

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

**LCB FILE NO. R128-20I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/30/2020**

## Licensing

New Provision 1: (NRS 640C.320; NRS 640C.330)

### **Amend NAC 640C.083**

1. A person shall not operate a massage establishment, a reflexology establishment or a structural integration establishment unless the person holds a valid certificate to operate a massage establishment, a reflexology establishment or a structural integration establishment, as applicable, which has been issued by the Board.

2. To obtain a certificate, an applicant for a certificate must submit a completed application for the applicable certificate on a form prescribed by the Board and the fee set forth in NAC 640C.095. 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 NAC 640C.095.

*4. To receive and maintain certification by the Board, massage establishments, reflexology establishments and structural integration establishments:*

- a. Must comply with all requirements in NAC 640C.200 to 640C.320, inclusive.*
- b. May not be convicted for a violation of NRS Chapter 201 as amended by AB166 from the 2019 80th Legislative Session.*
- c. The owner of the establishment may not be arrested, indicted, or convicted for acts of prostitution, acts of pandering, labor trafficking, or sex trafficking.*
- d. The owner of the establishment may not be arrested, indicted, or convicted for acts of drug distribution or any illegal activity.*
- e. The owner of the establishment may not be cited for employing or contracting with unlicensed persons to provide massage therapy, reflexology, or structural integration services.*

*5. After notice and hearing, failure to comply with the requirements in subsection 4 may result in disciplinary action against the certificate pursuant to NRS 640C.700, NRS 640C.710, and NRS 640C.712.*

*6. All massage establishments, reflexology establishments and structural integration establishments must maintain a current certificate issued by the Board pursuant to NRS 640C.330.*

*7. As part of the application, the applicant must provide a copy of the following documents:*

- a. *State business license*
- b. *City and/or county business license or conditional license if applicable*
- c. *List of services*
- d. *Photograph of the entrance to the establishment*

*8. An establishment is defined as any location where massage therapy, reflexology, or structural integration is practiced.*

New Provision 2: (NRS 640C.320; NRS 640C.420)

*For applications submitted pursuant to NRS 640C.420, the Board deems jurisdictions requiring the following as “substantially equivalent”:*

- 1. For massage therapist, the jurisdiction must require a minimum of 550 hours of training in a massage therapy program.*
- 2. For reflexologist, the jurisdiction must require a minimum of 200 hours of training in a reflexology program.*
- 3. For structural integration practitioner, the jurisdiction must require a minimum of 730 hours of training in a structural integration program.*

*For applicants who were issued licenses under grandfather clauses, an applicant must have five years of verifiable experience practicing massage therapy, reflexology, or structural integration, as applicable.*

*For massage therapist applicants applying based on apprenticeships, the applicant must have 1000 hours of verifiable training prior to licensure in that jurisdiction and five years of verifiable experience practicing massage therapy.*

*For reflexologist applicants applying based on apprenticeships, the applicant must have 400 hours of verifiable training prior to licensure in that jurisdiction and five years of verifiable experience practicing reflexology.*

*The Executive Director or his or her designee shall maintain a list of jurisdictions with substantially equivalent licensing requirements.*

New Provision 3: (NRS 640C.320, NRS 640C.500)

**Amend NAC 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 640C.112, 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.

*(a) At least 2 of the 24 hours must be on the subject of human trafficking for all licensees within their first licensing period. For all licensees who work or reside in a county with a population greater than 100,000, this education must be completed in person*

*(b) At least 2 of the 24 hours must be on the subject of ethics. The subject of ethics includes, without limitation, the requirements of NRS 432B.220, the standards of conduct for licensees, the requirements of HIPAA, human trafficking, and additional applicable Nevada and Federal jurisprudence.*

*(c) All current licensees are eligible to complete the Board's jurisprudence examination and will receive 2 continuing education ethics hours for successful completion of the examination.*

*(d) The Board will review and approve continuing education courses on human trafficking and ethics, and will maintain a list of approved human trafficking and ethics continuing education courses on its website and in each of its offices.*

*(e) In person continuing education courses are live courses where the learner participates in person.*

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 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.

New Provision 4: (NRS 640C.320; NRS 640C.420)

*“Clinical instruction” is defined as practicing massage therapy, reflexology, or structural integration on members of the public in a clinical setting.*

*“Members of the public” may include other students, licensees and Board members so long as the clinical instruction is completed in a clinical setting for educational purposes, the practice of which includes client intake, evaluation, client treatment notes and evaluation of the student.*

*“Outcall services” means the engaging in or carrying on of massage therapy, reflexology, or structural integration for compensation in a*

*location other than the business operations address set forth in the massage, reflexology, or structural integration establishment's business license.*

New Provision 5: (NRS 640C.320, NRS 640C.400, NRS 640C.600, NRS 640C.620)

**Amend 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;

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

(c) The National Examination for State Licensing 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 ITEC Examination administered by the International Therapy Examination Council.

2. For the purposes of paragraph (c) of subsection 2 of NRS 640C.600, an applicant for a license to practice reflexology must pass:

(a) The certification exam administered by the American Reflexology Certification Board;

(b) The certification exam administered by the International Institute of Reflexology;

(c) The certification in reflexology exam administered by the International Therapy Examination Council; or

(d) The Board Certification Exam (BCETMB) administered by the National Certification Board for Therapeutic Massage and Bodywork.

3. For the purposes of paragraph (c) of subsection 2 of NRS 640C.620, an applicant for a license to practice structural integration must pass the certification exam for structural integration administered by the Certification Board for Structural Integration.

*4. Effective July 1, 2021, all applicants for a license to practice massage therapy, reflexology or structural integration must pass a jurisprudence examination on Nevada law administered by the Board.*

New Provision 6: (NRS 640C.320; NRS 640C.520)

**Amend NAC 640C.095**

1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner *using the Internet website of the Board...* \$100.

*For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner using a paper form... \$130.*

5. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner *using the Internet website of the Board...\$295.*

*For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner using a paper form...\$325.*

*16. For the jurisprudence examination...\$50.*

*17. For reissuance of an establishment certificate that has been modified or a duplicate... \$25.*

*18. For petition for criminal history review by the Board... \$50.*

#### Continued Compliance with License Requirements

New Provision 7: (NRS 640C.320; NRS 640C.330)

#### **Amend NAC 640C.093**

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. *Any establishment that receives such a statement must inform the client that a report will be made to the Board and offer to report the incident on the client's behalf. The establishment shall inform the client that the report may include the*

*client's contact information and that any personally identifying information in the report would remain confidential by the Board until otherwise authorized by the client.*

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.

New Provision 8:

**Amend NAC 640C.090 (NRS 640C.320, 640C.330)**

A licensee or a holder of a certificate shall **notify report to** 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 **or arrest** 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 **minor** traffic offense, **as defined in NRS 62A.220 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.

**6. The issuance of any extended order of protection for domestic violence, stalking, or harassment entered against the licensee initiated in this State or any other state or territory or by the Federal Government, or a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.**

***The Executive Director or his or her designee will review all reports made pursuant to this section and initiate an investigation as he or she deems necessary. The licensee may be asked for additional information about an event, and making a report as required by this section does not automatically mean the Board will take disciplinary action against the***

*licensee. Failure to report a qualifying event as required by this provision or failure to participate in the Board's investigation of a report made pursuant to this section is grounds for disciplinary action.*

*All licensees must remain in compliance with the licensing requirements for the duration of their licensing period.*

- a. To ensure compliance with these requirements, the Board may conduct annual inspections or other inspections as needed of the massage, reflexology, or structural integration establishment in which they practice.*

#### Standards of Practice

New Provision 9: (NRS 640C.320)

*A parent or guardian has the right to be present with his or her minor child, in a room in which his or her minor child is receiving massage therapy, reflexology, or structural integration treatment. If the parent or guardian of a minor child, waives his or her right to be present, the massage therapist, reflexologist, or structural integration practitioner shall ensure that a written, signed waiver is obtained from the parent or guardian prior to providing treatment to the minor child. The massage therapy establishment, reflexology establishment, or structural integration establishment shall ensure that the written, signed waiver be maintained in the client's file for a minimum of two years.*

*Minor child has the same meaning as defined in NRS 129.010 or NRS 201.015*

New Provision 10: (NRS 640C.320)

**Amend NAC 640C.230**

1. A room in which massage therapy, ~~reflexology~~ or structural integration 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.

*(e) Have adequate open space on each side of the massage table that allows a person to circumnavigate the table safely.*

2. *A room in which reflexology is practiced must:*

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



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

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

*23. A ~~room—in—which~~ massage therapy **establishment**, reflexology **establishment** or structural integration **establishment** ~~is practiced—must~~ **may** not be used simultaneously for massage therapy, reflexology or structural integration and any domestic *or dwelling* purposes. *Massage therapists, reflexologists, or structural integration practitioners working out of their home must have a separate room for massage therapy, reflexology, or structural integration that is not used for domestic or dwelling purposes.**

*4. State and regional fairs, festivals or exhibits may operate in Nevada wherein therapists may want to offer massage therapy, reflexology or structural integration services and due to the nature of accommodations, only a single room is available. A therapist performing massage therapy, reflexology or structural integration services at one of these fairs, festivals or exhibits is considered to be performing outcall services, and subsection 2 does not apply.*

*5. A room in which massage therapy, reflexology or structural integration is practiced must not contain surveillance equipment. If a computer is present in the massage therapy, structural integration or reflexology treatment room, any camera in the computer must be covered whenever a client is present and monitor screens must not be readily visible to the therapist. Massage therapists, reflexologists, or structural integration practitioners may use tablets to review client notes and for timing purposes, as long as they are not used for surveillance purposes. This provision does not include client-owned devices or devices owned by passers-by in an out-call setting, and does not prohibit surveillance as mandated by the Gaming Control Board.*

*6. A room in which massage therapy, reflexology or structural integration is practiced must not be video- or audio-recorded or be monitored by a live feed.*

*7. No part of this section is meant to inhibit the ability of law enforcement to conduct an investigation.*

[Note: "...a dwelling need not be continuously or permanently occupied to be inhabited..." *Dunham v. State*, 134 Nev. Adv. Op. 68, 426 P. 3d 11, 15 (Nev. 2018).]

New Provision 11: (NRS 640C.320)

**Amend NAC 640C.200**

*Where disinfection and sanitization are impracticable, a barrier must be placed between the client and the surface. "Barrier" includes, but is not limited to, a towel, linen or paper-roll.*

*A barrier is considered an item designed for single service, as referenced in NAC 640C.240 and must be changed between each client.*

New Provision 12: (NRS 640C.510; NRS 640C.320)

*When a licensee requests that his or her inactive license be renewed pursuant to NRS 640C.510, the licensee must submit proof of completion of continuing education requirements for an active licensee during the period the licensee was inactive as proof that the licensee is qualified and competent to practice. Prior to reactivation, the licensee must take and pass the Board's jurisprudence examination. Licensees reactivating their license must complete two continuing education credits in human trafficking during the first license period after reactivation.*

New Provision 13: (NRS 640C.320)

*All massage therapy establishments, reflexology establishments, and structural integration establishments must maintain a list of all licensees practicing at the establishment and any alternate names used by those licensees. The establishment must provide information from this list to the Executive Director or his or her designee upon request. This list must also be made available to a Board inspector during an inspection of the establishment. Any licensees practicing outcall massage must provide their aliases to the Board prior to use on the form provided by the Board. "Alternate names" include, but are not limited to, nicknames and preferred names.*

New Provision 14: (NRS 640C.320)

*1. Except as otherwise provided in subsection 3 and NRS 640C.757, every notice, decision, advisory opinion, declaratory order or other document to be served by the Board will be served by mail or delivery in person at the last known address of the person on record with the Board. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.*

*2. Every document required to be served by a party must be served by mail or delivery in person. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.*

*3. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served thereafter upon the party must be served upon his or her attorney and such service is, for all purposes, valid service upon the party represented.*

New Provision 15: (NRS 640C.320)

*All parties to hearings or other Board proceedings, their counsel and spectators shall conduct themselves in a respectful manner.*

New Provision 16: (NRS 640C.320)

*In addition to the facts mentioned in subsection 5 of NRS 233B.123, the Board may take official notice of regulations, official reports, decisions, orders, standards or records of the Board, of any other regulatory agency of the State of Nevada or any other state or jurisdiction, or of any court of record.*

New Provision 17: (NRS 233B.120)

*1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.*

*2. A petition for a declaratory order or an advisory opinion must be in writing on a form prescribed by the Board.*

New Provision 18: (NRS 233B.120)

*1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.*

*2. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.*

*3. At a meeting at which a petition has been placed on the agenda for discussion, the Board will consider any information relevant to the petition, including, without limitation:*

*(a) Oral or written testimony; and*

*(b) Any other evidence.*

*4. After consideration of the information relevant to the petition, the Board will grant or deny the petition.*

*5. If the Board denies the petition, no further action will be taken.*

New Provision 19: (NRS 233B.120)

*1. If the Board grants a petition pursuant to subsection 4 of New Provision 18, the Board will issue a declaratory order or advisory opinion. The Chair or other presiding officer shall assign one member of the Board to write the declaratory order or advisory opinion. The member so assigned has 30 days within which to submit to the Board the final draft, after reviewing comments by all members of the Board on the issue, researching the issue and seeking the assistance of the Attorney General, if necessary. Upon completing his or her draft of the declaratory order or advisory opinion, the assigned member shall submit it to the Board for final approval at the next regularly*

*scheduled meeting of the Board. The declaratory order or advisory opinion must be approved by a majority of the members of the Board who are present at the meeting.*

*2. After the Board renders its declaratory order or advisory opinion, the Board will give notice of it to the petitioner.*

New Provision 20: (NRS 640C.320)

*A petitioner shall comply with the provisions of a declaratory order or advisory opinion issued by the Board.*

New Provision 21: (NRS 233B.100)

*1. Pursuant to NRS 233B.100, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.*

*2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and must include:*

*(a) The name and address of the petitioner;*

*(b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;*

*(c) The proposed language of the regulation to be adopted, filed, amended or repealed;*

*(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation; and*

*(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.*

*3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.*

*4. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.*

New Provision 22: (NRS 640C.320)

*Pursuant to NRS 622A.360(4), the Board authorizes its Chair to decide prehearing motions listed in NRS 622A.360(2) with the exception of subsection (e). If the Chair is unavailable, this authority is delegated to the Board's Vice Chair. If the Chair, or Vice Chair, as applicable, believes that the motion should be decided by the full Board, the Chair, or Vice Chair, may decline to exercise this authority and a Board meeting shall be scheduled to decide the motion at issue within the required timeframe.*

New Provision 23: (NRS 640C.320)

*Pursuant to NRS 622A.390(4), the Board authorizes its Chair to decide post hearing motions listed in NRS 622A.360(1). If the Chair is unavailable, this authority is delegated to the Board's Vice Chair. If the Chair, or Vice Chair, as applicable, believes that the motion should be decided by the full Board, the Chair, or Vice Chair, may decline to exercise this authority and the motion will be heard within 25 days.*

New Provision 24:

**Amend: NAC 640C.200 (NRS 640C.320)**

1. A massage establishment that provides vapor baths, steam baths or portable saunas must be equipped with adequate shower facilities. *A massage establishment that provides dry saunas is not required to have shower facilities.*

2. A massage therapist 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 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 is cleaned with soap or detergent and hot water and is sanitized before the equipment is used on another client;

(c) All equipment, furniture and fixtures, including, without limitation, tables used for massage, 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., 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 therapy, reflexology or structural integration establishment must be kept free of all insects, rodents or other vermin.*

New Provision 25:

**Amend NAC 640C.260 (NRS 640C.320)**

1. A massage establishment must have an adequate supply of hot and cold running water that is safe and sanitary. *Hot water must be at least 100 degrees.*

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

New Provision 26:

**Amend NAC 640C.270 (NRS 640C.320)**

1. If a bathing facility other than a shower is used in a massage 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. ~~An massage therapist~~ *establishment and/or owner operator* 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 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 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 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, *table shower*, shower, *vichy shower, balneotherapy tub*, 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.

New Provision 27:

### **Amend NAC 640C.350**

Any advertisements for the practice of massage therapy, *reflexology or structural integration* must include the license number of the massage therapist, *reflexologist or structural integration practitioner* to which the advertisement pertains.

*Any advertisements for the practice of massage therapy, reflexology or structural integration must not depict a person licensed as or portraying a massage therapist, reflexologist or structural integrationist in a manner inconsistent with the practice of massage therapy, reflexology or structural integration as defined by NRS Chapter 640C and NAC Chapter 640C. This*

*includes, without limitation, any depiction of sexual activity as interpreted by NAC 640C.400 or failure to comply with proper dress requirements as defined in NAC 640C.350(1).*

*Any advertisements for the practice of massage therapy, reflexology or structural integration must not be published on a platform which promotes sexual or illicit activity.*

New Provision 28:

**Amend NAC 640C.450** (NRS 640C.320, NRS 640C.755)

Violation	First	Second	Third	or
Subsequent				

*Advertising to perform massage therapy, reflexology, or structural integration in a manner inconsistent with the practice in violation of New Provision 28... \$1,000... \$2,500... \$5,000.*

*Practicing reflexology on an undressed client... \$1,000... \$2,500... \$5,000.*

New Provision 29:

**Amend NAC 640C.210** (NRS 640C.320, NRS 640C.330)

1. A lubricant used in the practice of massage therapy, reflexology or structural integration, 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:

(a) Between each client; and

(b) Each time before the massage therapist, reflexologist or structural integration practitioner refills the container.

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

*4. A licensee must ensure there are no contraindications prior to use of any lubricant or topical application on a client.*

New Provision 30:

**Amends NAC 640C.410 (NRS 640C.320, 640C.700)**

1. As used in subsection 9 of NRS 640C.700, the Board interprets ~~the phrase “unethical or unprofessional conduct”~~ *to be conduct that occurs in the course and scope of practice and* includes, without limitation:

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

*(cc) Advertising in a manner inconsistent with NAC 640C.350, as amended by New Provision 28.*

*2. The Board interprets “unethical conduct” to be conduct that occurs outside the course and scope of practice that relates to the licensee’s ability to practice safely and includes, without limitation:*

*(a) Aiding, abetting or assisting any person in performing any acts prohibited by law,*

*(b) Performing any acts prohibited by law.*

~~2.~~ **3.** 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:

New Provision 31:

**Amend NAC 640C.075 (NRS 640C.320, 640C.710)**

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.

***3. Pursuant to NRS 640C.700 and NRS 640C.720, the Board may deny the application of a person who has been charged within the previous 15 years with engaging in or soliciting sexual activity during the course of practicing massage therapy, reflexology, or structural integration on a person even if the charge does not result in a conviction. Pursuant to NRS 640C.700 and NRS 640C.720, the Board may discipline the license of a person who has been charged with engaging in or soliciting sexual activity during the course of practicing massage therapy, reflexology, or structural integration on a person even if the charge does not result in a conviction. For purposes of this regulation, the Board will consider, without limitation, charges for sexual solicitation, pandering, prostitution, or sex trafficking***

New Provision 32:

**Amend NAC 640C.400 (NRS 640C.320, 640C.700)**

As used in subsection 4 of NRS 640C.700, the Board interprets the phrase “sexual activity” to include, without limitation:

***20. Touching a client without consent under his or her underwear or other clothing which the client has elected to wear.***

***21. Photographing and/or publishing photographs in any manner of the genitalia or breasts of a licensee or client.***

New Provision 33: (NRS 640C.320)

***1. The Board will consider petitions for review of criminal history as required by AB 319.***

***2. The Board will require completion of a criminal background check by the Petitioner in conjunction with his or her petition.***

***3. Petitions are deemed submitted after completion of the required background check.***

***4. A petition for review of criminal history must be in writing on a form prescribed by the Board.***

***5. Upon receiving a petition for review of criminal history, the Board will review the petition not later than 90 days after the receipt of the completed petition.***

New Provision 34: (NRS 640C.320; NRS 640C.600)

**Amend NAC 640C.055** (NRS 640C.320, 640C.600)

The Board will recognize a program of reflexology pursuant to paragraph (b) of subsection 3 of 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.

***Notwithstanding NAC 640C.055, the Board recognizes the International Therapies Examination Council (ITEC) diploma program of reflexology.***

New Provision 35: (NRS 640C.320; NRS 640C.500)

**Amend NAC 640C.100**

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~~ **6** succeeding years.

New Provision 36: (NRS 640C.320; NRS 640C.,500)

**Amend NAC 640C.115**

1. 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~~ 6 succeeding years.

New Provision 37: (NRS 640C.320)

**Amend NAC 640C.360**

3. A massage therapist, *reflexologist, or structural integration practitioner* shall have sufficient knowledge of communicable diseases to protect the clients of the massage therapist, *reflexologist, or structural integration practitioner* from the transmission of such a disease while engaging in massage therapy, *reflexology, or structural integration*.