

# Small Business Impact Statement

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C.

The Board made a concerted effort to determine whether the regulation is likely to “[i]mpose a direct and significant economic burden upon a small business” or “[d]irectly restrict the formation, operation or expansion of a small business.” NRS 233B.0608(1). The Board concluded the regulation would not cause these negative impacts or effects, after consultation with the licensing community and other potentially affected parties, professional associations for massage, reflexology and structural integration and internal staff. While the Board determined that no Small Business Impact Statement (SBIS) was required, the Board is submitting the following information to reflect how it might respond if a SBIS was required.

RE: NRS 233B.0609 Proposed permanent or temporary regulation: Contents of small business impact statement; person responsible for agency to sign impact statement.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which 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, and professional associations for massage, reflexology and structural integration to survey their thoughts regarding the proposed revisions. The Board then received comments and consulted with the parties regarding their comments. The Board also noticed and will conduct a public workshop.

The public response was, in summary, favorable to the changes proposed by the Board. The Executive Director worked with stakeholders to ensure the changes facilitated the Board’s function to protect the health, safety and welfare of the public while meeting the needs of small businesses.

All the questions posed to the Executive Director were answered. In many cases the stakeholders expressed gratitude to the Board for addressing the needs of the industry as well as public. This balance was and continues to be very important to the Board.

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

2. The manner in which the analysis was conducted.

The manner in which the analysis was conducted was through reviewing and discussing the comments of various stakeholders affected by the proposed changes with staff and the Board during a public workshop, Board staff, and the Board’s attorney.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates or on the public.

Beneficial effects: The proposed changes may prove beneficial to stakeholders by allowing for easier compliance with regulatory requirements. Additionally, the Board's intention in addressing these changes is to assist the industry with maintaining consistent standards.

(2) Both direct and indirect effects.

Direct effects: The Board addressed the changes proposed in response to Executive Order 2023-003. Additional changes to assist with clearer implementation of legislative intent and address concerns from the industry were implemented.

Indirect effects: Proposed changes assist Nevada programs of instruction in Massage Therapy in continuing to offer quality education despite funding changes from the United State Department of Education by raising the minimum standard of education to that which is being offered in the State.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

There is no fiscal impact to the lawful licensees practicing within the state. The Board continues to provide education and information to licensees to ensure compliance and works with licensees during the inspection process to provide for the health, safety, and welfare of the public.

5. The estimated cost to the agency for enforcement of the proposed regulation.

No cost is expected due to the implementation of these regulations.

6. If the proposed 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 proposed regulations do not include any new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses are the result of communications with those most likely to be affected by the changes as well as others which have expertise in the matter. The Board Executive Director has communicated and researched this matter with affected stakeholders, with the Board's attorney, and with staff.

As the Executive Director who is responsible for the Board I certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sincerely,  
Nevada Board of Massage Therapy

A handwritten signature in blue ink, appearing to read 'Elisabeth Barnard', written in a cursive style.

Elisabeth Barnard  
Executive Director  
Nevada Board of Massage Therapy