

Chapter 640C of NAC

LCB File No. T005-06

**ADOPTED TEMPORARY REGULATION OF THE
BOARD OF MASSAGE THERAPISTS**

Filed with the Secretary of State on July 26, 2007

SANITATION, FACILITY AND BUILDING REQUIREMENTS

Equipment: Sanitation Rules

Cabinet, vapor, or steam baths and Saunas;

- 1) All establishments giving cabinet, vapor, or steam baths shall be equipped with adequate shower facilities.*
- 2) All cabinets, showers, tubs, basins, massage or steam tables, combs, brushes, shower caps, and all other equipment used shall be cleansed and shall be rendered free from harmful organisms by the application of a bactericidal agent.*
- 3) Equipment being exposed to the client must be cleansed with soap or detergent and hot water and must be sanitized prior to use on each individual client.*
- 4) All equipment, furniture, and fixtures shall be clean and well maintained.*
- 5) All electrical equipment used for client's care must be clean and well maintained and approved by a nationally recognized testing laboratory such as UL approved.*
- 6) All hydrotherapy equipment must be cleaned after each use and must be well maintained. All equipment must be used in a manner as prescribed by the manufacturer.*

Communicable Disease Control

- 1) All licensed massage therapists are required to have knowledge of communicable diseases for the protection of clients and the massage therapists.*
- 2) Any massage therapist or massage business owner or manager who has reason to suspect that any employee or client may have a communicable disease should suggest that the individual have an examination by his/her licensed health care provider. A written statement from a licensed health care provider verifying that the licensed massage therapist is in compliance with the communicable disease guidelines is required prior to resumption of massage practice by that particular licensed massage therapist.*
- 3) Licensed Massage Therapists are required to follow the communicable disease guidelines as adopted by the Board.*
- 4) A therapist or anyone dealing with any blood born pathogen or bodily fluids will practice Universal Blood Spill Procedures....see OSHA also.*

Massage Lubricants, Dispensers and Storage

- 1) Massage lubricants include but are not limited to the following: oils, soaps, alcohol, powders, lotions, shampoos and salts.*
- 2) Massage lubricants must be dispensed from suitable containers to prevent contamination and those containers must be cleaned and sanitized before each refill.*
- 3) Massage lubricants shall be stored to prevent contamination.*
- 4) Massage lubricants shall be stored separately from cleaning supplies.*
- 5) Massage lubricants must be stored as to preserve their integrity.*
- 6) Spa treatments, supplies, muds and body wraps may be used, so long as appropriate sanitary precautions are considered.*

Doors and Windows

- 1) Doors and windows opening to the outside air shall be tight fitting with the ability to exclude flies, insects, rodents, or other vermin.*
- 2) The massage therapy area shall provide client privacy.*
- 3) No room may be used simultaneously for massage and any domestic purposes.*

Walls and Ceilings

Walls and ceilings must be kept clean and well maintained.

Floors

- 1) Floors must be kept clean and well maintained.*
- 2) Floors in toilet rooms shall be made of an impervious material that is non-porous or non-absorbent.*

Furniture

- 1) Therapy related furniture and implements must be kept clean and well maintained.*
- 2) Massage tables shall be clean and well maintained.*

Ventilation and Lighting of Massage Rooms

All rooms in which massage is practiced shall:

- 1) Have the capability of heating and maintaining room air to a temperature of 75 degrees Fahrenheit at a point 24 inches above the floor.*
- 2) Have sufficient ventilation and circulation to prevent objectionable odors.*
- 3) Have lighting fixtures capable of providing a minimum of five (5) foot-candles of light at floor level and shall be used during cleaning operation.*

Linens

- 1) The use of soiled linens is prohibited.*
- 2) All single-service materials and clean linens shall be stored on a raised shelf or compartment, or may be stored in a cabinet or sealed container on the floor.*
- 3) All single-service materials and linens (such as sheets, towels, gowns, pillowcases) used in the practice of massage shall be furnished clean and fresh for the use of each individual patron.*
- 4) All soiled linens must be deposited immediately in a receptacle that is marked or clearly defined for the use of soiled linens.*

5) All soiled linens must be washed and sanitized prior to each use.

Outer garments

All licensees must wear clean opaque clothing and practice high standards of personal hygiene.

Cleansing of hands

Every Licensee must thoroughly wash his/her hands with soap and water or an approved alcohol liquid before and after serving each client and after each use of the restroom.

Water Supply

All establishments must have an adequate supply of hot and cold running water that is safe and sanitary.

Plumbing

All interior water distribution piping must be installed and maintained in conformance with the local Plumbing Code.

External Baths

External baths are defined as, but not limited to, spa pools, showers, tub baths, saunas and steam baths.

1) Spa pool means any pool of water designed primarily to direct water or air-enriched water under pressure onto the bather's body with the intent of producing relaxing or therapeutic effects.

2) Showers mean baths where the bather's body is sprayed with stream of water from small jets.

3) Tub baths mean where the bather's body is dipped or soaked in a body of water.

4) Sauna means the application of dry heat and/or water vapor.

5) Steam bath means the application of water vapor.

6) All spa pools and tub baths which are intended for recreational bathing shall be licensed and operated in accordance with the Nevada State Health Division rules and regulations for Public Swimming Pools and Bathhouses.

7) External baths where used shall:

a) Be separated by a non-porous, non absorbent floor.

b) Have floors, which are slip-resistant, easily cleaned and coved to a height of four inches (10 cm);

c) Have interior walls and ceiling finishes which are easily cleaned and impervious to water;

d) Where rubber or impervious mats are used, have such mats cleaned, sanitized and dried between usage;

e) An effective watertight joint between wall and floor must be maintained;

f) Where resilient artificial recreational surfaces are used, they shall comply with the National Sanitation Foundation Standard #39 or its equivalent, and be vacuumed with a wet vacuum frequently, to keep them clean and free from accumulated moisture.

8) Showers where used shall:

- a) *Have compartments, which are impervious to water to a height of six (6) feet (1.83m) above the floor;*
 - b) *Have shower stall floors that are furnished with non-slip impervious surface;*
 - c) *Where glass bath or shower doors are used, the doors shall be made of tempered glass or Plexiglas*
- 9) *External baths, equipment and rooms must be kept in good operating condition.*

Sewage Disposal

All sewage and liquid waste shall be disposed of in a Municipal Sewage System where such facilities are available. If a Municipal Sewage System is not available, sewage and liquid waste shall be collected, treated and disposed of in compliance with the rules and regulations of the Department of Environmental Quality governing subsurface sewage disposal.

Garbage and Refuse Disposal

- 1) *Garbage and refuse containers shall be easy to clean and well maintained.*
- 2) *Garbage and refuse shall be disposed of in a sanitary manner.*

Toilets and Lavatory Facilities

- 1) *Every massage business must be provided with a sanitary toilet.*
- 2) *Lavatories with adequate supply of hot and cold water under pressure shall be conveniently located for use by the employees and patrons.*
- 3) *Toilet room doors shall be capable of being fully closed and locked from the inside and the rooms must be kept in a sanitary condition, in good repair, and free from flies, insects, and vermin.*
- 4) *A supply of soap in a covered dispenser and single-use sanitary towels in a dispenser must be provided at each lavatory installation with waste receptacle for proper disposal. A supply of toilet paper on a dispenser shall be available for each toilet installation.*

Housekeeping

The premises of all massage businesses shall be kept clean and free of litter or rubbish. The massage business must be maintained in a neat and orderly manner.

Continuing Education: Generally.

1. *Except as otherwise provided in subsection 3, a massage therapist shall complete, to the satisfaction of the board, at least 12 hours of continuing education within the year immediately preceding his request for renewal of his license.*
2. *If the licensee participates in more than 12 hours of continuing education in one year, he may request that the board carry over a maximum of 36 hours to apply towards completion of his requirement for continuing education for the following 3 years. Proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license in the year in which the credit is earned.*
3. *A licensee who seeks a reduction of the number of hours of continuing education required, an extension of time to obtain continuing education or a waiver, must*

petition the board to grant his request at least 30 days before the date on which his license must be renewed.

4. If the board finds indications of fraud or falsification of records investigation of action shall be instituted. Findings may result in disciplinary action pursuant to 640C.710.

5. Failure to complete education hours by the time of renewal may result in denial of a license. Licensee has 30 days from date of notification of non-compliance to come in compliance. Failure to be in compliance may result in disciplinary action pursuant to 640C.710.

Continuing Education: Approval of credit

1. The board may approve credit for continuing education as follows:

- a. One hour of credit will be approved for each hour spent attending a workshop, course, conference or seminar;*
 - b. One hour of credit will be approved for each hour spent preparing and giving a presentation at a workshop, course, conference or seminar to a maximum of 12 continuing education hours per course.*
 - c. The amount of credit for authoring a publication will be determined upon receipt and evaluation by the board of the information required to be submitted*
- 2. The Board will consider the written request of a licensee that it approve credit for any continuing education that is not specified in subsection 1 if the request is submitted to the board at least 30 days before the license of the licensee expires.*

Continuing education: Approval of credit for attending or giving presentation.

1) The following is approved by the board

- a) Continuing education taught by associations, corporations, or organizations:
 - i) Accredited by the National Commission for Certifying Agencies, or an equivalent organization*
 - ii) Authorized as a provider by the National Certification Board for Therapeutic Massage and Bodywork**
 - b) Continuing education sponsored by a massage therapy school or bodywork therapy school that is:
 - i) Affiliated with a community college located in the state of Nevada, or*
 - ii) Approved by the Nevada State Commission on Postsecondary Education**
 - c) Continuing education offered by a regionally accredited post-secondary education entity in a state other than Nevada*
 - d) Continuing education offered by an institution approved by a post secondary educational entity in a state other than Nevada*
 - e) Continuing education by a provider who has submitted and received approval on those classes as submitted per the application for continuing education provider to include at least 2 years experience as a licensed massage therapist or in a related field of practice*
- 2) To obtain approval for a course in continuing education that is not recognized by any of the above: A licensee may request approval of credit for continuing education from the board before attending or giving a presentation at a program of continuing*

education. The request must be accompanied by the applicable information and documentation as listed below.

3) The board will inform a licensee of the approval or denial of credit within 30 days after the next meeting of the board following the receipt of the request.

Continuing education: Information required obtaining credit.

1. To obtain credit for attending a program of continuing education, a licensee must submit to the board:

- a. The name of the sponsor of the program;*
- b. The title of the presentation;*
- c. The number of hours awarded by the sponsor of the program for completion of the program;*
- d. A copy of the signed certificate of completion*
- e. Biographical information regarding the instructor of the program;*
- f. The inclusive dates and location of attendance; and*
- g. A brief summary of the information he learned and how he will use that information in his practice.*

2. To obtain credit for giving a presentation at a program of continuing education, a licensee must submit to the board:

- a. The title of the presentation;*
- b. The name of the sponsor of the presentation;*
- c. The location of the presentation;*
- d. The number of hours of the presentation;*
- e. The source for the information conveyed in the presentation;*
- f. The inclusive dates of the presentation;*
- g. A list of all the persons who attended the presentation; and*
- h. A brief summary of the presentation and the information that a person who attended the presentation was expected to learn.*

3. To obtain credit for authoring a publication, the licensee must submit to the Board:

- a. A copy of the published material; and*
- b. The title, publisher and date of publication of the published material.*

4. If the credit is for a course of study, training or performing an educational activity which is not specified:

- a. A description of the subject matter studied, the training received or the educational activity performed;*
- b. A schedule of the time spent studying, training or performing; and*
- c. A brief summary of the manner in which the course or activity relates to massage therapy.*

1. examples of education activity that may be approved are;

- 1. Telecommunication or online courses, (attach copy of transcript, certificate or proof of completion including provider contact information)*
- 2. self study based on media, book, periodical, audio cassette, vhs/dvd...attach a one page report on what you learned include title author and publisher information*
- 3. serve as a Board/committee member, examiner or attend a board meeting...attach list of days worked/attended...limit one continuing education per day*

REQUIREMENTS FOR PRACTICAL, ORAL OR WRITTEN EXAMINATION TO QUALIFY FOR A STATE MASSAGE LICENSE

Requirements for any practical, oral or written examination including a passing grade for examination(s).

- 1. The Board may require a practical examination to be administered by Board members or Board appointed designee.*
- 2. The Board may allow the schools to administer the practical examination. The Board would audit the schools procedures on administering the examination and license the schools to perform this service.*
- 3. Written examination is to be administered by the National Certification Board for Massage and Bodywork or a testing agency that is authorized by the National Organization of Competency Assurance or National Commission for Certifying Agencies*
- 4. Either the NCETM (National Certification Examination for Therapeutic Massage) the NCETMB (National Certification Examination for Therapeutic Massage and Bodyworkers) or the NESL (National Examination for State Licensure) test may be taken and a passing score shall be required.*
- 5. The Board may waive the requirements for a practical, written or oral examination if the applicant shows they have taken the NCETMB the NCETM, or the NESL examination in another state and holds a valid massage license in that state where the licensing requirements are equivalent or more stringent than Nevada.*
- 6. The Board may administer a written examination on state and local laws and rules and regulations of the State Board of Massage Therapists and/or other regulatory agencies.*

Investigation process:

Establish the period within which the board or its designee must report the results of the investigation of an applicant

The Board or its designee will report the results of an investigation where practicable, at its next scheduled Board Meeting subsequent to receiving all necessary background information of an applicant.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T005-06

The Board of Massage Therapists adopted temporary regulations assigned LCB File No. T005-06 which pertain to chapter 640C of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. The Need for and the purpose of the proposed regulation is to create regulations per NRS 640C.300.(6)
2. There are no economic effects of the regulation on the business that this is to regulation or on the public.
3. The small business impact was solicited by workshop meetings on December 26, 2006 and February 16, 2007.
4. There is no cost to the agency for enforcement of the proposed regulation at this time.
5. The local agencies that the proposed regulations overlap are as follows:

All local jurisdictions are rewriting codes to accommodate our administrative code.