

**PROPOSED REGULATION OF THE  
BOARD OF MASSAGE THERAPISTS**

**LCB File No. R032-11**

August 22, 2011

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-3 and 5-8, NRS 640C.320; §4, NRS 239B.010 and 640C.320.

A REGULATION relating to massage therapy; ascribing responsibility for the operation of a massage establishment; requiring certain massage establishments to designate a managing massage therapist; establishing requirements for the restoration of a license to practice massage therapy; establishing requirements for the transfer of credits between programs of massage therapy; establishing requirements for the recognition by the Board of Massage Therapists of programs of massage therapy; revising sanitary requirements for massage establishments; revising the Board’s interpretation of the phrase “unethical or unprofessional conduct” for purposes of disciplinary action; and providing other matters properly relating thereto.

**Section 1.** Chapter 640C of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *If a massage establishment is wholly owned, controlled and operated by one or more massage therapists, each massage therapist who owns, controls and operates the massage establishment:*

*1. Shall ensure that the massage establishment is operated in compliance with this chapter and chapter 640C of NRS and all other applicable state and local statutes, regulations and ordinances relating to the operation of a massage establishment; and*

*2. Is responsible for the acts of all massage therapists at the massage establishment.*

**Sec. 3.** *1. If a massage establishment is partly owned, controlled and operated by one or more persons who are not massage therapists, the massage establishment must have one or*

*more massage therapists who are designated as managing massage therapists for the massage establishment. Each managing massage therapist must be a natural person who works at the massage establishment on a regular basis as either an employee or an independent contractor.*

*2. Each managing massage therapist:*

*(a) Shall ensure that the massage establishment is operated in compliance with this chapter and chapter 640C of NRS and all other applicable state and local statutes, regulations and ordinances relating to the operation of a massage establishment; and*

*(b) Is responsible for the acts of all massage therapists at the massage establishment.*

*3. A massage establishment shall notify the staff of the Board on a form provided by the Board of:*

*(a) The name and license number of each of its managing massage therapists;*

*(b) The removal of the designation of any of its managing massage therapists within 3 business days after the removal of the designation; and*

*(c) The designation of any new managing massage therapist within 3 business days after the designation.*

*4. A massage establishment shall not operate for more than 10 business days without at least one managing massage therapist. The Board may require all massage therapists at a massage establishment that operates without a managing massage therapist to cease and desist providing massage therapy at the massage establishment.*

**Sec. 4. 1.** *A person who wishes to apply for the restoration of his or her expired license pursuant to the requirements of subsection 2 of NRS 640C.500 must submit to the Board an application for the restoration of the license on a form provided by the Board. If the license expired more than 60 days before the date on which the application is submitted to the*

*Board, the application must include a complete set of fingerprints of the applicant 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. The license will not be restored until the report from the Federal Bureau of Investigation is received by the Board.*

*2. If the report from the Federal Bureau of Investigation contains information regarding any arrest or conviction of the applicant that is not set forth in an existing report in the applicant's file, the Board may require the applicant to appear at the next regularly scheduled meeting of the Board to determine whether the restoration of his or her license is in the best interests of the health, safety and welfare of the clients of the massage therapist in this State. If the Board determines that the restoration of the license is in the best interests of the health, safety and welfare of the clients of the applicant in this State and that the applicant has satisfied the requirements of subsection 2 of NRS 640C.500, the Board will restore the license. If the Board determines that the restoration of the license is not in the best interests of the health, safety and welfare of the clients of the applicant in this State, the Board will permanently revoke the license.*

**Sec. 5. 1.** *A program of massage therapy shall not grant to a student transfer credit from another program of massage therapy unless the following requirements are satisfied:*

*(a) The program from which the credit is being transferred must be licensed or approved by the educational licensing authority in the state in which it operates, or be exempt from licensure by statute;*

*(b) The program from which the credit is being transferred must provide an official transcript that lists each course completed by the student;*

*(c) Each course for which credit is granted must be substantially similar in content and intensity to a course presently offered by the program granting the credit; and*

*(d) Documentation of previous training must be included in the student's permanent file.*

*2. If a program of massage therapy grants a student transfer credit pursuant to subsection 1, the program to which the credit is being transferred shall, upon the completion of the program, provide the student with a certificate of completion.*

**Sec. 6.** Section 5 of LCB File No. 009-07 is hereby amended to read as follows:

~~Sec. 5. 1. If an applicant for a license to practice massage therapy who otherwise satisfies the requirements of NRS 640C.400 or 640C.420, wishes the Board to recognize a program of massage therapy other than a program listed in paragraph (a) or (b) of subsection 4 of NRS 640C.400, the applicant must submit to the Board a detailed outline of the training of the applicant that includes, without limitation:~~

~~—(a) A list of the instructors of the training;~~

~~—(b) Any texts used as study guides for the training; and~~

~~—(c) Certificates of completion for the training which evidence that the applicant has satisfied the number of training hours required by the Commission on Postsecondary Education for a program of massage therapy.~~

~~—2.]~~ *The Board may recognize a program of massage therapy pursuant to NRS 640C.400 if the program satisfies the following requirements:*

*(a) The program must be intended to teach adults the skills and knowledge necessary for the professional practice of massage therapy and bodywork therapy.*

*(b) The program must consist of a series of courses which are organized in a logical sequence and which are consistent with the educational objectives of the program.*

*(c) Class material must not be presented unless students have the necessary skills and knowledge to utilize that material safely and effectively.*

*(d) Course requirements and competencies must be consistent from instructor to instructor and, to ensure such consistency, teaching materials, including detailed lesson plans, must be developed and maintained for each course.*

*(e) The teaching methods used in a course must be appropriate to the content of the course and to diverse learning styles.*

*(f) The program must be:*

*(1) Organized as a proprietary school that is privately owned and operated by a sole proprietor, partnership, corporation, association or other private entity: or*

*(2) Operated by a publicly or privately owned post-secondary college or university.*

*(g) The program must be taught in English and consist of not less than 500 hours of instruction that satisfy the following requirements:*

*(1) Not less than 200 hours of instruction must be provided in the fundamental theory and practice of massage therapy and bodywork therapy, as follows:*

*(I) Not less than 100 hours of instruction must be provided in the application of hands-on methods; and*

*(II) Any remaining hours of instruction must be provided in client assessment skills, indications and contraindications for treatment, body mechanics, draping procedures, standard practices for hygiene and control of infectious diseases, and the history of massage therapy and bodywork therapy;*

*(2) Not less than 100 hours of instruction must be provided in anatomy and physiology, which must include, without limitation:*

*(I) The structure of the human body;*

*(II) The study of cells, tissues, bones, muscles, organ systems, histology, embryology and kinesiology; and*

*(III) Common pathologies;*

*(3) Not less than 15 hours of instruction must be provided in professional ethics, which must include, without limitation:*

*(I) The rules for the practice of massage therapy and bodywork therapy;*

*(II) Scope of practice issues; and*

*(III) Sanitization;*

*(4) Not less than 15 hours of instruction must be provided in business practices relating to massage therapy and bodywork therapy;*

*(5) Not less than 20 hours of instruction must be provided in the dynamics of the relationship between the massage therapist and the client, communication skills and boundary functions; and*

*(6) Not less than 150 hours of instruction must be provided in other subjects, excluding first aid and cardiopulmonary resuscitation, relating to the practice of massage therapy and bodywork therapy, which may include, without limitation:*

*(I) Additional hands-on techniques;*

*(II) Specific applications;*

*(III) Spa massage;*

*(IV) Clinical massage;*

*(V) Adjunctive modalities; and*

*(VI) Movement education.*

*↳ If the program includes a student clinic or an internship, an externship or a fieldwork experiential component, up to 100 hours of the instruction earned in those activities may be applied toward the requirement of this subparagraph if the work performed in those activities was supervised and evaluated by an instructor.*

*2. A program of massage therapy or one of its graduates who has filed an application for licensure with the Board may provide to the Board evidence that the program satisfies the requirements of subsection 1. The evidence provided to the Board must include:*

*(a) A set of educational objectives which describe the intended skills, knowledge and professional attitudes that the program is designed to teach;*

*(b) A course curriculum that sets forth the basic content of each class in the course and the sequence in which the classes are presented; and*

*(c) A syllabus for each class, which must include, without limitation:*

*(1) The title of the class;*

*(2) A description of the class;*

*(3) The educational objectives of the class;*

*(4) The total number of hours of instruction;*

*(5) The meeting dates and class times;*

*(6) Assignments;*

*(7) Textbooks;*

*(8) Evaluation methods;*

*(9) Dates for examinations and quizzes; and*

*(10) Performance standards.*

*3. Each program of massage therapy consisting of 500 hours of instruction or more will be considered by the Board as a separate program.*

*4. A program of massage therapy must consist of not more than 8 hours of instruction per day of which there must not be more than 2 consecutive hours of instruction without at least one 10-minute break and not more than 4 consecutive hours of instruction without at least one 30-minute break. For a student to receive credit for a course, the program must require students to attend at least 500 hours of instruction or not less than 85 percent of the total hours of instruction, whichever is greater, and to make up all missed hours of instruction according to the procedures established by the program. The program must, for each student who graduates from the program, provide documentation of the dates on which the student began and completed his or her studies and the attendance record of the student.*

*5. A program of massage therapy must provide sufficient learning resources to students and instructional staff to support the educational objectives of the program, including, without limitation:*

*(a) Books, periodicals and other informational materials relating to massage therapy and bodywork therapy which are provided:*

*(1) In a library or resource center;*

*(2) In an electronic format; or*

*(3) Pursuant to a contractual agreement with another facility to provide access to such materials; and*

*(b) Other resources, such as charts, models or videotapes, which must be maintained in good condition.*



↪ *The program shall, upon request, provide to the Board a list of the learning resources available to students and instructional staff pursuant to this subsection.*

*6. All documents submitted to the Board pursuant to this section must be in English or be translated into English by a translator approved by the Board. The cost of all translation services must be paid by the applicant.*

*7. For a post-secondary institution, courses which fulfill the minimum requirements set forth in subsection 1 must relate to the program of massage therapy in massage therapy and bodywork therapy. Courses in addition to the minimum requirements may include courses from other departments or programs which are directly relevant to the practice of massage therapy and bodywork therapy.*

*8. Where practicable, a request for recognition of a program of massage therapy made pursuant to this section will be considered by the Board at the next regularly scheduled meeting of the Board immediately following the receipt of the request.*

*9. The Board will publish in written form and on an Internet website maintained by the Board:*

*(a) A list of all programs of massage therapy that it has recognized pursuant to this section; and*

*(b) A list of all programs of massage therapy that it has declined to recognize pursuant to this section.*

*10. The Board may decline to recognize a program of massage therapy or may remove its recognition of a program of massage therapy if the program:*

*(a) Is not accredited or approved by the agency that accredits or approves such programs in the state in which the program is domiciled;*

*(b) Has had its accreditation or approval negatively affected by the action of such an agency in the state in which the program is domiciled or in any other state in which the program had been previously accredited or approved; or*

*(c) Was accredited or approved by a national accrediting agency and has had that accreditation or approval negatively affected by an action of the national accrediting agency.*

*11. As used in this section, “hour of instruction” means a period of at least 50 minutes during which the student participates in a learning activity in the physical presence of a member of the instructional staff of the program of massage therapy.*

**Sec. 7.** Section 15 of LCB File No. 009-07 is hereby amended to read as follows:

Sec. 15. 1. Any exterior door and window in a massage establishment must be tight-fitting and must effectively exclude insects, rodents and other vermin.

2. The walls, ceilings and floors in a massage establishment must be well-maintained and kept clean.

3. The floors of a room in a massage establishment that contains a toilet must be made of an impervious material that is nonporous or nonabsorbent.

*4. A massage establishment shall, in each restroom in the massage establishment that is used by the staff of the massage establishment, post a sign which provides that hand washing is mandatory after use of the restroom facilities.*

**Sec. 8.** Section 26 of LCB File No. 009-07 is hereby amended to read as follows:

Sec. 26. 1. As used in subsection 9 of NRS 640C.700, the Board interprets the phrase “unethical or unprofessional conduct” to include, without limitation:

(a) Offering to practice massage on a client in exchange for sexual favors;

(b) Using health care information to contact a client for the purpose of engaging in a sexual activity with the client;

(c) Using health care information or access to health care information to meet or attempt to meet the sexual needs of the massage therapist;

*(d) Violating any term or condition of a subpoena or order issued by the Board or the staff of the Board;*

*(e) Failing to provide to a member of the Board or the staff of the Board upon request any document, data or information that is required to be made and maintained pursuant to this chapter or chapter 640C of NRS;*

*(f) Prohibiting a member of the Board or the staff of the Board from entering the premises of a massage establishment during the normal operating hours of the massage establishment; and*

*(g) Interfering or refusing to cooperate with work being conducted by a member of the Board or the staff of the Board on the premises of a massage establishment.*

2. When evaluating whether a massage therapist is prohibited from engaging or attempting to engage in a sexual activity with a client or former client, the Board will consider, without limitation:

(a) Documentation of a formal termination of the professional relationship between the massage therapist and the client or former client;

(b) The transfer of care of the client or former client from the massage therapist to another massage therapist;

(c) The duration of the professional relationship between the massage therapist and the client or former client;

(d) The amount of time that has passed since the last services related to the practice of massage therapy were provided to the client or former client by the massage therapist;

(e) The communication between the massage therapist and the client or former client after the last services related to the practice of massage therapy were provided to the client or former client and before the commencement of the personal relationship;

(f) The extent to which the personal or private information of the client or former client was shared with the massage therapist;

(g) The nature of the health condition of the client or former client, if any, during the professional relationship between the massage therapist and the client or former client and after that professional relationship ended;

(h) The extent of emotional dependence of the client or former client on the massage therapist, if any, and the vulnerability of the client or former client; and

(i) The standard cycle for revisiting a massage therapist as determined by the Board.