

(Added to NRS by [2009, 2581](#))

NRS 640C.750 Investigations and hearings; oaths; examination of witnesses; payment of fees and mileage; issuance and enforcement of subpoenas.

1. The Board may conduct investigations and hold hearings to carry out its duties pursuant to this chapter.

2. In such a hearing:

(a) Any member of the Board may administer oaths and examine witnesses; and

(b) The Board or any member thereof may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

3. Each witness who is subpoenaed to appear before the Board is entitled to receive for his or her attendance the same fees and mileage allowed by law for a witness in a civil case. The amount must be paid by the party who requested the subpoena. If any witness who has not been required to attend at the request of any party is subpoenaed by the Board, his or her fees and mileage must be paid by the Board from money available for that purpose.

4. If any person fails to comply with the subpoena within 10 days after it is issued, the Chair of the Board may petition a court of competent jurisdiction for an order of the court compelling compliance with the subpoena.

5. Upon the filing of such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

6. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena. The failure of the person to comply with the order is a contempt of the court that issued the order.

(Added to NRS by [2005, 1132](#))

NRS CROSS REFERENCES.

Investigatory proceedings, Open Meeting Law inapplicable, [NRS 622.320](#)

NRS 640C.755 Administrative citation: Order to take corrective action; administrative fines; penalty.

1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a person

has committed an act which constitutes a violation of this chapter or the regulations of the Board, the Board or its designee, as appropriate, may issue or authorize the issuance of a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;

(b) An order to pay an administrative fine for each violation; and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate each violation, not to exceed \$150.

2. If the citation includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must:

(a) State the time permitted for compliance, which must not be less than 15 business days after the date on which the citation is received by the person; and

(b) Describe, in specific detail, the action required to be taken.

3. If the citation is issued to a licensee and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by [NRS 640C.710](#) or [640C.712](#), as appropriate for each violation.

4. If the citation is issued to an unlicensed person and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For a first violation, must not be less than \$100 and must not be more than \$1,000;

(b) For a second violation, must not be less than \$250 and must not be more than \$5,000; and

(c) For a third violation and for each additional violation, must not be less than \$500 and must not be more than \$10,000.

5. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

6. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements, as approved by the Board, within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

(Added to NRS by [2009, 2574](#))

NRS 640C.757 Administrative citation: Time limit to contest; hearing on contest; effect of failure to contest citation within time limit; service of citation.

1. If a person is issued a written administrative citation pursuant to [NRS 640C.755](#), the person may request a hearing before the Board to contest the citation by filing a written request with the Board:

(a) Not later than 15 business days after the date on which the citation is received by the person; or

(b) If the Board, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the Board.

2. If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section:

(a) The Board shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings; and

(b) At the hearing, the person may contest, without limitation:

(1) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(2) The time allowed to take any corrective action ordered;

(3) The amount of any administrative fine ordered;

(4) The amount of any order to reimburse the Board for the expenses incurred to investigate the violation;
and

(5) Whether any corrective action described in the citation is reasonable.

3. If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

(Added to NRS by [2009, 2575](#))

CHAPTER.....

AN ACT relating to massage therapy; changing the name of the Board of Massage Therapists to the Board of Massage Therapy; authorizing the Board to issue a license and a temporary license to practice reflexology and structural integration; requiring the Board to adopt regulations concerning the certification of a massage, reflexology and structural integration establishment; authorizing a local government to license and regulate a massage, reflexology and structural integration establishment; requiring that the Board consist of nine members; requiring the Board to adopt certain additional regulations; providing that a license is valid for 2 years; increasing the fee amount for the renewal of a license; creating a fee for the issuance and renewal of the certification of a massage, reflexology and structural integration establishment; authorizing the Board to establish different fee amounts for different types of licenses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Massage Therapists to issue a license to practice massage therapy and provides the requirements that an applicant for a license must satisfy in order to become licensed. (NRS 640C.400) **Section 7** of this bill authorizes the Board to issue a license to practice reflexology. **Section 9** of this bill authorizes the Board to issue a license to practice structural integration. **Section 20** of this bill makes conforming changes to existing law regarding the issuance of a license to practice massage therapy.

Existing law authorizes the Board to issue a temporary license to practice massage therapy and provides the requirements that an applicant for a temporary license must satisfy in order to become licensed. (NRS 640C.410) **Section 8** of this bill authorizes the Board to issue a temporary license to practice reflexology. **Section 10** of this bill authorizes the Board to issue a temporary license to practice structural integration.

Section 11 of this bill requires the Board to adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment. **Section 11** additionally authorizes a local government to license and regulate a massage, reflexology and structural integration establishment in a manner that is more stringent than the regulations adopted by the Board. **Section 11** further requires that the Board and local governments have concurrent jurisdiction over the licensure and regulation of massage, reflexology and structural integration establishments and provides that if there is a conflict between a regulation of the Board and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment. **Section 16** of this bill makes conforming changes.



of the parts of the human body to each other within the influences of gravity.

2. The term does not include:

(a) The practice of physical therapy, as defined in NRS 640.024; or

(b) The practice of chiropractic, as defined in NRS 634.013, including, without limitation, chiropractic adjustment or manipulation, as defined in NRS 634.014 and 634.0173, respectively.

Sec. 6. “Structural integration practitioner” means a person who is licensed pursuant to the provisions of this chapter to engage in the practice of structural integration.

Sec. 7. 1. The Board may issue a license to practice reflexology.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the Board;

(4) 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 reflexology verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and

(II) Disciplinary proceedings relating to his or her license to practice reflexology are not pending;

(5) 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; and

(6) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and



professional competency of reflexologists that is approved by the Board.

3. The Board:

(a) Shall recognize a program of reflexology that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of reflexology.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant.

(b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 8. *1. The Board may issue a temporary license to practice reflexology.*

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;



(3) *Proof that the applicant has successfully completed a program of reflexology recognized by the Board pursuant to section 7 of this act;*

(4) *Proof that the applicant:*

(I) *Has taken the examination required pursuant to section 7 of this act; or*

(II) *Is scheduled to take such an examination within 90 days after the date of application;*

(5) *An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;*

(6) *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 reflexology verifying that:*

(I) *The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and*

(II) *Disciplinary proceedings relating to his or her license to practice reflexology are not pending; and*

(7) *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.*

3. *A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.*

4. *A person who holds a temporary license:*

(a) *May practice reflexology only under the supervision of a fully licensed reflexologist and only in accordance with the provisions of this chapter and the regulations of the Board;*

(b) *Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;*

(c) *Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed reflexologist; and*

(d) *Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of reflexology which occurred during the period of temporary licensure.*

5. *As used in this section, "fully licensed reflexologist" means a person who holds a license to practice reflexology issued pursuant to NRS 640C.420 or section 7 of this act.*



Sec. 9. 1. The Board may issue a license to practice structural integration.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of structural integration recognized by the Board;

(4) 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 structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending;

(5) 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; and

(6) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and professional competency of structural integration practitioners that is approved by the Board.

3. The Board:

(a) Shall recognize a program of structural integration that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of structural integration.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:



- (1) The reputation and character of the applicant;*
 - (2) The existence and contents of any record of arrests or convictions of the applicant;*
 - (3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and*
 - (4) The accuracy and completeness of any information submitted to the Board by the applicant.*
- (b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.*
- (c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.*

Sec. 10. *1. The Board may issue a temporary license to practice structural integration.*

2. An applicant for a temporary license issued pursuant to this section must:

- (a) Be at least 18 years of age; and*
- (b) Submit to the Board:*
 - (1) A completed application on a form prescribed by the Board;*
 - (2) The fees prescribed by the Board pursuant to NRS 640C.520;*
 - (3) Proof that the applicant has successfully completed a program of structural integration recognized by the Board pursuant to section 9 of this act;*
 - (4) Proof that the applicant:*
 - (I) Has taken the examination required pursuant to section 9 of this act; or*
 - (II) Is scheduled to take such an examination within 90 days after the date of application;*
 - (5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;*
 - (6) 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 structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending; and

(7) 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.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice structural integration only under the supervision of a fully licensed structural integration practitioner and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed structural integration practitioner; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of structural integration which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed structural integration practitioner" means a person who holds a license to practice structural integration issued pursuant to NRS 640C.420 or section 9 of this act.

Sec. 11. *1. The Board shall adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment, including, without limitation, the:*

(a) Requirements for a massage, reflexology and structural integration establishment to obtain a certificate;

(b) Standards with which a massage, reflexology and structural integration establishment must comply; and

(c) Establishment of fees pursuant to NRS 640C.520 for the issuance and renewal of a certification of a massage, reflexology and structural integration establishment.



2. *The provisions of this section and any regulations adopted pursuant thereto do not prohibit a local government from licensing and regulating a massage, reflexology and structural integration establishment, including, without limitation, in a manner that is more stringent than the regulations adopted by the Board pursuant to this section.*

3. *Local governments have concurrent jurisdiction with the Board over the licensure and regulation of massage, reflexology and structural integration establishments.*

4. *If there is a conflict between a provision of the regulations adopted by the Board pursuant to this section and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment.*

5. *As used in this section, “massage, reflexology and structural integration establishment” means any premises, mobile unit, building or part of a building where massage therapy, reflexology or structural integration is practiced by a person or persons licensed pursuant to this chapter.*

Sec. 12. NRS 640C.010 is hereby amended to read as follows:

640C.010 The Legislature finds and declares that:

1. The practice of massage therapy , *reflexology and structural integration* by persons who do not possess sufficient knowledge of anatomy and physiology or an understanding of the relationship between the structure and function of the tissues being treated and the total function of the body may endanger the health, welfare and safety of the residents of this State.

2. To protect the residents of this State, it is necessary to license and regulate the practice of massage therapy ~~§~~ , *reflexology and structural integration*.

Sec. 13. NRS 640C.020 is hereby amended to read as follows:

640C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640C.030 to 640C.070, inclusive, *and sections 3 to 6, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 14. NRS 640C.030 is hereby amended to read as follows:

640C.030 “Board” means the Board of Massage ~~Therapists~~ *Therapy*.

Sec. 15. NRS 640C.060 is hereby amended to read as follows:

640C.060 1. “Massage therapy” means the application of a system of pressure to the muscular structure and soft tissues of the human body for therapeutic purposes, including, without limitation:



- (a) Effleurage;
- (b) Petrissage;
- (c) Tapotement;
- (d) Compressions;
- (e) Vibration;
- (f) Friction; and
- (g) Movements applied manually with or without superficial heat, cold, water or lubricants for the purpose of maintaining good health and establishing and maintaining good physical condition.

2. The term does not include:

- (a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or
- (b) ~~Reflexology~~ *The demonstration of a product on a person that applies a system of pressure to the muscular structure and soft tissues of the human body, provided that the demonstration is not longer than 2 minutes.*

Sec. 16. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy, *reflexology or structural integration* is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within



the scope of that employment, practices massage therapy , *reflexology or structural integration* on athletes.

(f) Students enrolled in a school of massage therapy , *reflexology or structural integration* recognized by the Board.

(g) A person who practices massage therapy , *reflexology or structural integration* solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 ~~§~~ *and section 11 of this act*, the provisions of this chapter preempt the licensure and regulation of a massage therapist , *reflexologist or structural integration practitioner* by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist , *reflexologist or structural integration practitioner* or applicant for a license to practice massage therapy ~~§~~ , *reflexology or structural integration*.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist , *reflexologist or structural integration practitioner* to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, “immediate family” means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 17. NRS 640C.150 is hereby amended to read as follows:

640C.150 1. The Board of Massage ~~[Therapists]~~ *Therapy* is hereby created. The Board consists of ~~[seven]~~ *nine* members appointed pursuant to this chapter and one nonvoting advisory member appointed pursuant to NRS 640C.160.

2. The Governor shall appoint to the Board ~~[seven]~~ *nine* members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

➡ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.



(b) *One member who is licensed to practice reflexology in this State.*

(c) *One member who is licensed to practice structural integration in this State.*

(d) One member who is a member of the general public. This member must not be:

(1) A massage therapist ~~[H]~~ , *reflexologist or structural integration practitioner;* or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist ~~[H]~~ , *reflexologist or structural integration practitioner.*

3. The members who are appointed to the Board pursuant to ~~[paragraph]~~ *paragraphs* (a) , (b) and (c) of subsection 2 must continue to practice massage therapy , *reflexology or structural integration, as applicable,* in this State while they are members of the Board.

4. After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

5. A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

6. A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

7. The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 18. NRS 640C.300 is hereby amended to read as follows:
640C.300 The Board shall:

1. Adopt a seal of which each court in this State shall take judicial notice;

2. Prepare and maintain a record of its proceedings and transactions;

3. Review and evaluate applications for the licensing of massage therapists ~~[H]~~ , *reflexologists or structural integration practitioners;*

4. Determine the qualifications and fitness of applicants;

5. Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;

6. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

7. Investigate any complaints filed with the Board;



8. Impose any penalties it determines are required to administer the provisions of this chapter; and

9. Transact any other business required to carry out its duties.

Sec. 19. NRS 640C.320 is hereby amended to read as follows:

640C.320 The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the requirements for continuing education for the renewal of a license;

2. Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy ~~and~~ , *reflexology or structural integration*;

3. Establish the requirements for the approval of an instructor of a course of continuing education;

4. Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy ~~and~~ , *reflexology and structural integration*;

5. Except as otherwise provided in NRS 622.090, prescribe the requirements for any practical ~~or oral~~ or written examination for a license that the Board may require, including, without limitation, the passing grade for such an examination;

6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant; ~~and~~

7. Prescribe the form of a written administrative citation issued pursuant to NRS 640C.755 ~~and~~ ;

8. *Establish the standards for the licensure of massage therapists, reflexologists and structural integration practitioners under this chapter; and*

9. *Prescribe the standards and curriculum for schools of massage therapy, reflexology and structural integration in this State.*

Sec. 20. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS ~~640C.425 and~~ 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;



Follow these instructions when filling out the form:

1. Download the form to your personal computer.
2. Complete the downloaded form using Adobe Reader.
3. Save the completed form to your personal computer.
4. Then send the saved form and any additional documents in PDF format to cstonefield@lcb.state.nv.us

Submit by Email

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

as required by *Nevada Revised Statutes* 232B.230



Board or commission name:

Nevada State Board of Massage Therapy

**Members' names with
expiration date of term, and
indicate the number of
vacancies:**

April Whiting, LMT Term Expires June 2019 – Clark County Chair (Term Limit June 2019)
Diane Huleva, LMT Term Expires June 2021 – Washoe County Vice Chair (Term Limit June 2021)
Deirdre Strunk, LMT Term Expires June 2019 – Clark County Secretary/Treasurer
Margaret Westcamp Term Expires June 2020 – Public Public Member
Teresa Lopez, LMT Term Expires June 2020 – Clark County Board Member

Physical address:

Nevada State Board of Massage Therapy 1755 East Plumb Lane, Suite 252 Reno,

Mailing address:

Nevada State Board of Massage Therapy
1755 East Plumb Lane, Suite 252

Web site address (if any):

www.massagetherapy.nv.gov

**Web site developer (if not EITS,
please indicate if EITS approved
the web site):**

EITS

**Executive director's name and
contact information:**

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

**Staff members' names including
titles and status as full-time or
part-time (attach additional pages
as necessary):**

Sandra Anderson, Executive Director - Full-time
Tereza VanHorn, Executive Assistant - Full-time
Maggie Adams, Southern Nevada Operations Manager - Full-time

Days and hours of operation:

Monday through Friday 8:30am-4:30pm excluding holidays

Created by what authority:

NRS 640C.010

**Authority to adopt regulations
(NRS) and citation to
regulations (NAC), if applicable:**

NRS 640C.320, 640C.500, 640C.712, and 640C.755

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

The Board has only adopted 2 regulations
LCB # R108-17 on February 23, 2018
LCB #R009-07 on June 17, 2008

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

R040-18 will complete the necessary regulations for implementation of AB 179 from the 2017 Legislative Session.

Governing structure of the board or commission pursuant to statute:

NRS 640C.150 allows for nine Board members appointed by the Governor and reflects that that six Board members shall be licensed to practice massage therapy for the two years preceding their appointment. Three members must be residents of Clark County, two members must be residents of Washoe County, and one member must be a resident of

Duties of the board or commission:

DUTY NRS NAC
Adopt a seal 640C.300
Prepare and maintain a record of its proceeding and transactions 640C.300
Review and evaluate applications for the licensing of massage therapists, structural integration practitioners and reflexologists 640C.300, 640C.400, 640C.420, 640C.426 640C.060
Determine the qualifications and fitness of applicants 640C.300, 640C.400, 640C.700 640C.060

Statement of the objectives and programs of the board or commission:

The Board's primary professional purpose is abide by the statute and regulations that govern the Board to ensure the highest standards of professional conduct by the licensees for the protection of the health, safety, and welfare of the people of Nevada. The following are the Board's objectives and a demonstration of how the Board has been, presently is, and intends to meet each objective.

Licensing

STATEMENT OF OBJECTIVE: Licensing massage therapists, structural integration

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

Itemized list of services offered by the board or commission:

The Board prides itself on its responsiveness to the public, its applicants, and its licensees. The Board's telephone is answered by the Board's Administrative Assistants specializing in either applications or renewals. In addition the Executive Assistant, Compliance Investigator, and Executive Director are available to assist with inquiries. This year the Board added a position in Las Vegas. The Southern Nevada Operations Manager facilitates the sharing of information in Clark County. Additional services offered by the Board include the following:

- Online and hard copy initial applications and renewal of licenses for all license types.
- Online access to all forms necessary to applicants, registrants, complainants, and the

Dates of the immediately preceding six meetings and the online location where the minutes can be found:

The Board's agendas, minutes, and backup documentation may be accessed at www.massagetherapy.nv.gov/meetings

Statutory tax exemptions, abatements, or money set aside for the board or commission:

Pursuant to NMRS 372.325, the Board is exempt from paying Nevada sales/use tax. The Board also isn't subject to federal income tax, and Board employees are not subject to social security deductions.

Description of the manner in which the board or commission is funded, including all funding sources:

The Board is funded by licensing fees, renewals, and administrative fees. The Board receives no funds from the general fund.

Please identify any forms required by the board or commission to be used by members of the public which are not available for downloading from the web site of the board or commission:

All forms are available on the website with the exception of the Livescan vouchers and the fingerprint cards which for security purposes must be internally controlled.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

The Board has evaluated the possibility of consolidation with other Boards; however, none of the boards as they are presently composed meet the diverse spectrum of the massage board in scope of practice within the service (salon and spa industry) balanced with the high percentage of complementary medical practitioners.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

The Board believes that it meets its objectives in all respects. The Board licenses new applicants efficiently. Qualified massage therapists, structural integration practitioners, and reflexologists applying for license via endorsement from other states are typically licensed within 18-30 business days from receipt of the application. The staff works with local law enforcement, complainants, and the licensees during the investigative process. The Board also maintains good working relationships with Boards and other entities, in-state and out-of-state by participating in both regional and national organizations,

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

The only recommendation for statutory changes at this time is for the reduction of the size of the Board. At the time AB 179 was conceptualized the Board did not want to eliminate any of the existing Board members. This time this still remains a priority since the existing Board members have been extremely progressive in their approach to improving efficiencies and overall processes within the daily operations and the strategic plans for the Board going forward. However, a nine member Board is large and costly. The recommendation would be that as Board members term-limit out of their positions on the

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
6. A copy of the most recent strategic plan of the board or commission.

For occupational and professional licensing boards and commissions, please provide the following additional information:

1. Statement of the fee charged for each license, certificate, registration, permit, or other similar authorization issued by the board or commission.
2. Statement of how frequently each license, certificate, registration, permit, or other similar authorization issued by the board or commission must be renewed and the fee charged for such renewal.
3. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, list the fee charged for an equivalent license, certificate, registration, permit, or other similar authorization in each of the following states: Arizona, California, Idaho, Oregon, and Utah.
4. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, provide a statement of how frequently an equivalent license, certificate, registration, permit, or other similar authorization must be renewed and the fee charged for such renewal in the following states: Arizona, California, Idaho, Oregon, and Utah.

STATE OF NEVADA



BOARD OF MASSAGE THERAPY

REPORT PREPARED FOR THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

2017-2018 INTERIM

STATE OF NEVADA



BOARD OF MASSAGE THERAPY
1755 EAST PLUMB LANE, SUITE 252
RENO, NEVADA 89502
TELEPHONE: 775.687.9955 FAX: 775.786.4264
sjanderson@lmt.nv.gov

April 6, 2018

Dear Members of the Sunset Subcommittee of the Legislative Commission:

The Nevada State Board of Massage Therapy (Board) is pleased to submit this Report as a supplement to the form requested by the Sunset Subcommittee of the Legislative Commission. The Board's hope and intent with this report is to demonstrate the effectiveness of the Board and its staff in carrying out its responsibilities consistent with statutes, regulations, positive administrative practice, and the public's interest.

Our Board members and I look forward to working closely with the committee and its staff during the review process.

Respectfully submitted,

**Sandra Anderson
Executive Director**

TABLE OF CONTENTS

I.	The Nevada State Board of Massage Therapy.....	4
II.	Present Board Members	4
III.-IV.	Physical and Mailing Address.....	5
V.-VI.	The Board's Website and Web Developer	5
VII.	The Board's Executive Director	5
VIII.	The Board's Staff	5
IX.	Hours of Operation	6
X.	Created by What Authority	6
XI.	Authority to Adopt Regulations and Citation to Regulations	6
XII.	Five Most Recently Adopted Regulations	6
XIII.	Any Required Regulations That Have Not Been Adopted	6
XIV.	Governing Structure of the Board	7
XV.	Duties of the Board	7
XVI.	Statement of Objectives of the Board	8
XVII.	Itemized List of Services Offered by the Board	12
XVIII.	Dates of the Immediately Preceding Six Meetings	12
XIX.	Tax Abatements, Abatements, or Money Set Aside for the Board	13
XX.	Funding of the Board	13
XXI.	Publicly Available or Unavailable Forms	13
XXII.	Recommendations for Consolidation	13
XXIII.	Effectiveness of Board in Meeting Objectives	14
XXIV.	Recommendations for Statutory Changes	14
XXV.	Supplemental Information.....	15

SUPPLEMENTAL DOCUMENTATION

Tab 1 – The Operating Budget of the Board for Fiscal Year 2018 and the Proposed Operating Budget for Fiscal Year 2019 (to be presented to the Board April 17, 2018)

Tab 2 – Profit and Loss Statements and Balance Sheets for Fiscal Years 2017, 2016, and 2015

Tab 3 – Independent Audit for Fiscal Years 2017, 2016, and 2015

Tab 4 – Legislative Reports – Quarterly Filed Reports of Occupational Licensing Boards and Governor’s Office of Finance Audit for Fiscal Years 2014-2017

Tab 5 – Minutes of the Board are located at www.massagetherapy.nv.gov/meetings

Tab 6 – Organization Chart

Tab 7 – Strategic Plan – Scheduled Agenda Item for April 16th during the Board Retreat

I. The Nevada State Board of Massage Therapy

The Nevada State Board of Massage Therapy (Board) was established under the provisions of NRS 640C in 2005. The Board is comprised of nine members, appointed by the governor for four-year terms. Each member may only serve two four-year terms. There are six licensed massage therapists, one reflexologist, one structural integration practitioner, and one public member. In addition, the Board has one nonvoting advisory member from the Las Vegas Metropolitan Police Department.

The Board’s mission is to provide for the health, safety and welfare of the public by licensing the occupations of massage therapy, structural integration, and reflexology. As a Board we seek first to ensure adequate education and inform licensees of the standards of practice expected for each of these license types within the State of Nevada. As such the Board is responsible for the licensing, regulation and enforcement of the occupational practice act and adheres to the guidelines provided both in statute and regulation.

II. Present Board Members

Member Name	Term	Status
April Whiting, LMT	Term Expires June 2019 – Clark County	Chair (Term Limit June 2019)
Diane Huleva, LMT	Term Expires June 2021 – Washoe County	Vice Chair (Term Limit June 2021)
Deirdre Strunk, LMT	Term Expires June 2019 – Clark County	Secretary/Treasurer
Margaret Westcamp	Term Expires June 2020 – Public	Public Member
Teresa Lopez, LMT	Term Expires June 2020 – Clark County	Board Member
Elisabeth Barnard, LMT	Term Expires June 2021 – Any county except Clark and Washoe	Board Member

Robert Oliver, LMT	Term Expires June 2020 – Washoe County	Board Member
Lorna Benedict, LMT	Term Expires June 2021 – Washoe County	Structural Integration Practitioner
Nancy Zitko, RPh	Term Expires June 2021 – Clark County	Reflexologist
Sergeant Cody Fulwiler	Term Expires June 2020	LVMPD Advisory Member

III - IV. The Board's Physical and Mailing Address

Physical and Mailing Address:
Nevada State Board of Massage Therapy
1755 East Plumb Lane, Suite 252
Reno, Nevada 89502

Physical Address Only :
Nevada State Board of Massage Therapy
1820 East Sahara Avenue, Suite 311
Las Vegas, Nevada 89104

V-VI. The Board's Website and Web Developer

The Board's website is www.massagetherapy.nv.gov. It was originally constructed and maintained by the Department of Informational Technology (DOIT), and now is maintained by the Department of Administration Enterprise Information Technology Services (EITS) with regular updates and maintenance performed by both the Executive Director and the Southern Nevada Operations Manager.

VII. The Board's Executive Director

The Board employs a full-time Executive Director, Sandra Anderson, who has served the Board as its Executive Director for over two years. Her contact information is:

Sandra Anderson, Executive Director
Nevada State Board of Massage Therapy
1755 E. Plumb Lane, Suite 252
Reno, NV 89502
Telephone: 775.687.9951 Facsimile: 775.786.4264
E-mail: sjanderson@lmt.nv.gov

VIII. The Board's Staff

Position	Name	Status	Telephone	E-Mail address web-site:
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Executive Director	Sandra Anderson	Full-time	775.687.9951	sjanderson@lmt.nv.gov
Executive Assistant	Tereza VanHorn	Full-time	775.687.9953	tvanhorn@lmt.nv.gov
Southern Nevada Operations Manager	Maggie Adams	Full-time	702.486.2212	madams@lmt.nv.gov
Compliance Investigator	Christine Brunner	Full-time	775.687.9954	cbrunner@lmt.nv.gov
Compliance Inspector	Bianca Smith	Full-time	702.486.2441	brsmith@lmt.nv.gov
Administrative Assistant II	Kathleen Hefti	Full-time	775.687.9952	khefti@lmt.nv.gov
Administrative Assistant II	Kimberly Buckingham	Full-time	775.687.9959	kbuckingham@lmt.nv.gov
File Clerk	Francine Donshick	Part-time	775.687.9955	fdonshick@lmt.nv.gov

IX. Hours of Operation

The Boards hours of operation are Monday through Friday from 8:30 a.m. to 4:30 p.m. excluding holidays.

X. Created by What Authority

The Board was created in 2005 by the Nevada State Legislature with mandatory licensure beginning July 1, 2007. The Board currently enforces NRS and NAC 640C by providing for licensure through the approval of licensee applications, verification of renewals and continuing education, and overseeing the standards of conduct for massage therapist, structural integration practitioners, and reflexologists. When necessary the Board takes disciplinary action against licensees who have violated the statutes or regulations thereby jeopardizing the health, safety and welfare of the public.

XI. Authority to Adopt Regulations and Citation to Regulations

The following provisions authorize the Board to create regulations: NRS 640C.320, 640C.500, 640C.712, and 640C.755. All regulations promulgated by the Board can be found in NAC chapter 640C.

XII. Five Most Recently Adopted Regulations

LCB # R108-17 February 23, 2018

LCB # R009-07 June 17, 2008

XIII. Any Required Regulations That Have Not Been Adopted

The workshop has been conducted for LCB #R040-18. Once finalized by LCB a hearing will be scheduled during the spring of 2018. These regulations will complete the implementation of the changes from the 2017 Legislative Session Assembly Bill 179.

XIV. Governing Structure of the Board

NRS 640C.150 allows for nine Board members appointed by the Governor and reflects that that six Board members shall be licensed to practice massage therapy for the two years preceding their appointment. Three members must be residents of Clark County, two members must be residents of Washoe County, and one member must be a resident of any county other than Clark and Washoe. One member must be a reflexologist, and one member must be a structural integration practitioner. The public member must not be licensed to practice massage therapy or the spouse, parent or child of a massage therapist. In addition, there is one nonvoting advisory member from the Las Vegas Metropolitan Police Department.

The Board meets at least quarterly in Las Vegas with videoconferencing to either Reno or Carson City. Once a year, the Board meets in only one location to have an educational retreat that provides training for all Board members and staff. Additional hearings are held if needed insuring compliance with NRS 233B and 622A.

XV. Duties of the Board

NRS chapter 640C provides various duties for the Board to perform, which include:

DUTY	NRS	NAC
Adopt a seal	640C.300	
Prepare and maintain a record of its proceeding and transactions	640C.300	
Review and evaluate applications for the licensing of massage therapists, structural integration practitioners and reflexologists	640C.300, 640C.400, 640C.420, 640C.426	640C.060
Determine the qualifications and fitness of applicants	640C.300, 640C.400, 640C.700	640C.060
Issue, renew, reinstate, revoke, suspend, and deny licenses, as appropriate	640C.300, 640C.400, 640C.420, 640C.700, 640C.710, 640C.720, 640C.730, 640C.910	
Enforce the provisions of chapter 640C and any regulations adopted thereto	640C.300	640C
Investigate any complaints filed with the Board	640C.300, 640C.740, 640C.750	640C.070

Impose any penalties required to administer the provisions of the chapter	640C.300, 640C.520, 640C.710, 640C.712, 640C.755	R108-17
Transact any other business required to carry out the duties of the Board	640C.300	
Biennially renewing of licenses for massage therapists, structural integration practitioners, and reflexologist	640C.500	
Establish requirements and approval for continuing education	NRS 640C.320 and 640C.500	640C.110-140
Processing and issuing temporary licenses	640C.410	
Establish requirements relating to sanitation	640C.310	640C.200-310
Establish a schedule of fees	640C.520	R108.17
Conducting disciplinary proceedings	640C.750	640C.400-420
Investigating and prosecuting unlicensed activity	640C.750	

XVI. Statement of the Objectives and Programs of the Board

The Board's primary professional purpose is abide by the statute and regulations that govern the Board to ensure the highest standards of professional conduct by the licensees for the protection of the health, safety, and welfare of the people of Nevada. The following are the Board's objectives and a demonstration of how the Board has been, presently is, and intends to meet each objective.

LICENSING

STATEMENT OF OBJECTIVE: Licensing massage therapists, structural integration practitioners, and reflexologists. The Board's primary objective is to license all qualified applicants promptly and courteously.

The Board licenses massage therapists, structural integration practitioners, and reflexologists after determining that they have attained the necessary education and have passed the requisite national examinations. For qualified applicants who do not have derogatory information in their background, the Board usually issues an initial license within 18-45 business days from receipt of the application.

Since 2012, the Board's licensee counts show a steady growth trend indicative of economic improvements statewide. The present number of active licensees is 4,617 a growth of roughly 18% over the past 6 years. The following table documents the changes in licensure since 2012:

Year	Massage Therapists	Percentage of Growth	Licenses Not Renewed
2018	4617		193
2017	4618	6.7%	734
2016	4333	5%	403
2015	4126	-2%	459
2014	4204	4.8%	386
2013	4012	2.5%	388
2012	3916		354

The Executive Director reports to the Board on a regular basis the status of both the application process and the renewal process. Application processing times have decreased by as much as several months over the past two years with a record turnaround from date of application to issuance of a license at 18 business days. This time frame includes the processing of the Livescan fingerprints, background check, verification of education, and review of all documentation. By having fingerprint vouchers available to applicants at the beginning of the process, the applicants no longer need to wait the additional two weeks from approval of their application until receipt of the background check. This streamlining of the process has assisted the applicants and improved the Board's overall perception by the licensees.

Streamlining of the renewal process also was addressed and is now completed in between 2-10 business days for individuals with continuing education previously approved by national professional organizations or the Board. For individuals with continuing education not previously approved it may take up to an additional 5 business days to process the renewal. This has resulted in fewer licensees expiring due to noncompliance with the continuing education requirement. Pursuant to NRS 640C.320, NRS 640C.500 and NAC 640C.110 through 640C.140, massage therapists must show proof of obtaining 24 hours of continuing education obtained in the previous two calendar years.

Board staff participates in regular meetings to address processes and issues as they continue to strive to streamline and improve efficiencies. As part of R108-17 meetings were held with constituents prior to the Workshop to obtain additional feedback on how the Board could improve customer service and ease the process of both licensure and renewal. From this feedback changes were made through AB 179 and R108-17 to streamline the process and provide for guidelines to allow staff to evaluate education and reduce the time necessary for approval of educational programs that had not previously been approved by the Board. These changes to NAC 640C have facilitated the process of evaluation and shortened the turnaround time for applicants who have attended programs in other states. As the staff continues to address the needs of the public and the licensees the Board is both supportive and involved in the process. All Board members have voiced the desire to participate in the entire rule making processes and attend both the workshops and

the hearings. The current Chair supports open communication between the constituents and the Board, thereby improving both the Board's perception with the licensees and the involvement of the licensees in the rule making process.

DISCIPLINARY PROCESS

STATEMENT OF OBJECTIVE: The Board wants to ensure that the public experience a user-friendly and clear process to file complaints. Plus, the Board ensures a thorough and timely investigation process for each complaint that meets the requirements of the statute/regulations. The Board ensures confidentiality of complainants and publicly posts certain complaints when applicable.

Complaints may be submitted to the board via the website, email, telephone, or the Board's official complaint form. The Executive Director (ED) and Compliance Investigator receive all complaints and process them the same day they are received. Investigations are initiated immediately and the Investigator and the ED conduct the investigations and interviews in a timely manner. In some cases, licensees choose to voluntarily surrender their licenses in lieu of other disciplinary action. When this is the case the license is turned over to the ED and the voluntary surrender is presented to the Board at the next scheduled Board meeting.

In cases where the individual doesn't choose to voluntarily surrender and where the health, safety, or welfare of the public is perceived to be at risk, legal counsel may issue a summary suspension of the license and the hearing will take place according to statute and regulations.

The following table details the Board's complaints and disciplinary activities for the past five years:

Year	Complaints Received	Complaints Dismissed	Letter of Citation or Cease and Desist Issued	Pending Investigations	Formal Disciplinary Orders of Suspension Revocation	Settlement Agreements and Voluntary Surrenders
2018	12	3	1	8	2	4
2017	33	19	4	5	10	6
2016	18	9	1	1	13	7
2015	2				19	8
2014	22	9	8		27	7

ADMINISTRATIVE OBJECTIVES

STATEMENT OF OBJECTIVE: The Board's objectives regarding its administration are: (1) to assure that all of the Board's funds are wisely and effectively collected and spent to keep the costs to the Board's licensees to a minimum; (2) to assure that the public has useful and simple access to the Board's resources and processes; and (3) to continually improve the Board's operations and functions.

BOARD FUNDING - The Board receives no general funds from the state. Rather, the Board operates solely upon licensing and administrative fees. The Board's fee for a new applicant license is \$480 and \$295 for a renewal. The Board has only changed its licensing fees once since 2005. R108-17 provided for a reduction in the background check fee from \$125 to \$85. This fee covers the passport photo, Livescan voucher, and background check. Vendor costs vary from \$61.25 to \$82 for the processing and providing of the service. New contracts are being worked on in the hopes of reducing the costs; however, vendors in different parts of the state do charge different amounts for their fees. To provide convenience for the applicants locations throughout the state are preferred. The ED is working with purchasing and the Governor's Office of Finance in the hopes of reducing these costs and the possibility of adopting another reduction in the background check fee. The other change implemented through AB 179 and R108-17 increased the licensing period from 1 to 2 years and increased the fee from \$150 for 1 year to \$295 for 2 years. The Board hopes to be able to lower this fee once it has experienced at least 1 full 2 year renewal cycle and has implemented the establishment certification added through AB 179 and R108-17.

At this point the Board is maintaining reserves in line with the recommendations provided by the Legislative Counsel Bureau Auditor. The maintenance of 6 months of reserves was recommended during the training provided by the Attorney General's Office for Boards and Commissions. The Board has worked with the Controller's Office and City National Bank to invest the reserves in a secure account that is monitored and guaranteed according to statute.

With the transition to a two year renewal cycle, the Board will ensure that the reserves are maintained at a high enough level to allow for the off year with little revenue and then will look to invest any residual reserves into upgrading the database and information technology used by staff to carry out the duties of the Board.

The Board retains an independent auditing firm annually. During the Fiscal Year 2017 Audit, the independent auditor found irregularities in the prior year's audits and made adjustments accordingly to the Balance Sheet. The Board provides copies of these audits annually to the Department of Administration and to the Legislative Counsel Bureau. Pursuant to the request of the Committee, attached are the following: Tab 1 - Operating Budgets for Fiscal Years 2017 and 2018; Tab 2 - Balance Sheets and Profit and Loss Statements for Fiscal Years 2017, 2016, and 2015; Tab 3 - Fiscal Year 2017 Independent Audit; Tab 4 - Legislative and Executive Branch Reports for the past three years; Tab 5 - Location of the preceding six Board Meeting Minutes; Tab 6 - Organization Chart; and Tab 7 - Strategic Plan Information.

PUBLIC ACCESSIBILITY - The Board attempts to make its processes and resources available to the public it serves. Recent initiatives to increase or assure public access include:

- Continual Website Improvement - The Board knows that the public accesses its website regularly for information and assistance. The website is updated on a regular basis and information of concern to both the public and licensees is added. The Board staff is in the process of developing additional pages to the website to provide easier access to disciplinary actions imposed by the Board. The Board also added information to assist both licensees and constituents with information regarding the topical application of medical marijuana. This information was provided by the Department of Health and Human Services and provides educational information that can be used by both the licensee and the patients participating in the medical marijuana program. The Board

maintains no position in the use of these topics, but simply provides information for the purpose of education.

- Information Distribution – The Board is working with the current database design company to provide for the ability to do mass emails to licensees to assist in the dissemination of information. In addition, the staff has worked with constituents around the state hosting town hall meetings and attending professional organizations to share the changes being implemented through AB 179, R108-17, and R040-18. These meetings have occurred around the state and included interpreters when necessary to insure constituent comprehension of the many changes being implemented.
- Open Regulatory Process –The Board has always made its regulatory process transparent and open to the public. For example, this past year the Board requested public input for a new regulation requiring licensure of reflexologists. From working with the local municipalities and law enforcement to meeting with constituents and professional organizations, the Board has reached out in a grass roots effort to share information and insure compliance. AB 179 involved multiple levels of the community, municipalities and law enforcement to provide for the best possible changes to the statutes. Following the passage of AB 179 the town hall meetings and workshops to develop R108-17 pooled together individuals from the industry as well as the municipalities in open discussions to work through the necessary changes. Involvement from the professional organizations as well as the public provided for improvements to the regulations that can only be achieved by working together. The Board intends to continue to work in this manner going forward with any regulations that are required for its future operation.

XVII. Itemized List of Services Offered by the Board

The Board prides itself on its responsiveness to the public, its applicants, and its licensees. The Board's telephone is answered by the Board's Administrative Assistants specializing in either applications or renewals. In addition the Executive Assistant, Compliance Investigator, and Executive Director are available to assist with inquiries. This year the Board added a position in Las Vegas. The Southern Nevada Operations Manager facilitates the sharing of information in Clark County. Additional services offered by the Board include the following:

- Online and hard copy initial applications and renewal of licenses for all license types.
- Online access to all forms necessary to applicants, registrants, complainants, and the public.
- Work with outside entities to verify if actions occurred against licensees.
- Receive and investigate complaints for all licensees on any matter.
- Prosecuting disciplinary matters as needed.
- Board staff regularly interacts with and respond to routine questions from licensees, agencies and the public.
- Resources available about the Board, statute, regulations and policies on the web site.

XVIII. Dates of the Immediately Preceding Six Meetings

- February 7, 2018
- December 13 , 2017
- November 29, 2017
- October 24, 2017
- September 20, 2017
- August 16, 2017

XIX. Statutory Tax Exemptions, Abatements, or Money Set Aside

- Pursuant to NRS 372.325, the Board is exempt from paying Nevada sales/use tax.
- Pursuant to §115 of the Internal Revenue Code, income of states and municipalities is not subject to federal income tax.
- According to the Internal Revenue Codes, gross income does not include: (1) income derived from any public utility or the exercise of any governmental function and accruing to a state or any political subdivision thereof, or the District of Columbia, or (2) income accruing to the government of any possession of the United States, or any political subdivision thereof.
- Pursuant to §1001 of the Internal Revenue Code, state and local governments are exempt from Social Security, except that beginning July 2, 1991, Social Security and Medicare HI coverage is mandatory for State and local government employees who meet the following conditions:
 - They are not members of a public retirement system; and
 - They are not covered under a Section 218 agreement, unless excluded by law.

XX. Funding of the Board

The Nevada State Board of Massage Therapy is funded by the license, renewal and administrative fees collected by the agency. The Board receives no funds from the state general fund.

XXI. Publicly Available or Unavailable Forms

All of our forms are available on our website at www.massagetherapy.nv.gov with the exception of LiveScan vouchers and fingerprint cards which for security purposes must be internally controlled.

XXII. Recommendation for Consolidation

The Executive Director (ED) and Chair have discussed the possibility of combining the Board with other boards. None of the boards as presently composed meet the diverse spectrum of the massage board. On a cursory look it might appear that merger with cosmetology would be an option. The ED met with the Deputy ED of the Cosmetology Board and discussed ways to work together. However, only about 50 percent of the licensees work in the spa and salon service industry. The other 50 percent are complementary medical practitioners working in small frequently single treatment room establishments. This diversity within our license types makes this board rather unique in its composition and function. The Board as it is presently seated has 2 representatives from the spa industry, 1 educator, 5 alternative medical practitioners (2 of which are former educators) and 1 public member. Maintaining the Board as it is presently structured provides for the health, safety, and welfare of the public by providing oversight that can address the occupational licensees and their diverse skill sets.

The other options for combining that might appear to provide oversight on the alternative medical side lack the understanding for the spa and salon industry, thus making combining with boards like the Chiropractic or Physical Therapy Board not the right fit either.

XXIII. Effectiveness of the Board in Meeting Its Objectives

The Board believes that it meets its objectives in all respects. The Board licenses new applicants efficiently. Qualified massage therapists, structural integration practitioners, and reflexologists applying for license via endorsement from other states are typically licensed within 18-30 business days from receipt of the application. The staff works with local law enforcement, complainants, and the licensees during the investigative process. The Board also maintains good working relationships with Boards and other entities, in-state and out-of-state by participating in both regional and national organizations, meetings, and trainings for the industry and the regulatory community. Therefore, the Board believes that it is definitely meeting and likely exceeding objectives.

XXIV. Recommendations for Statutory Changes

The only recommendation for statutory changes at this time is for the reduction of the size of the Board. At the time AB 179 was conceptualized the Board did not want to eliminate any of the existing Board members. At this time that still remains a priority, since the existing Board members have been extremely progressive in their approach to improving efficiencies and overall processes within the daily operations and the strategic plans for the Board going forward. However, a nine member Board is large and costly. The recommendation would be that as Board members term-limit out of their positions on the Board (April Whiting from Clark County on June 30, 2019 and Diane Huleva from Washoe County on June 30, 2021) that those positions be eliminated. The Board size would then be reduced back down to seven members.

Mandating that the reflexology representative be from Clark County since a majority of the reflexologists employed in the state reside in Clark County and that the representative of the structural integration practitioners be from any county other than Clark would continue to provide for the diverse perspectives and representation of the professionals in these fields.

Supplemental Information

For occupational and professional licensing boards and commissions, please provide the following additional information:

1. Statement of the fee charged for each license issued by the board or commission.

License Type	Total Fee	License Fee	Fingerprint and Background Check	Application Processing	Comments
New License Massage Therapist, Structural Integration Practitioner or Reflexologist	\$480	\$295	\$85	\$100	Background check fees are under evaluation and contracts are scheduled to be issued in late April or May
Renewal License Massage Therapist, Structural Integration Practitioner or Reflexologist	\$295				
Temporary License	\$150				

2. Statement of how frequently each license, certificate, registration, permit, or other similar authorization issued by the board or commission must be renewed and the fee charged for such renewal.

Massage therapists, structural integration practitioners, and reflexologists are required to renew their license biennially no later than the last day of the month two years after the license was issued. The renewal fee for all license types is \$295. It is the hope of the Board by going to a biennial licensing period that within two to four years the Board will be able to reduce the licensing costs across the Board.

3. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, list the fee charged for an equivalent license, certificate, registration, permit, or other similar authorization in each of the following states: Arizona, California, Idaho, Oregon, and Utah.

License Type	Nevada	Arizona	California	Idaho	Oregon	Utah
New License	\$480	\$217	\$150	\$125	\$200	\$100
Renewal License	\$295	\$95	\$150	75	\$155	\$52

Nevada is the only state that provides for establishment and sanitation inspections statewide. The inspection function provided by the Board of all establishments within the state is a large part of our fiscal budget which is why our license fees are higher than surrounding states.

States like Arizona and Utah license the therapist through large state agencies which provide many occupational licenses under one umbrella agency like the Utah Division of Occupational and Professional Licensing.

California is not a state license, but rather a professional certification run by a nonprofit organization the California Massage Therapy Council (CAMTC). Each municipality or county then regulates the practice for their jurisdiction and relies on the CAMTC to insure training and professional conduct.

Idaho is the only state that has a 1 year renewal.

4. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, provide a statement of how a registration, permit, or other similar authorization must be renewed and the fee charged for such renewal in the following states: Arizona, California, Idaho, Oregon, and Utah.

See the table provided in 3 above.