

**PROPOSED REGULATION OF THE
BOARD OF MASSAGE THERAPISTS**

LCB FILE NO. R040-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 03/08/2018**

Section 1. NAC 640C is hereby amended by adding thereto the provisions set forth as section 2 to 18, inclusive, of this regulation.

Sec. 2. *“Hours of instruction” means not less than 50 minutes nor more than 60 minutes.*

Sec. 3. *The Board will recognize a program of structural integration which requires its pupils to complete a minimum of 810 hours of instruction in the following courses before receiving a certificate:*

- 1. 230 hours of instruction in anatomy, physiology and kinesiology;*
- 2. 500 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 100 hours in clinical instruction;*
- 3. Forty hours of instruction in pathology;*
- 4. Twenty hours of instruction in business; and*
- 5. Twenty hours of instruction in ethics.*

Sec. 4. *The Board will recognize a program of reflexology which requires its pupils to complete a minimum of 200 hours of instruction in the following courses before receiving a certificate:*

- 1. 25 hours of instruction in the reflexology theory, history, zones, meridians and relaxation response;*
- 2. Forty hours of instruction in body systems related to reflexology, including 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. Thirty hours of instruction in anatomy and physiology;*

4. *Fifteen hours of instruction in business and ethics; and*
5. *Ninety hours of instruction in supervised practicum or clinical work.*

Sec. 5. A massage therapist shall drape a client for each session. As used in this section, “drape” means to cover a client so that the client’s genitals, gluteal cleft, and the breast of a female client are not exposed and that neither the massage nor movement of the body expose the genitals, gluteal cleft or breast area.

Sec. 6. A reflexologist must perform reflexology on a client who is fully clothed, except that the client’s legs from the knees to the foot may be exposed.

Sec. 7. 1. A structural integration practitioner who performs structural integration along the borders of the superior and inferior pubic ramus, the borders of the coccyx, ischial tuberosity, and ramus of the ischium does not engage in sexual activity pursuant to subsection 4 of NRS 640C.700.

2. A structural integration practitioner shall not touch inside the bony landmarks or intracavity of the perineal diaphragm.

Sec. 8. To maintain his or her licensure, a reflexologist must complete, to the satisfaction of the Board, at least 12 hours of instruction in continuing education as specified in NAC 640C.110 within the licensing period immediately preceding the request for renewal of his or her license. Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license.

2. If a reflexologist obtains more than 12 hours of instruction in continuing education in a licensing period, the reflexologist may request that the Board carry over the excess hours of credit, not to exceed 36 hours of instruction, to apply towards completion of the requirement

for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 3 licensing periods.

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

Sec. 9. 1. The Board will approve credit for continuing education for reflexology as follows:

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

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

(2) Approved by the American Reflexology Certification Board;

(3) A reflexology school, massage therapy school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of reflexology that is recognized by the Board pursuant to NRS 640C.400 and NAC 640C.060; or

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

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

(c) One hour of credit, up to a maximum of 8 hours of credit per year for each activity listed in subparagraphs (1), (2) and (3), will be approved for each hour of instruction spent:

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

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

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

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

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

Sec. 10. 1. The Board will approve credit for continuing education for structural integration as follows:

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

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

(2) Approved by the International Association of Structural Integration;

(3) A structural integration school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of structural integration that is recognized by the Board pursuant to NRS 640C.400 and NAC 640C.060; or

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

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

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

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

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

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

(4) Serving as a member of a board or committee relating to the practice of structural integration.

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

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

Sec. 11. *In determining the amount of an administrative fine imposed pursuant to NRS 640C.712, the Board will consider:*

- 1. The number of times the licensee has been arrested for prostitution or other sexual offense;*
- 2. The number of times the licensee has been convicted of prostitution or other sexual offense;*
- 3. Whether there were any aggravating factors involved in the sexual activity, including, without limitation, the use of firearms;*
- 4. The licensee's good faith; and*
- 5. Any other factor.*

Sec. 12. *1. Each licensee shall file with the Board his or her current residential address using the Board's Internet website.*

2. Each holder of a certificate shall file with the Board:

(a) The current address of the establishment; and

(b) Any change in the name of the establishment,

→ using the Board's Internet website.

3. A licensee or holder of a certificate shall notify, using the Board's Internet website, the Board of any change in his or her residential address or establishment address, as applicable, within 10 calendar days after the change.

3. If the Board is required by law or the provisions of this chapter to deliver any notice by mail to a licensee, the notice shall be deemed validly given if it is mailed to the last address of the licensee or holder of a certificate which was filed with the Board.

Sec. 13. *A licensee or holder of a certificate shall notify the Board in writing within 10 days after:*

1. An action is taken against any license, certification, registration or other credential held by the licensee or holder of a certificate that was issued by another jurisdiction, state, local government, or territory of the United States;

2. A criminal charge is filed against the licensee or holder of a certificate;

3. The licensee or holder of a certificate is convicted of a criminal offense, other than a traffic offense which is a misdemeanor;

4. A civil action for malpractice is filed against the licensee or holder of a certificate; or

5. A settlement or judgment is made in any civil action for malpractice, in any case filed against the licensee or holder of a certificate for any act relating to the practice of massage therapy, reflexology or structural integration, as applicable.

Sec 14. *1. The Board may issue an applicant a license and immediately place the applicant's license on probation pursuant to NRS 640C.710 if the application or background of the applicant demonstrates that the applicant has committed one of the offenses in NRS 640C.700.*

2. The probation terms may include, without limitation, requiring the applicant to:

(a) Report all contact with law enforcement within 48 hours of the contact;

(b) Refrain from providing outcall services;

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

(d) Notify the Board of any changes in employment;

(e) Complete an ethics course within 90 days of issuing the license;

(f) Submit a complete set of fingerprints and written permission authorizing the

Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report upon renewal of his or her license with the appropriate fee;

(g) Attend probation orientation; and

(h) Pay any administrative fees incurred by the Board for administering the probation.

Sec. 15. 1. *For the purposes of NRS 640C.450, the Board interprets the term “conspicuous” to mean a license:*

(a) Displayed on a wall, countertop, or table that is within the treatment room or reception area of the establishment; or

(b) The pocket license which is issued with the original license is displayed on the massage therapist’s, reflexologist’s, or structural integration practitioner’s person so that the client can see the license.

2. Each holder of a certificate must prominently display at all times in his or her establishment the certificate issued to the establishment by the Board.

Sec. 16. *The fees paid pursuant to Section 6 of LCB File R108-17 are not refundable.*

Sec. 17. *Each massage, reflexology and structural integration establishment must report any arrests or other action by a law enforcement agency to the Board within 10*

business days of the arrest or other action. The report must include, without limitation,

- 1. The name of the person involved in the arrest or other action;*
- 2. The date of the arrest or other action;*
- 3. The discharge of a massage therapist, structural integration practitioner or reflexologist for touching a client inappropriately;*
- 4. The reasons for the arrest or other action;*
- 5. Any time a client informs the establishment that the client was touched in an inappropriate manner by a massage therapist, reflexologist, or structural integration practitioner;*
- 6. Any adverse employment action taken against a massage therapist, reflexologist, or structural integration practitioner for unprofessional conduct.*
- 7. Any other information required by the Board.*

Sec. 18. Section 4 of LCB File R108-17 is hereby amended to read as follows:

1. The Board adopts the following schedule of administrative fines for any administrative citation issued pursuant to NRS 640C.755:

Violation	First Violation	Second Violation	Third or Subsequent Violation
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MESSAGE THERAPIST,
REFLEXOLOGIST OR STRUCTURAL
INTEGRATION PRACTITIONER
Practicing with an expired license or

registration	\$200	\$500
		\$1,000
Failure to display license or registration at a work station200	500
		1,000
Using advertisements which contain knowingly false or deceptive statements	500	1,500
		2,500
Altering a license	1,000	3,000
		5,000
Advertising without a license number on advertisement	\$100	\$250
		\$500
Failing to comply with NAC 640C.200 to 640C.310, inclusive	200	500
		1,000
Offering to perform sexual activities during the practice of massage therapy, reflexology or structural integration	1,000	2,000
		5,000
<i>Failing to display his or her license</i>	<i>\$100</i>	<i>\$200</i>
		<i>\$500</i>
<i>Failing to notify the Board of</i>		

His or her change in address100 **200**

500

Violation First Violation Second Violation

Third or Subsequent Violation

MASSAGE ESTABLISHMENTS,

REFLEXOLOGY ESTABLISHMENTS

OR STRUCTURAL INTEGRATION

ESTABLISHMENTS

Failing to comply with NAC 640C.200 to

640C.310, inclusive 200 500

1,000

Operating a massage establishment, a
reflexology establishment or a structural

integration establishment without a

certificate 1,000 2,500

5,000

Failure to display certificate 200 500

1,000

Offering to perform sexual activities \$1,000 \$2,000

\$5,000

ANY PERSON

Practicing massage therapy, reflexology or
structural integration without a license or

certificate	1,000	2,500
		5,000

Copying or altering a license or certificate
for the purposes of fraud, deception,
misrepresentation or other illegal
purpose

1,000	3,000
	5,000

Violation	First Violation	Second Violation	Third
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or Subsequent Violation

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 massage therapy,
reflexology or structural integration
without a license

1,000	2,000
	5,000

Offering to perform sexual activities during
the course of practicing massage
therapy, reflexology or structural
integration

1,000	2,000
	5,000

Advertising without a license number on
the 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, as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462.

Sec. 19. Section 6 of LCB File R108-17 is hereby amended to read as follows:

Sec. 6. The Board will charge and collect the following fees:

1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner

.....\$100

2. For issuing a license as a massage therapist, a reflexologist 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 therapist, a reflexologist 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 or a
structural integration establishment:

(a) For an establishment with a single room for massage or structural
integration no

fee

(b) For an establishment with at least 2 but not more than 7 rooms for
massage or structural integration\$15

(c) For an establishment with at least 8 but not more than 20 rooms
for massage or structural integration\$25

(d) For an establishment with at least 21 but not more than 40 rooms
for massage or structural integration\$35

(e) For an establishment with more than 40 rooms for massage or structural integration\$50

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

(a) For an establishment with a single room for massage or structural integration no fee

(b) For an establishment with at least 2 but not more than 7 rooms for massage or structural integration\$15

(c) For an establishment with at least 8 but not more than 20 rooms for massage or structural integration\$25

(d) For an establishment with at least 21 but not more than 40 rooms for massage or structural integration\$35

(e) For an establishment with more than 40 rooms for massage or structural integration\$50

12. For

issuing of a certificate for a reflexology establishment:

(a) For an establishment with not less than 1 chair or table for reflexology and not more than 10 chairs or tables\$20

*(b) For an establishment with more than 10 chairs
or tables for reflexology*

..... \$40

13. For renewal of a certificate for a reflexology establishment:

*(a) For an establishment with not less than 1 chair or table for
reflexology and not more than 10 chairs or tables*

..... \$20

*(b) For an establishment with more than 10 chairs
or tables for reflexology*

..... \$40

14. For issuing of a certificate for a massage establishment that does not have rooms:

*(a) For an establishment with not less than 1 chair or table
for massage and not more than 10 chairs or tables*

..... \$20

*(b) For an establishment with more than 10 chairs
or tables for massage*

..... \$40

*15. For the renewal of a certificate for a massage establishment that does not have
rooms:*

*(a) For an establishment with not less than 1 chair or table
for massage and not more than 10 chairs or tables*

..... \$20

(b) For an establishment with more than 10 chairs

or tables for

massage..... §40

Sec. 20. NAC 640C.100 as amended by LCB File R108-17 is hereby amended to read as follows:

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

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

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

Sec. 21. NAC 640C.110 is hereby amended to read as follows:

NAC 640C.110 1. The Board will approve credit for continuing education as follows:

(a) One hour of credit will be approved for each ~~{60 minutes}~~ *hour of instruction* that a massage therapist attends a workshop, course, conference or seminar relating to the practice of massage therapy which is provided by a person or entity that is:

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

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

(3) A massage therapy school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of massage therapy that is recognized by the Board pursuant to NRS 640C.400 and NAC 640C.060; or

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

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

(c) One hour of credit, up to a maximum of 8 hours of credit per year for each activity listed in subparagraphs (1), (2) and (3), will be approved for each hour spent:

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

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

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

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

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