



Nevada State Board of Massage Therapy
Report to the Sunset Subcommittee of the Legislative Commission
Implementation of Assembly Bill 179 of the 79th Session

The Legislature, through Chapter 640C of the Nevada Revised Statutes, delegates the authority to regulate massage therapy to the Board of Massage Therapy (Board). The Board takes the delegation of this authority very seriously and works to implement appropriate regulations, policies, and procedures to ensure the health, safety, and welfare of the public of our great State.

During the 79th Session of the Legislature, Assembly Bill 179 (AB 179) was passed implementing several changes to the statutory guidelines defining the Board's oversight. These changes required the implementation of two new occupational license types. The addition of these two types of licenses allows the Board to better regulate the industry and provide for public safety. In addition, AB 179 modified the licensing renewal term to a two (2) year cycle for all three (3) license types under the Board's purview. Furthermore, AB179 allowed the Board to certify establishments where massage therapy, reflexology, and structural integration are practiced. This allows the Board to work in collaboration with all local jurisdictions to ensure the public is protected as well as the industry. Additionally, AB 179 allowed the Board to set the educational parameters for programs providing instruction in reflexology and structural integration.

The implementation of these changes has been completed by the Board through the regulatory process and adoption of R108-17 and R040-18. These regulations allowed the Board to implement the statutory changes made by AB 179 and allowed the Board to integrate those changes into the daily practices of the Board.

The Board implemented these changes in phases. The first phase of implementation addressed the regulations needed to delineate how the Board would implement the statutory changes. R108-17 addressed the specific fees associated with implementation of AB 179 and identified the examinations required to guarantee entry level competency in the industry to further ensure the health, safety, and welfare of the public. The Board had previously, evaluated

testing options and addressed the need to have examinations available for English as a second language learners in the massage profession and included these types of testing in the testing requirements for reflexology through the adoption of examinations provided by the International Therapy Examination Council (ITEC) which provides examinations in forty-two (42) countries and offers the exams in fourteen (14) different languages including Mandarin Chinese and Spanish. Both languages were identified as necessary to meet the needs of the applicants for the reflexology license type.

The regulations also delineated the responsibilities of the licensees as well as the responsibilities of the establishment owners in order to better ensure the sanitation requirements in the establishments were met and addressed by the appropriate party. The establishment certificate fees were set with sole practitioners that have a single treatment room paying no fee and additional fees being charged based on the number of treatment rooms up to a maximum of \$50.

While amending the regulations the Board realized that clarifying unprofessional conduct was necessary and as such, also added additional regulations to better define unethical conduct by any of the license types and added reflexology/reflexologist and structural integration/structural integration practitioner to all applicable regulations throughout the chapter including all of the sanitation regulations that help to ensure public safety.

R108-17 was approved by the Legislative Commission on February 27, 2018. While working on the implementation of these regulatory changes the Board adopted a “boots on the streets” approach to informing the existing reflexology practitioners—as prior to the enactment of AB 179, they had not been regulated by the Board. The Board employs inspectors to ensure compliance with sanitation guidelines. The inspectors addressed the reflexology establishments throughout the state by personally speaking to owners and practitioners in these establishments and sharing information about the upcoming changes in the industry.

Board staff addressed the information sharing component of implementation by holding town hall meetings at the Asian Community Development Council (Council) offices in Las Vegas. The Council provided translators to assist staff in communicating with a largely English as a second language demographic which were currently licensed by Clark County. These meetings were very successful and attended by individuals certified through the American Reflexology Certification Board, the International Institute of Reflexology, and practicing reflexologists with no previous documented education.

The Board sent several letters to the reflexology establishments advising them of the compliance date and requirements for licensure and conducted an advertising campaign in a local newspaper with ads published in both English and Mandarin Chinese. During this time frame the original testing company ITEC was sold, and the new owners were not interested in providing the testing for the largely English as a second language industry. Therefore, Board staff worked with the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) to develop a test that could be offered in both English and Mandarin Chinese.

With the first phase of regulations adopted, the Board moved forward with R040-18 which delineated the requirements for educational programs providing training in the practice of reflexology and structural integration.

Through the requirements set forth in the regulatory changes made in R040-18, the Board will recognize a program of reflexology which requires completion of a minimum of 200 hours of instruction in the following areas

1. At least 25 hours of instruction in reflexology theory, history, zones, meridians, and relaxation response;
2. At least 40 hours of instruction in body systems relating to reflexology including without limitation, a study of the leg and foot as a structure, hands-on palpation of landmarks with sensory identification of palpated areas and a map of reflexes;
3. At least 30 hours of instruction in anatomy and physiology;
4. At least 15 hours of instruction in business and ethics or a combined total of at least 15 hours of instruction in business and ethics; and
5. At least 90 hours of instruction in supervised practicum or clinical work.

Through the requirements set forth in the regulatory changes made in R040-18, the Board will recognize a program of structural integration which requires completion of 730 hours of instruction in the following areas

1. At least 230 hours of instruction in anatomy, physiology, and kinesiology; and
2. At least 500 hours of instruction which is taken in a classroom setting with hands-on instruction in assessment, theory and application instruction, which must include:
 - a. At least 100 hours in clinical instruction;
 - b. At least 40 hours of instruction in pathology;
 - c. At least 20 hours of instruction in business; and
 - d. At least 20 hours of instruction in ethics.

The regulations set requirements for continuing education for a reflexologist at twelve hours per renewal period with a maximum carryover of thirty-six hours and requirements for continuing education for structural integration practitioner at twenty-four hours per renewal period with a maximum carryover of seventy-two hours as well as aligned the failure to complete continuing education to include the same consequences as those provided for in the practice of massage therapy. Additionally, R040-18 established the fees for establishments certificates for reflexology based on the number of chairs in the establishment with locations having not more than ten chairs or tables the fee is \$20, and for establishments with more than ten chairs or tables the fee is \$40.

R040-18 was approved by the Legislative Commission on June 26, 2018, and the inspection team spent the first year educating the individuals working in reflexology establishments around the state. The inspection team shared information and answered questions to ensure that potential licensees understood the process and requirements for licensure as well as the deadline for obtaining a license.

The Board issued 105 licenses to practice reflexology. Originally, the Board anticipated nearly 600 licensees; however, many of the individuals that were practicing reflexology chose to attend

programs in massage therapy and have since been licensed as massage therapists accounting for part of the more than 700 increase in massage therapists licensed by the Board over the 3 year period since AB 179 was enacted. The Board issued 15 licenses for the practice of structural integration. The 15 structural integration practitioners for the most part were already licensed as massage therapists.

Board inspectors completed inspections at the known reflexology locations during 2019 and found licensed and unlicensed practitioners at the establishments. When unlicensed activity was found further education was provided and citations were issued. Two providers of postsecondary education in the community have stepped up and become certified training centers through ITEC for bilingual programs in reflexology and massage therapy.

Overall, the implementation of AB 179 has gone smoothly with minor glitches in testing and compliance. The Board continues to work with all industries it regulates to bring the remaining establishments into compliance and address unlicensed activity in the industry by working with both local and federal law enforcement, the Commission on Postsecondary Education, and our national partners.