

**STATE OF NEVADA
BOARD OF MASSAGE THERAPY**

**INFORMATIONAL STATEMENT
LCB File No. R128-20**

The following informational statement is provided pursuant to NRS 233B.066

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

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C, regarding strengthening and enhancing the regulations governing massage therapy, reflexology, and structural integration and ensuring implementation of changes as a result of the 2019 80th Session of the Nevada State Legislature.

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

Public comment was solicited by public notice and by email when the Board submitted the proposed changes to the licensing community and other potentially affected parties to survey their thoughts regarding the proposed revisions. The Board also noticed and conducted a public workshop and then noticed and conducted a public hearing on this matter. Public comment was supportive of the regulation with some public comment requesting changes to the regulation regarding the examination. The Board discussed these requested changes, and ultimately determined to revise the regulation to allow for the Board’s administration of the examination or the Federation of State Massage Therapy Boards and reduced the fee charged for the examination from \$50 to \$40.

Interested persons may review a copy of the summary of the public response by contacting Sandra Anderson, Executive Director for the Board, at sjanderson@lmt.nv.gov or 775-687-9951.

(c) The number of persons who:

(1) Attended each hearing: 31 individuals attended three workshops, 1 individual attended the hearing

(2) Testified at each hearing: 31 individuals testified at the workshop, no one testified at the hearing

(3) Submitted to the agency written statements: Two individuals submitted written comments for the hearing.

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

Monica (no last name provided): rugbywalker@aol.com

Rachel Ragan: jrlragan@icloud.com

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

Public comment was solicited by public notice and by email when the Board submitted the proposed changes to the licensing community and other potentially affected parties to survey their thoughts regarding the proposed revisions. The Board also noticed and conducted a public workshop and then noticed and conducted a public hearing on this matter. Public comment was supportive of the regulation with some public comment

Interested persons may review a copy of the summary of the public response by contacting Sandra Anderson, Executive Director for the Board, at sjanderson@lmt.nv.gov or 775-687-9951.

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

The regulation was adopted with minor changes. The Board added the Federation of State Massage Therapy Boards as an entity that could administer the examination and reduced the amount charged for the examination from \$50 to \$40.

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

(1) Both adverse and beneficial effects:

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates nor on the public.

Beneficial effects: The Board has defined the term “substantially equivalent” to better allow for educational programs from other states that do not meet the Board’s specific guidelines to be accepted when processing applications by endorsement from other jurisdictions. Additionally, the Board has provided the regulations for implementation of AB 319 and the fee associated with the review.

(2) Both immediate and long-term effects:

Immediate effects: Working with the Office of the Attorney General the Board added additional regulations to incorporate language recommended by the Senior Deputy Attorney General assigned to the Board.

Long-term effects: The Board continues to work with local law enforcement to address the illicit activity in both Clark and Washoe counties. The regulations assist the Board and law enforcement when addressing illicit locations.

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

The Board is currently absorbing the costs for items in this regulation and does not anticipate any additional costs in implementing the regulation.

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

There are no other state or government agencies that overlap this regulation.

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

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


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

The regulation increases the fees for paper applications to help cover additional processing and mailing costs. The fee for online applications remains \$100 while the fee for paper applications will be increased to \$130. Additionally, the online license renewal fee will remain \$295, while the fee for paper renewals will increase to \$325. The Board anticipates that approximately 10% of licensees will continue to use the paper renewal process resulting in \$15,000 in additional revenue per biennium.

The reissuance of a certificate for a massage establishment, reflexology establishment, or structural integration establishment is proposed to be \$25. The Board does not anticipate very many businesses will request reissuance; therefore, the revenue for this item is negligible.

A petition submitted to the board for review of criminal history will be \$50. This fee covers processing the background investigation and verifying the current criminal history of the applicant. The Board has between four (4) to six (6) reviews per year with an anticipated increase in revenue of \$200 to \$300.

The regulation proposes a fee increase of \$40 for taking the jurisprudence exam. The Board will not experience any revenue from this fee increase. The cost for the exam will be paid directly to the exam vendor.


Sandra Anderson, Executive Director
Nevada State Board of Massage Therapy