

STATE OF NEVADA
BOARD OF MASSAGE THERAPY

INFORMATIONAL STATEMENT
LCB File No. R108-17

The following informational statement is provided pursuant to NRS 2338066

(u) A clear and concise explanation of the need for the adopted regulation.

This regulation is needed to implement statutory changes made by Assembly Bill 179 of the 2017 Legislative Session.

(b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.

Public comment was solicited at a workshop and the public hearing. The Executive Director also conducted meetings with interested parties and stakeholders prior to and after the workshop.

(c) The number of persons who:

(1) Attended each hearing: 15 people attended the workshop, 49 people attended the adoption hearing

(2) Testified at each hearing: 14 people testified at the workshop, 6 people testified at the adoption hearing

(3) Submitted to the agency written statements: 2 organizations submitted written comments to the draft regulation for the workshop, 2 people submitted written comments prior to the adoption hearing

(d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing: (1) name (2) telephone number; (3) business address; (4) business telephone number; electronic mail; name of organization.

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(e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Prior to the workshop and during the drafting of AB 179, the Executive Director and staff had conversations with the licensing community, interested parties and stakeholders concerning the new fees and the regulation of reflexologists. The Board staff and Executive Director encouraged all parties to participate in the drafting of the regulations and arranged meetings with interested parties and stakeholders prior to the workshop and hearing.

(f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without any changes. The public testimony on the bill at the hearing was supportive, and staff had addressed many of the changes requested or submitted during the workshop prior to submitting the draft regulation to the Legislative Counsel Bureau for drafting.

(g) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(1) Both adverse and beneficial effects:

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates nor on the public. While businesses will have to pay a fee for a certificate

or licensure, the fees are for licensure are for a two-year licensure period and are not overly burdensome, in fact, the fee is actually \$5 less than what a licensee would have paid over a two-year period under the prior yearly licensure cycle. Certificates for establishments are on a one-year licensure period, and the fees associated with those certificates are not overly burdensome for the establishment and are literally nonexistent for establishments with only one (1) treatment room.

Beneficial effects: Reflexology and structural integration will be regulated by the Board. Massage/Reflexology/Structural Integration establishments will be regulated by the Board under concurrent jurisdiction with the local governments. This will ensure the public is protected not only by regulating licensees, but also the establishments where the public receives the services.

(2) Both immediate and long-term effects:

Immediate effects: The Board will begin implementing the statutory changes enacted by the passage of AB 179 of the 2017 Legislative Session. The public will be better protected through the regulation of the practice of reflexology and structural integration.

Long-term effects: The public will be protected through the regulation of the practice of reflexology and structural integration as well as massage/reflexology/structural integration establishments. Standards are being established so that licensees are aware of the standards they must hold themselves to.

(h) The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the Board for enforcement of this regulation beyond the costs already absorbed by the Board during the regular course of business.

(i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board and local governments have concurrent jurisdiction over the regulation of massage/reflexology/structural integration establishments. The establishments pursuant to local ordinances do have to obtain a business license. AB 179 requires establishments to be certified by the Board in addition to any licenses required by a local government. The Board serves as the provider of sanitation inspections for these locations statewide.

(j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.

(k) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The Board is unsure how many individuals who are currently practicing reflexology will proceed with the education and licensing requirements at this time. All fees generated through the licensure of reflexologists will go directly to Board costs in the regulation of these licensees. Many structural integration practitioners currently are licensed as massage therapists, but new license fees will be used to deflect the Board's costs in regulating the licensees. The Board also anticipates that the number of establishments, combined between massage, reflexology and structural integration, at just around 1,000 will remain the same, and the fees collected from the certification of establishments will go directly to the costs of inspecting the establishments.



Sandra J. Anderson, Executive Director
Nevada State Board of Massage Therapy