

**Form For Filing  
Administrative Regulations**

Agency: Board of Massage Therapy

FOR EMERGENCY  
REGULATIONS ONLY

Effective date \_\_\_\_\_

Expiration date \_\_\_\_\_

\_\_\_\_\_  
Governor's signature

Classification:    **PROPOSED**      **ADOPTED BY AGENCY**        **EMERGENCY**

**Brief description of action:**

The Board held a public hearing on January 8, 2025, wherein the Board adopted a temporary regulation which revises the provisions governing draping of clients.

**Authority citation other than 233B:** NRS 640C.320

**Notice date:** December 4, 2024

**Date of Adoption by Agency:** January 8, 2025

**Hearing date:** January 8, 2025

**Section 1.** NAC 640C.340 is hereby amended to read as follows:

NAC 640C.340 ~~[A]~~ *1. Except as otherwise provided in subsection (2), a* massage therapist shall drape a client, including, without limitation, a client who has signed a written consent form pursuant to paragraph (c) of subsection 4 of NRS 640C.700, by covering the client with a towel, sheet, blanket, linen or other covering in such a manner that:

~~[1]~~ *(a)* The client's genitals, gluteal cleft and breasts are not exposed; and

~~[2]~~ *(b)* Neither the massage nor the movement of the body expose the client's genitals, or gluteal cleft or breasts.

*2. The breast of a client, which may not be exposed without first having obtained prior written consent on a form prescribed by the Board, may be treated under the following circumstances:*

*(a) The massage of the breasts is for therapeutic or medical purposes including, without limitation, the reduction of scar tissue following a surgery on the breast, release of myofascial binding, or improving lymphatic flow;*

*(b) The massage therapist or structural integration practitioner has received at least 48 hours of continuing education credits in person in any of the following:*

*(1) Breast anatomy and physiology;*

*(2) Pathology, indications, and contraindications;*

*(3) Therapeutic treatment of the breast;*

*(4) Client safety related to breast massage;*

*(5) Lymphatic massage, which must include education of lymphatic massage of the breast;*

*(6) Myofascial release massage, which must include education of myofascial release massage of the breast; or*

*(7) Oncology massage;*

*(c) There is a written request from the client, a valid prescription is presented, or there is a referral from a qualified medical professional;*

*(d) The massage therapist or structural integration practitioner conducts a consultation with the client not less than 24 hours before performing the massage which must include, a written description and explanation of the massage; and*

*(e) The massage therapist or structural integration practitioner obtains verbal permission from the client before uncovering the breast.*

*3. The Board shall revoke the license of a massage therapist or structural integration practitioner for a period of 3 years who the Board determines has violated the requirements set forth in subsection 2.*

*4. As used in this section “qualified medical professional” means:*

*(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;*

*(b) A physician assistant;*

*(c) An advanced practice registered nurse licensed pursuant to chapter 632 of NRS;*

*(d) A physical therapist licensed pursuant to chapter 640 of NRS;*

*(e) An occupational therapist licensed pursuant to chapter 640A of NRS;*

*(f) A psychologist licensed pursuant to chapter 641 of NRS;*

*(g) A chiropractic physician licensed pursuant to chapter 634 of NRS;*

*(h) An athletic trainer licensed pursuant to chapter 640B of NRS; and*

*(i) A doctor of Oriental medicine licensed pursuant to chapter 634A of NRS.*

**STATE OF NEVADA  
BOARD OF MASSAGE THERAPY**

**INFORMATIONAL STATEMENT  
Temporary Regulation**

**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 draping of clients and allowing clients to be undraped when the licensee is performing a breast massage if the licensee has prior written consent of the client.

**(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 conducting a public workshop and then noticed and conducted a public hearing on this matter.

Public comment was supportive of the regulation because of a prior change in the regulation that required all clients to be draped. Public comment was heard that certain techniques used for certain types of clients require the breast to be undraped. The Board discussed ways to ensure the clients were protected to ensure draping was the standard, but a breast could be undraped in certain circumstances.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at [ebarnard@lmt.nv.gov](mailto:ebarnard@lmt.nv.gov) or 775-687-9951.

**(c) The number of persons who:**

- (1) Attended each hearing: 47**
- (2) Testified at each hearing: 3**
- (3) Submitted to the agency written statements: 0**

**(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.**

People who testified:

Sally Spurgeon: [sally@therapie.lv.com](mailto:sally@therapie.lv.com)

Alan Kite-Swinden (Board Member): [akite@canyonranch.com](mailto:akite@canyonranch.com)

Stephanie Tsanas (Board Member): [stephanierfxnvmsbd@gmail.com](mailto:stephanierfxnvmsbd@gmail.com)

Written comments received from:

None

**(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.**

Licensees impacted by a prior adopted regulation reached out to the Board regarding their concern that the regulation prohibited them from engaging in certain techniques. The Board held a public workshop to gather more information on the issue and moved forward with a temporary regulation and held a subsequent workshop and a public hearing on this matter.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at [ebarnard@lmt.nv.gov](mailto:ebarnard@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 no changes.

**(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 set forth clear guidelines for how an undraped breast massage can occur.

**(2) Both immediate and long-term effects:**

Immediate effects: The regulation will strengthen and Board's oversight of the massage therapy, reflexology, and structural integration industry.

Long-term effects: The regulation will allow the licensees engaged in certain techniques to continue to practice those techniques in a safe manner.

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

There are no costs to the Board for implementation of this 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.**

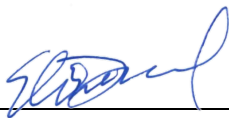
There are no other state or government agencies that overlap this regulation. This regulation does not overlap or duplicate a federal regulation.

**(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.**

This regulation does not impose a fee.



Elisabeth Barnard, Executive Director  
Nevada State Board of Massage Therapy