

**PROPOSED REGULATION OF THE
BOARD OF MASSAGE THERAPY**

LCB FILE NO. R108-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/26/2017**

Section 1. NAC 640C is hereby amended by adding thereto the provisions set forth as section 2 to 9, inclusive, of this regulation.

Sec. 2. 1. *The Board adopts the following schedule of fines for any citation issued pursuant to NRS 640C.755 for the provisions listed:*

	<i>First</i>	<i>Second</i>
<i>Third</i>		
<i>Violation</i>	<i>Offense</i>	<i>Offense</i>
<i>Offense</i>		
<i>MESSAGE THERAPIST</i>		
<i>Practicing with an expired license or registration</i>	<i>\$200</i>	<i>500</i>
<i>1,000</i>		
<i>Failure to display license or registration at a work station</i>	<i>\$200</i>	<i>500</i>
<i>1,000</i>		
<i>Using advertisements which contain knowingly false or</i>	<i>500</i>	<i>1,500</i>
<i>2,500</i>		
<i>deceptive statements</i>		
<i>Altering a license</i>	<i>1,000</i>	<i>3,000</i>
<i>5,000</i>		
<i>Advertising without license number on advertisement</i>	<i>100</i>	<i>250</i>
<i>500</i>		
<i>Failing to comply with NAC 640C.200 through</i>		
<i>640C.310, inclusive</i>	<i>200</i>	<i>500</i>
<i>1,000</i>		

Offering to perform sexual activities during the practice *1,000* *2,000*
5,000

of massage therapy

MASSAGE ESTABLISHMENTS

Failing to comply with NAC 640C.200 through *\$200* *500*
1,000

640C.310, inclusive

Operating a massage establishment without a registration *1,000* *2,500*
5,000

Failure to display registration *200* *500*
1,000

Offering to perform sexual activities *1,000* *2,000*
5,000

ANY PERSON

Practicing without a license or certificate *1,000* *2,500*
5,000

Copying or altering a license or certificate for purposes of fraud,
deception, misrepresentation or other illegal purpose *1,000* *3,000*
5,000

Using a copied or altered license or certificate for purposes of fraud,
deception, misrepresentation or other illegal purpose *1,000* *2,000*
5,000

Offering to perform a massage without a license 1,000 2,000
5,000

Offering to perform sexual activities during the practice 1,000 2,000
5,000

of massage therapy

Advertising without license number on advertisement 1,000 2,500
5,000

2. *A person who violates a provision of this chapter or chapter 640C of NRS for which this section does not provide a specific fine, including, without limitation, a second or subsequent violation, may be:*

(a) Ordered to appear at a disciplinary hearing before the Board; and

(b) Punished by the Board as set forth in NRS 640C.700.

Sec. 3. *The Board will recognize a program of massage therapy which requires its pupils to complete a minimum of 550 hours of instruction in the following courses before receiving a certificate:*

1. *125 hours of instruction in the body's systems, including, without limitation, anatomy, physiology, and kinesiology;*

2. *220 hours of instruction which is taken in a classroom setting with hands-on instruction in assessment, theory and application instruction, which must include not less than 80 hours in clinical instruction;*

3. *40 hours of instruction in pathology;*

4. *20 hours of instruction in business;*

5. *20 hours of instruction in ethics; and*

6. *125 hours of instruction in other courses of massage therapy, in a classroom setting with hands-on instruction.*

Sec. 4. *The Board adopts the following schedule of fees:*

1. *For an application for a license as a massage therapist or a structural integration practitioner* *\$100*

2. *For issuing a license as a massage therapist or a structural integration practitioner* *295*

3. *For issuing a temporary license*
250

4. *For conducting a background check*
85

5. *For renewing a license as a massage therapists or a structural integration practitioner* *295*

6. *For restoring an expired license*
25 per each expired month, not to exceed \$500

7. *For reinstatement of a suspended or revoked license*
500

8. *For issuing a replacement license*
50

9. *For restoring an inactive license*
295

10. *For issuing a certificate for a massage establishment:*
For an establishment with a single room for massage *no fee*

For an establishment with not less than 2 rooms for massage and not more than 7 rooms \$15

For an establishment with not less than 8 rooms for massage and not more than 20 rooms \$25

For an establishment with not less than 21 rooms for massage and not more than 40 rooms \$35

For an establishment with more than 41 rooms for massage \$50

11. For the renewal of a certificate for a massage, structural integration, or reflexology establishment:

For an establishment with a single room for massage no fee

For an establishment with not less than 2 rooms for massage and not more than 7 rooms \$15

For an establishment with not less than 8 rooms for massage and not more than 20 rooms \$25

For an establishment with not less than 21 rooms for massage and not more than 40 rooms \$35

For an establishment with more than 41 rooms for massage \$50

Sec. 5. 1. A massage, reflexology and structural integration establishment must be certified by the Board.

2. A massage, reflexology or structural integration establishment must submit an application for a certificate on a form prescribed by the Board and include the fee set forth in section 4 of this regulation.

Sec. 6. *For the purposes of subsection 2 of NRS 640C.500, a license which has been restored is valid from the day that it is issued.*

Sec. 7. *For the purposes of paragraph (f) of subsection 1 of NRS 640C.100, the Board interprets the exemption to apply only to students enrolled in a school of massage therapy, structural integration, or reflexology approved by the Board while the student is performing massage therapy, structural integration, or reflexology at the school or other location provided that the student is supervised by an instructor.*

Sec. 8. *Each massage, structural integration, and reflexology establishment must provide to the Board a list of each licensee employed or working in the establishment on or before July 1 of each year.*

Sec. 9. *The Board may conduct inspections on each massage, structural integration, or reflexology establishment, or each massage therapist, structural integration practitioner, or reflexologist.*

Sec. 10. NAC 640C.050 is hereby amended to read as follows:

NAC 640C.050 **1.** For the purposes of paragraph (c) of subsection 2 of NRS 640C.400, an applicant for a license to practice massage therapy must pass:

++ (a) The National Certification Examination for Therapeutic Massage *administered by the National Certification Board for Therapeutic Massage and Bodywork*;

~~2-~~ (b) The National Certification Examination for Therapeutic Massage and Bodywork administered by the National Certification Board for Therapeutic Massage and Bodywork;

~~or~~

~~3-~~ (c) The National Examination for State Licensing administered by the National Certification Board for Therapeutic Massage and Bodywork,

[Ê administered by the National Certification Board for Therapeutic Massage and Bodywork.] ;

(d) The Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards; or

(e) The International Therapist Examination Council, ITEC Examination.

2. For the purposes of paragraph (c) of subsection 2 of section 7 of Assembly Bill 179 of the 79th Legislative Session, an applicant for a license to practice reflexology must be:

(a) Certified by the American Reflexology Certification Board;

(b) Have passed the International Institute of Reflexology Certification Exam;

(c) Have passed the ITEC Reflexology Certification Exam; or

(d) Have passed the National Certification Board for Therapeutic Massage and Bodywork Reflexology Certification Examination.

3. For the purposes of paragraph (c) of subsection 2 of section 9 of Assembly Bill 179 of the 79th Legislative Session, an applicant for a license to practice structural integration must pass the Certification Examination for Structural Integration.

Sec. 11. NAC 640C.060 is hereby amended to read as follows:

NAC 640C.060 1. If an applicant for a license to practice massage therapy , *reflexology, or structural integration* who otherwise satisfies the requirements of NRS 640C.400 or 640C.420 , or section 7 or 9 of Assembly Bill 179 of the 79th Legislative Session wishes the Board to

recognize a program of massage therapy , *reflexology, or structural integration* other than a program listed in paragraph (a) or (b) of subsection ~~44~~ 3 of NRS 640C.400, , *or paragraph (a) or (b) of subsection 3 of section 7 of Assembly Bill 179 of the 79th Legislative Session, or paragraph (a) or (b) of subsection 3 of section 9 of Assembly Bill 179 of the 79th Legislative Session* the applicant must submit to the Board a detailed outline of the training of the applicant that includes, without limitation:

(a) A list of the instructors of the training;

(b) Any texts used as study guides for the training; and

(c) Certificates of completion for the training which evidence that the applicant has satisfied the number of training hours required by the Commission on Postsecondary Education for a program of massage therapy, *reflexology, or structural integration*.

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

Sec. 12. NAC 640C.070 is hereby amended to read as follows:

NAC 640C.070 The Board or its designee will report the results of an investigation of an applicant for a license to practice massage therapy, *reflexology, or structural integration*, where practicable, at the next scheduled meeting of the Board immediately after the receipt of all the background information relating to the applicant that the Board or its designee deems necessary to conduct the investigation.

Sec. 13. NAC 640C.100 is hereby amended to read as follows:

NAC 640C.100 1. To maintain his or her licensure, a massage therapist must complete, to the satisfaction of the Board, at least ~~12~~ 24 hours of continuing education as specified in NAC 640C.110 within the ~~year~~ *licensing period* immediately preceding the request for renewal of his or her license. Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license ~~in the year in which the credit is earned~~ .

2. If a massage therapist obtains more than ~~12~~ 24 hours of continuing education in a ~~year~~ *licensing period*, the massage therapist may request that the Board carry over the excess hours of credit, not to exceed ~~36~~ 72 hours, to apply towards completion of the requirement for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 3 ~~succeeding years~~ *licensing periods*.

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

Sec. 14. NAC 640C.120 is hereby amended to read as follows:

NAC 640C.120 1. A massage therapist , *reflexology, or structural integration* may request approval of credit for continuing education from the Board before or after attending, preparing or giving a presentation at a program of continuing education.

2. A request made pursuant to subsection 1 must be accompanied by the applicable information and documentation listed in NAC 640C.130.

3. The Board will inform a massage therapist therapy , *reflexology, or structural integration* of the approval or denial of credit for continuing education within 30 days after the

next meeting of the Board immediately following the receipt of a request made pursuant to subsection 1.

Sec. 15. NAC 640C.130 is hereby amended to read as follows:

NAC 640C.130 1. To obtain credit for attending a program of continuing education relating to the practice of massage therapy , *reflexology, or structural integration*, a massage therapist must submit to the Board:

- (a) The name of the program;
- (b) The name of the sponsor of the program;
- (c) Biographical information regarding the instructor of the program;
- (d) The inclusive dates and location of attendance of the program;
- (e) The number of hours awarded by the sponsor of the program for completion of the program;
- (f) A certified or original copy of the signed certificate of completion; and
- (g) A brief summary of the information that the massage therapist , *reflexologist, or structural integration practitioner* learned at the program and the manner in which the massage therapist will use that information in his or her practice.

2. To obtain credit for preparing or giving a presentation at a program of continuing education relating to the practice of massage therapy , *reflexology, or structural integration*, a massage therapist , *reflexologist, or structural integration practitioner* must submit to the Board:

- (a) Biographical information regarding the massage therapist , *reflexologist, or structural integration practitioner* who is preparing or giving the presentation at the program of continuing education;

- (b) The title of the presentation;
- (c) The name of the sponsor of the presentation;
- (d) The location of the presentation;
- (e) The number of hours of the presentation;
- (f) The source of the information conveyed in the presentation;
- (g) The inclusive dates of the presentation;
- (h) A list of all the persons who attended the presentation; and
- (i) A brief summary of the presentation and the information that a person who attended the presentation was expected to learn.

3. To obtain credit for authoring a publication relating to the practice of massage therapy, *reflexology, or structural integration*, a massage therapist, *reflexologist, or structural integration practitioner* must submit to the Board:

- (a) A copy of the published material; and
- (b) The title, publisher and date of publication of the published material.

4. Except as otherwise provided in subsection 5, if the credit for continuing education is for a course of study, training or performing an educational activity relating to the practice of massage therapy, *reflexology, or structural integration* which is not specified in subsection 1 of NAC 640C.110, the massage therapist, *reflexologist, or structural integration practitioner* must submit to the Board:

- (a) A description of the subject matter studied, the training received or the educational activity performed;
- (b) A schedule of the time spent studying, training or performing; and

(c) A brief summary of the manner in which the course, training or activity relates to massage therapy , *reflexology, or structural integration*.

5. If the credit for continuing education is sought for:

(a) A course attended by telecommunication or on the Internet, the massage therapist , *reflexologist, or structural integration practitioner* must submit to the Board a copy of the transcript and the certificate of completion or other proof of completion, which includes the contact information of the provider.

(b) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board, the massage therapist , *reflexologist, or structural integration practitioner* must submit to the Board a list of the dates on which the meetings were attended.

Sec. 16. NAC 640C.200 is hereby amended to read as follows:

NAC 640C. 200 1. A massage , *reflexology, or structural integration* establishment that provides vapor baths, steam baths *saunas, steam rooms, spas,* or portable saunas must be equipped with adequate shower facilities.

2. A massage ~~{therapist}~~ , *reflexology, or structural integration establishment* shall ensure that:

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

(b) Any equipment that comes in contact with a client of the massage therapist , *reflexologist, or structural integration practitioner* is ~~cleaned with soap or detergent and hot water and is~~ *disinfected and* sanitized before the equipment is used on another client;

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

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

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

3. A massage therapist, reflexologist, or structural integration practitioner shall ensure that:

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

(b) Any equipment that comes in contact with a client of the massage therapist, reflexologist, or structural integration practitioner is disinfected and sanitized before the equipment is used on another client

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

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

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

4. As used in this section, “spa” means a pool primarily designed for therapeutic use which is not drained, cleaned or refilled for each user. The term includes units which employ hydrojet circulation, hot water, cold water, mineral water or air induction bubbles, or any combination thereof.

Sec. 17. NAC 640C.210 is hereby amended to read as follows:

NAC 640C.210 1. A lubricant used in the practice of massage therapy, including, without limitation, oil, soap, alcohol, powder, lotion, shampoo and salts, must be:

(a) Dispensed from a suitable container that prevents contamination; and

(b) Stored:

(1) Separately from cleaning supplies; and

(2) In a manner that prevents contamination and preserves the integrity of the

lubricant.

2. A massage therapist , *reflexologist, or structural integration practitioner* shall sanitize a container used to dispense a lubricant each time before the massage therapist , *reflexologist, or structural integration practitioner between each client and when he or she* refills the container.

3. A massage therapist *or structural integration practitioner* may use spa treatments, muds and body wraps while practicing massage therapy *or structural integration* if the massage therapist *or structural integration practitioner* considers and follows sanitary procedures in his or her use of those materials.

Sec. 18. NAC 640C.220 is hereby amended to read as follows:

NAC 640C.220 1. ~~{Any}~~ *A massage, reflexology, or structural integration establishment shall ensure that each* exterior door and window in a massage , *reflexology, or structural integration* establishment must be tight-fitting and must effectively exclude insects, rodents and other vermin.

2. The walls, ceilings and floors in a massage , *reflexology, or structural integration* establishment must be well maintained and kept clean.

3. The floors of a room in a massage , *reflexology, or structural integration* establishment that contains a toilet must be made of an impervious material that is nonporous or nonabsorbent.

Sec. 19. NAC 640C.230 is hereby amended to read as follows:

NAC 640C.230 1. A room in which massage therapy is practiced must:

(a) Be designed to provide privacy for the client;

(b) Have the capability of maintaining the air temperature in the room at 75 degrees Fahrenheit at a point 24 inches above the floor;

(c) Have sufficient ventilation and circulation to prevent objectionable odors; and

(d) Have lighting fixtures which are capable of providing a minimum of 5 foot-candles of light at the floor level. Such lighting fixtures must be used when any cleaning operations are conducted in the room.

2. A room in which massage therapy , *reflexology, or structural integration* is practiced must not be used simultaneously for massage therapy , *reflexology, or structural integration* and any domestic purposes.

Sec. 20. NAC 640C.240 is hereby amended to read as follows:

NAC 640C.240 1. After a towel, linen or gown has been used once in a massage , *reflexology, or structural integration* establishment, it must be deposited in a receptacle provided for soiled towels, linens and gowns and must not be used again until properly laundered and sanitized.

2. After being laundered and sanitized, all towels, linens and gowns in a massage , *reflexology, or structural integration* establishment must be stored on shelves or in compartments, cabinets or sealed plastic containers that are used only for that purpose.

3. Any items designed for a single service and all towels, linens and gowns furnished for the use of a client must be clean.

Sec. 21. NAC 640C.250 is hereby amended to read as follows:

NAC 640C.250 *1.* A massage therapist , *reflexologist, or structural integration practitioner* shall:

~~1-1~~ *(a)* Wear clean opaque clothing and practice strict standards of personal hygiene while practicing massage therapy , *reflexology, or structural integration*; ~~and~~

~~2-1~~ *(b)* Thoroughly wash his or her hands with soap and water or an alcohol ~~liquid~~ *approved by the Board* :

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

~~(b)~~ *(2)* After using the restroom ~~1-1~~ ; *and*

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

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

Sec. 22. NAC 640C.260 is hereby amended to read as follows:

NAC 640C.260 1. A massage , *reflexology, or structural integration* establishment must have an adequate supply of hot and cold running water that is safe and sanitary.

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

Sec. 23. NAC 640C.270 is hereby amended to read as follows:

NAC 640C.270 1. If a bathing facility other than a shower is used in a massage , *reflexology, or structural integration* establishment, the bathing facility must:

- (a) Have floors that are slip-resistant, easily cleaned and coved to a height of 4 inches;
- (b) If an artificial surface made from resilient materials is used for the floor, be vacuumed with a wet vacuum frequently, to keep the floor clean and free from accumulated moisture;
- (c) Have interior walls and ceiling finishes which are easily cleaned and are impervious to water; and
- (d) If there is more than one bathing facility, be separated by a nonporous, nonabsorbent floor.

2. A massage ~~{therapist}~~ , *reflexology, or structural integration establishment* shall ensure that:

- (a) An effective watertight joint between the wall and the floor is maintained in a bathing facility that is used in a massage , *reflexology, or structural integration* establishment; and
- (b) Any rubber or impervious mats that are used in the bathing facility are cleaned, sanitized and dried between uses.

3. If a shower is provided in a massage , *reflexology, or structural integration* establishment, the shower must:

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

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

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

4. A massage ~~{therapist}~~ *reflexology, or structural integration establishment* shall ensure that all bathing facilities provided for use in a massage establishment satisfy the requirements of chapters 444 of NRS and NAC.

5. As used in this section:

(a) “Bathing facility” includes, without limitation, a spa, shower, bathtub, sauna and steam bath.

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

Sec. 24. NAC 640C.280 is hereby amended to read as follows:

NAC 640C.280 All sewage and liquid waste generated by a massage , *reflexology, or structural integration* establishment must be disposed of in a municipal sewage system where such a system is available. If a municipal sewage system is not available, sewage and liquid waste must be collected, treated and disposed of in compliance with the provisions of chapters 444 of NRS and NAC and any applicable local regulations which govern the subsurface disposal of sewage.

Sec. 26 NAC 640C.290 is hereby amended to read as follows:

NAC 640C.290 Garbage and refuse on the premises of a massage , *reflexology, or structural integration* establishment must be:

1. Kept in containers which are easy to clean and well maintained; and
2. Disposed of in a sanitary manner.

Sec. 28. NAC 640C.300 is hereby amended to read as follows:

NAC 640C.300 1. A sanitary toilet must be provided in each massage , *reflexology, or structural integration* establishment.

2. Lavatories with an adequate supply of hot and cold water under pressure must be conveniently located for use by employees and clients of a massage , *reflexology, or structural integration* establishment.

3. Any room in a massage , *reflexology, or structural integration* establishment that contains a toilet must:

- (a) Have doors that are capable of being fully closed and locked from the inside; and
- (b) Be kept clean, in good repair and free from flies, insects and vermin.

4. A supply of soap in a covered dispenser, single-use or disposable towels in a dispenser and a waste receptacle for proper disposal of the towels must be provided in each lavatory.

5. A supply of toilet paper on a dispenser must be available and conveniently located next to each toilet provided in a massage , *reflexology, or structural integration* establishment.

Sec. 27. NAC 640C.310 is hereby amended to read as follows:

NAC 640C.310 A massage ~~{therapist}~~ , *reflexology, or structural integration establishment* shall ensure that the massage , *reflexology, or structural integration* establishment ~~{in which the massage therapist engages in the practice of massage therapy}~~ is:

1. Kept clean and free of litter or rubbish; ~~{and}~~

2. Maintained in a neat and orderly manner **H**;

3. Not used to facilitate sexual activity during the course of massage, reflexology, or structural integration; and

4. Not used to facilitate unlicensed activity.

Sec. 28. NAC 640C.410 is hereby amended to read as follows:

NAC 640C.410 1. As used in subsection 9 of NRS 640C.700, the Board interprets the phrase “unethical or unprofessional conduct” to include, without limitation:

(a) Offering to practice massage , *reflexology, or structural integration* on a client in exchange for sexual favors.

(b) Using health care information to contact a client for the purpose of engaging in a sexual activity with the client.

(c) Using health care information or access to health care information to meet or attempt to meet the sexual needs of the massage therapist , *reflexologist, or structural integration practitioner.*

(d) Performing acts beyond the scope of the practice of massage therapy, reflexology, or structural integration.

(e) Assuming duties and responsibilities within the practice of massage therapy, reflexology, or structural integration without adequate training.

(f) Assuming duties and responsibilities within the practice of massage therapy, reflexology, or structural integration if competency is not maintained or the standards of competence are not satisfied, or both.

(g) Disclosing the contents of the examination for licensure or certification, or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration.

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

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

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

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

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

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

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

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

(1) Client; or

(2) Family member of a client;

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

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

(r) Engaging in sexual contact with a client.

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

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

(u) Abusing a client.

(v) Misappropriating the property of a client.

(w) Failing to comply with a condition, limitation or restriction which has been placed on his or her license or certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 29. NAC 640C.420 is hereby amended to read as follows:

NAC 640C.420 1. Except as otherwise provided in paragraph (c) of subsection 4 of NRS 640C.700, the consent of the client or former client does not excuse or negate the responsibility of the massage therapist , *reflexologist, or structural integration practitioner* to comply with NAC 640C.400 and 640C.410 and the provisions of NRS 640C.700 with regard to sexual activity.

2. The provisions of NAC 640C.400 and 640C.410 do not prohibit:

(a) A massage therapist , *reflexologist, or structural integration practitioner* from providing health care services during the course of practicing massage , *reflexology, or structural integration* on a person in the case of an emergency if the services cannot or will not be provided by a health care provider;

(b) Contact by a massage therapist , *reflexologist, or structural integration practitioner* with a client that is necessary for a legitimate health care purpose and that meets the standard of appropriate care of a massage therapist , *reflexologist, or structural integration practitioner* as determined by the Board; or

(c) Providing services related to the practice of massage therapy , *reflexology, or structural integration* to a person who is in a preexisting established personal relationship with the massage therapist , *reflexologist, or structural integration practitioner* if there is no evidence of, or potential for, exploiting the person.