

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

LCB File No. R040-18

May 11, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-4, 8-13 and 22, NRS 640C.320; §5, NRS 640C.320 and 640C.450; §6 NRS 640C.320 and section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 (NRS 640C.600); §7, NRS 640C.320 and section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450 (NRS 640C.620); §14, NRS 640C.320 and 640C.712; §§15, 16 and 26, NRS 640C.320 and section 11 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1452 (NRS 640C.330); §17, NRS 640C.320 and 640C.710; §§18 and 19, section 11 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1452 (NRS 640C.330); §20, NRS 640C.320, NRS 640C.400, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 (NRS 640C.600), and section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450 (NRS 640C.620); §21, NRS 640C.320, 640C.500, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 (NRS 640C.600), and section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450 (NRS 640C.620); §23, NRS 640C.320 and 640C.755; §24, NRS 640C.320 and 640C.400; §25, NRS 640C.320, 640C.520 and section 11 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1452 (NRS 640C.330).

A REGULATION relating to massage therapy; establishing additional standards relating to the practice of massage therapy, reflexology and structural integration; establishing requirements for certain programs of reflexology and structural integration; establishment continuing education requirements for reflexologists and structural integration practitioners; establishing aggravating and mitigating factors for determining the amount of certain administrative fines imposed upon a licensee; adopting provisions for the immediate placement of a licensee on probation upon issuance of his or her license; establishing administrative fines for certain violations; establishing certain fees for the issuance or renewal of a certificate to operate a massage therapy, reflexology or structural integration establishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Massage Therapy and authorizes the Board to adopt regulations relating to the practice of massage therapy, the practice of reflexology and the practice of structural integration. (NRS 640C.150, 640C.320)

Section 5 of this regulation specifies the manner in which a person licensed as a massage therapist, a reflexologist or a structural integration practitioner is required to display his or her original license in order to comply with existing law requiring such a licensee to display his or her original license in a conspicuous manner at each location where the licensee practices. (NRS 640C.450)

Existing law: (1) requires the Board to recognize certain programs of massage therapy, reflexology or structural integration; and (2) authorizes the Board recognize other programs of massage therapy, reflexology or structural integration that satisfy certain requirements. (NRS 640C. 400; sections 7 and 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 (NRS 640C.600)) **Sections 6 and 7** of this regulation, respectively, set forth the number of hours of instruction and the curriculum required for a program of reflexology and a program of structural integration to be recognized by the Board. **Section 20** of this regulation makes a technical correction to the existing regulation requiring an applicant for recognition of a program to submit certain information to the Board. **Section 24** of this regulation makes conforming changes to the existing regulation governing the recognition of a program of massage therapy and revises the number of hours of instruction in business and ethics required for the recognition of such a program.

Existing law requires the Board to establish requirements relating to sanitation, hygiene and safety in the practice of massage therapy, reflexology and structural integration. (NRS 640C.320) **Section 8** of this regulation requires a massage therapist to drape a client so that the client's genitals and gluteal cleft and, if client is a female, the client's breasts are not exposed during the massage. **Section 9** of this regulation prohibits a reflexologist from performing reflexology on a client unless the client is fully clothed, except for the client's lower legs and feet. **Section 10** of this regulation: (1) establishes that the performance of structural integration on certain parts of the body does not constitute engaging in prohibited sexual activity for the purposes of existing law governing structural integration practitioners; and (2) prohibits a structural integration from touching certain parts of a client's body.

Existing law requires the Board to establish requirements for continuing education for the renewal of a license to practice massage therapy, a license to practice reflexology and a license to practice structural integration. (NRS 640C.320) **Sections 11 and 21** of this regulation, respectively, establish the continuing education requirements for the renewal of a license to practice reflexology and a license to practice structural integration.. **Sections 12 and 13** of this regulation, respectively, establishes the education and activities that the Board will approve for continuing education credit. **Section 4** of this regulation establishes that a licensees will earn credit for an hour of continuing education if the education consists of at least 50 minutes, but not more than 60 minutes, of instruction. **Section 22** of this regulation makes a conforming change to existing regulations governing the continuing education required for a license to practice massage therapy.

Existing law authorizes the Board to impose an administrative fine if a licensee has engaged in or solicited sexual activity during the course of practicing massage therapy, reflexology or structural integration, and also requires the Board to establish standards for use by the Board in determining the amount of such a fine. (NRS 640C.712) **Section 14** of this regulation establishes factors that the Board will consider in determining the amount of the fine.

Section 15 of this regulation requires a licensee to submit to the Board, and notify the Board of any changes to, his or her residential address using the Board's Internet website. **Section 15** also requires the holder of a certificate to operate a massage establishment, reflexology establishment or structural integration establishment to submit to the Board, and notify the Board of any changes to, the address or name of the establishment using the Board's Internet website. Finally, **section 15** establishes that the Board has sent or delivered any required notice to a licensee or holder of a certificate if the Board mails the notice to the most recent address of the licensee or certificate holder on file with the Board.

Sections 16 and 19 of this regulation require a licensee or holder of a certificate to operate a massage establishment, reflexology establishment or structural integration establishment to notify the Board of certain client complaints, certain adverse employment actions against massage therapists, reflexologists or structural integration practitioners, and certain law enforcement, judicial or administrative actions taken against the licensee or the holder of a certificate or his or her establishment.

Existing law authorizes the Board to place an applicant for a license or a licensee on probation if the Board finds grounds for taking disciplinary action. (NRS 640C.710) **Section 17** of this regulation authorizes the Board to issue a license and immediately place the licensee on probation subject to certain terms if the Board finds grounds for taking disciplinary action.

Existing law requires the Board to adopt regulations that prescribe the requirements for the certification and operation of massage establishments, reflexology establishments and structural integration establishments. (Section 11 of Assembly Bill No. 179, Chapter 275, Statutes of Nevada 2017, at page 1452) **Section 18** of this regulation requires a holder of a certificate to operate a massage therapy, reflexology or structural integration establishment to prominently display the certificate in the establishment.

Existing regulations: (1) require a massage establishment or a structural integration establishment to be certified by the Board; and (2) prescribe the fee for the issuance or renewal of a certificate to operate a massage establishment or a structural integration establishments. The amount of the fee for such a certificate is based on the number of rooms for massage therapy or structural integration in the establishment. (Sections 6 and 7 of LCB File No. 108-17) **Section 26** of this regulation establishes similar requirements for the certification of a reflexology establishment. **Section 26** also establishes an annual renewal period for a certificate to operate a massage establishment, a certificate to operate a reflexology establishment or a certificate to operate a structural integration establishment. **Section 25** of this regulation prescribes the fee for the issuance or renewal of a certificate to operate a reflexology establishment and bases the amount of the fee on the number of chairs or tables for reflexology in the establishment. **Section 25** further prescribes the fee for the issuance or renewal of a certificate to operate a massage

establishment which has no rooms for massage therapy and bases the amount of the fee on the number of chairs or tables for massage therapy in the establishment.

Existing law authorizes the Board or its designee to issue a written administrative citation if the Board or its designee has reason to believe that a person has violated certain provisions of existing law governing massage therapists, reflexologists and structural integration practitioners. (NRS 640C.755) Existing regulation sets forth the schedule of administrative fines that the Board may impose for certain violations. (Section 4 of LCB File No. 108-17) **Section 23** of this regulation establishes a schedule of administrative fines for: (1) a licensee who receives an administrative citation for failing to drape a massage client as required by **section 8**; (2) a licensee who performs reflexology on a client who is not fully clothed in violation of **section 9**; and (3) a licensee or a holder of certificate to operate a massage establishment, reflexology establishment or structural integration establishment who fails to notify the Board of a change of the name of an establishment or a change of address in violation of **section 15**.

Section 1. Chapter 640C of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 640C.010, sections 3 and 4 of this regulation and sections 2 and 3 of LCB File No. R108-17 have the meanings ascribed to them in those sections.*

Sec. 3. *“Certificate” means a certificate to operate a massage establishment, a certificate to operate a reflexology establishment or a certificate to operate a structural integration establishment, which is issued by the Board.*

Sec. 4. *“Hour of instruction” means not less than 50 minutes nor more than 60 minutes of instruction.*

Sec. 5. *For the purposes of NRS 640C.450, a licensee displays his or her original license in a conspicuous manner if the licensee displays his or her original license on:*

1. A wall, countertop or table that is within the treatment room used by the licensee at a massage establishment, reflexology establishment or structural integration establishment, as applicable, or in the reception area of the massage establishment, reflexology establishment or

structural integration establishment at which the licensee engages in the practice of massage therapy, reflexology or structural integration, as applicable; or

2. His or her person in such a manner that the original license is visible to a client of the licensee.

Sec. 6. *The Board will recognize a program of reflexology pursuant to paragraph (b) of subsection 3 of section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 (NRS 640C.600), if the program requires its pupils to complete a minimum of 200 hours of instruction in the following courses before receiving a certificate evidencing successful completion of the program:*

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 or 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.

Sec. 7. *The Board will recognize a program of structural integration pursuant to paragraph (b) of subsection 3 of section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450 (NRS 640C.620), if the program requires its pupils to complete a minimum of 730 hours of instruction in the following courses before receiving a certificate evidencing successful completion of the program:*

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.*

Sec. 8. *A massage therapist shall drape a client by covering the client with a towel, sheet, blanket, linen or other covering in such a manner that:*

1. *The client's genitals and gluteal cleft and, if the client is a female, the client's breasts are not exposed; and*
2. *Neither the massage nor the movement of the body expose the client's genitals or gluteal cleft or, if the client is a female, the client's breasts.*

Sec. 9. *A reflexologist shall not perform reflexology on a client unless the client is fully clothed, except that the client's legs from the knees to the feet may be exposed.*

Sec. 10. 1. *The performance of structural integration by a structural integration practitioner along the borders of the superior and inferior pubic ramus, the borders of the coccyx, ischial tuberosity and ramus of the ischium does not constitute engaging in sexual activity in violation of subsection 4 of NRS 640C.700.*

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

Sec. 11. 1. *To maintain his or her license to practice reflexology, a reflexologist must complete, to the satisfaction of the Board, at least 12 hours of instruction in continuing*

education as specified in section 12 of this regulation 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 succeeding years.

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. 12. 1. *The Board will approve credit for continuing education for a license to practice 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 section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 (NRS 640C.600), and NAC 640C.060, as amended by section 13 of LCB File No. R108-17; or

(4) A reflexologist with at least 2 years of experience in the practice of reflexology who is certified by the American Reflexology Certification Board, International Institute of Reflexology or National Certification Board for Therapeutic Massage and Bodywork or who has experience in a related field and 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, as amended by section 17 of LCB File No. R108-17.

(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 paragraph (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. 13. 1. *The Board will approve credit for continuing education for a license to practice 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 Integrators;

(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 section 9 of Assembly Bill No. 179, Statutes of Nevada 2017, at page 1450 (NRS 640C.620), and NAC 640C.060, as amended by section 13 of LCB File No. R108-17; 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, as amended by section 17 of LCB File No. R108-17.

(c) One hour of credit, up to a maximum of 16 hours of credit per year for each activity listed in subparagraphs (1) to (4), inclusive, 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 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. 14. *In addition to the factors described in NRS 640C.712, 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 any other sexual offense;

2. The number of times the licensee has been convicted of prostitution or any other sexual offense;

3. *Whether there were any aggravating factors involved in the sexual activity, including, without limitation, the use of firearms;*

4. *The good faith of the licensee; and*

5. *Any other aggravating or mitigating factor found by the Board.*

Sec. 15. 1. *Each licensee shall file with the Board, using the Internet website of the Board, his or her current residential address.*

2. *Each holder of a certificate shall file with the Board, using the Internet website of the Board:*

(a) *The current address of each massage establishment, reflexology establishment or structural integration establishment operated by the holder; and*

(b) *A change in the name of any massage establishment, reflexology establishment or structural integration establishment operated by the holder.*

3. *Not later than 10 calendar days after a licensee change his or her residential address or a holder of a certificate changes the address of the massage establishment, reflexology establishment or structural integration establishment, as applicable, the licensee or holder of the certificate shall notify the Board of the change using the Internet website of the Board.*

4. *If the Board is required to send or deliver any notice by mail to a licensee or a holder of a certificate, the notice shall be deemed to be sent or delivered if it is mailed to the most recent address on file with the Board by the licensee or holder of the certificate.*

Sec. 16. *A licensee or a holder of a certificate shall notify the Board in writing within 10 business days after:*

- 1. An action is taken against any license, certification, registration or other credential relating to the practice of massage therapy, reflexology or structural integration that is held by the licensee or holder of a certificate and was issued by another jurisdiction;*
- 2. A criminal charge is filed in any jurisdiction against the licensee or holder of the certificate;*
- 3. The licensee or holder of a certificate is convicted of a criminal offense in any jurisdiction, other than a traffic offense which is a misdemeanor;*
- 4. A civil action for malpractice is filed in any jurisdiction against the licensee or holder of a certificate; or*
- 5. A settlement or judgment is entered in any civil action for malpractice, in any case filed in any jurisdiction 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. 17. *1. The Board may issue a license to an applicant and immediately place the licensee on probation pursuant to NRS 640C.710 if the application or background of the applicant demonstrates that the applicant has committed one or more of the acts described in NRS 640C.700.*

- 2. The terms of probation imposed pursuant to subsection 1 may require the licensee to:*
 - (a) Report to the Board all contact with law enforcement personnel within 48 hours after such contact occurs;*
 - (b) Refrain from providing outcall services;*
 - (c) Submit employment offers to the staff of the Board for review and approval;*
 - (d) Notify the Board of any changes in his or her employment;*
 - (e) Complete an ethics course within 90 calendar days after the issuance of the license;*

(f) Submit to the Board 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;

(g) Attend a probation orientation;

(h) Take any other action that the Board deems appropriate; or

(i) Take any combination of the actions set forth in paragraphs (a) to (h), inclusive.

Sec. 18. *Each holder of a certificate shall prominently display the certificate issued by the Board to the holder in the massage establishment, reflexology establishment or structural integration establishment named in the certificate at all times.*

Sec. 19. *The holder of a certificate shall report to the Board:*

1. Any arrest or other action taken by a law enforcement agency on the premises of the massage establishment, reflexology establishment or structural integration establishment operated by the holder, within 10 business days after the arrest or other law enforcement action. The report must include, without limitation:

(a) The name of the person or persons arrested or otherwise involved in the law enforcement action;

(b) The date of the arrest or other law enforcement action;

(c) The rationale for the arrest or other law enforcement action; and

(d) Any other information required by the Board relating to the arrest or other law enforcement action.

2. Any statement made by a client to a massage establishment, reflexology establishment or structural integration establishment operated by the holder that the client was touched inappropriately by a massage therapist, reflexologist or structural integration practitioner.

3. The termination by a massage establishment, reflexology establishment or structural integration establishment operated by the holder of the employment of a massage therapist, reflexologist or structural integration practitioner for touching a client inappropriately.

4. Any adverse employment action taken by a massage establishment, reflexology establishment or structural integration establishment operated by the holder against a massage therapist, reflexologist or structural integration practitioner for unprofessional conduct.

Sec. 20. NAC 640C.060, as amended by section 13 of LCB File No. R108-17, is hereby amended to read as follows:

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, as amended by section 20 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1456, NRS 640C.420, as amended by section 21 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1458, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 ~~§ 600~~ *(NRS 640C.600), section 8 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1449 (NRS 640C.610), section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450 § (NRS 640C.620), or section 10 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1451 (NRS 640C.630),* wishes the Board to recognize a program of massage therapy, reflexology or structural integration other than a program listed in paragraph (a) ~~§ (b)~~ of subsection 3 of NRS 640C.400, as amended by section

20 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1456, *paragraph (a) of subsection 3 of section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448 (NRS 640C.600), or paragraph (a) of subsection 3 of section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450 (NRS 640C.620), as applicable*, 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. 21. NAC 640C.100, as amended by section 15 of LCB File No. R108-17, is hereby amended to read as follows:

640C.100 1. To maintain his or her licensure, a massage therapist *or 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 *or section 13 of this regulation, as applicable*, 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~~ *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 succeeding years.

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* is not in compliance with the requirements for continuing education.

Sec. 22. NAC 640C.110 is hereby amended to read as follows:

640C.110 1. The Board will approve credit for continuing education *for a license to practice massage therapy* 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 *of instruction* 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.

Sec. 23. Section 4 of LCB File No. R108-17 is hereby amended to read as follows:

Sec. 4. 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
MASSAGE THERAPIST, REFLEXOLOGIST OR STRUCTURAL INTEGRATION PRACTITIONER Practicing with an expired license for registration	\$200	\$500	\$1,000
Failure to display license for registration at a work station <i>in a conspicuous manner as</i> <i>required by NRS 640C.450</i>	200	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

Violation	First Violation	Second Violation	Third or Subsequent Violation
<i>Failing to notify the Board of a change of his or her address as required by section 15 of LCB File No. R040-18.....</i>	<i>100</i>	<i>200</i>	<i>500</i>
<i>Failing to drape a client as required by section 8 of LCB File No. R040-18.....</i>	<i>200</i>	<i>500</i>	<i>1,000</i>
<i>Performing reflexology on a client in violation of section 9 of LCB File No. R040-18</i>	<i>200</i>	<i>500</i>	<i>1,000</i>
Offering to perform sexual activities during the practice of massage therapy, reflexology or structural integration.....	1,000	2,000	5,000
<p> MASSAGE ESTABLISHMENTS, REFLEXOLOGY ESTABLISHMENTS OR STRUCTURAL INTEGRATION ESTABLISHMENTS </p>			
<i>Failing to notify the Board of a change of the name or address of an establishment as required by section 15 of LCB File No. R040-18</i>	<i>100</i>	<i>200</i>	<i>500</i>

Violation	First Violation	Second Violation	Third or Subsequent Violation
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 fa <i>the applicable</i> 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
Using a copied or altered license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose ...	1,000	2,000	5,000

Violation	First Violation	Second Violation	Third or Subsequent Violation
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 <i>to perform massage therapy, reflexology or structural integration</i> without {a} <i>the applicable</i> 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. 24. Section 5 of LCB File No. R108-17 is hereby amended to read as follows:

Sec. 5. The Board will recognize a program of massage therapy ~~{which}~~ *pursuant to paragraph (b) of subsection 3 of NRS 640C.400, as amended by section 20 of Assembly*

Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1456, if the program requires its pupils to complete a minimum of 550 hours of instruction in the following courses

before receiving a certificate ~~{}~~ *evidencing successful completion of the program:*

1. ~~{One hundred twenty five}~~ *At least 125* hours of instruction in the body’s systems, including, without limitation, anatomy, physiology and kinesiology;

2. ~~{Two hundred twenty}~~ *At least 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}~~ *at least* 80 hours in clinical instruction;

3. ~~{Forty}~~ *At least 40* hours of instruction in pathology;

4. ~~{Twenty}~~ *At least 40* hours of instruction in business ~~{}~~

~~—5.— Twenty hours of instruction in} or ethics ~~{}~~ or a combined total of at least 40 hours of instruction in business and ethics;~~ and

~~{6.— One hundred twenty five}~~

5. *At least 125* hours of instruction in other courses of massage therapy in a classroom setting with hands-on instruction.

Sec. 25. Section 6 of LCB File No. R108-17 is hereby amended to read as follows:

Sec. 6. The Board will charge and collect the following *nonrefundable* 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 *therapy* or structural integration no fee
 - (b) For an establishment with at least 2 but not more than 7 rooms for massage *therapy* or structural integration\$15
 - (c) For an establishment with at least 8 but not more than 20 rooms for massage *therapy* or structural integration\$25
 - (d) For an establishment with at least 21 but not more than 40 rooms for massage *therapy* or structural integration\$35
 - (e) For an establishment with more than 40 rooms for massage *therapy* 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 <i>therapy</i> or structural integration	no fee
(b) For an establishment with at least 2 but not more than 7 rooms for massage <i>therapy</i> or structural integration	\$15
(c) For an establishment with at least 8 but not more than 20 rooms for massage <i>therapy</i> or structural integration	\$25
(d) For an establishment with at least 21 but not more than 40 rooms for massage <i>therapy</i> or structural integration	\$35
(e) For an establishment with more than 40 rooms for massage <i>therapy</i> or structural integration.....	\$50

12. For issuing a certificate for a massage establishment that does not have rooms for massage therapy:

(a) For an establishment with not more than 10 chairs or tables for massage therapy.....	\$20
(b) For an establishment with more than 10 chairs or tables for massage therapy.....	\$40

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

(a) For an establishment with not more than 10 chairs or tables for massage therapy.....	\$20
(b) For an establishment with more than 10 chairs or tables for massage therapy.....	\$40

14. For issuing a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for reflexology..... \$20

(b) For an establishment with more than 10 chairs or tables for reflexology..... \$40

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

(a) For an establishment with not more than 10 chairs or tables for reflexology..... \$20

(b) For an establishment with more than 10 chairs or tables for reflexology..... \$40

Sec. 26. Section 7 of LCB File No. R108-17 is hereby amended to read as follows:

Sec. 7. 1. A *person shall not operate a* message establishment ~~and~~, *a reflexology establishment or* a structural integration establishment ~~must be certified~~ *unless the person holds a valid certificate to operate a message establishment, a reflexology establishment or a structural integration establishment, as applicable, which has been issued* by the Board.

2. ~~A message establishment, or a structural integration establishment~~ *To obtain a certificate, an applicant for a certificate* must submit ~~an~~ *a completed* application for ~~a~~ *the applicable* certificate on a form prescribed by the Board and ~~include~~ the fee set forth in section 6 of ~~this regulation~~ *LCB File No. R108-17, as amended by section 25 of LCB File No. R040-18. The Board will issue a certificate to an applicant who complies with the requirements of this chapter and chapter 640C of NRS.*

3. *A certificate is valid for 1 year after the first day of the first calendar month immediately following the date of issuance or renewal and may be renewed if, before the*

certificate expires, the holder of the certificate submits to the Board a completed application for renewal on a form prescribed by the Board and the fee set forth in section 6 of LCB File No. R108-17, as amended by section 25 of LCB File No. 040-18.