



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING and REGULATORY WORKSHOP

June 8, 2026, MEETING AGENDA

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy will take place online via Zoom, available via telephone or by visiting 1755 E. Plumb Ln. Ste 254, Reno, NV 89502. Persons wishing to participate in the meeting may connect to the meeting through the link below or telephone numbers below. Persons wishing to provide public comment during the meeting may use the links below and at the appropriate time, the Board Chair will call on persons wishing to make public comment.

Virtual access is available by registering for this meeting online:

<https://us06web.zoom.us/j/87591609641?pwd=oAZZxYUNMKlrthtgXaRt2fIjpc4Zbh.1>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID: 875 9160 9641

Passcode: 771576

SIP: 87591609641@zoomcrc.com

Telephonic access to this meeting is available by dialing the number below based on the location closest to participant.

- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 564 217 2000 US
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

DATES AND TIMES:

June 8, 2026, commencing at 9:00 a.m.

Zoom sign-in available at 8:30 a.m.

AGENDA

Please Note: The Nevada State Board of Massage Therapy may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Elisabeth Barnard at 775.687.9951 (ebarnard@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific agenda items. Public comment may also be taken at other such times as requested as long as the request for public comment will not interrupt ongoing Board business. The Board may discuss the matters not on the agenda but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide public comment, please avoid repetition. The Board limits public comment to three (3) minutes.

Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment (see NRS 233B.126). Please be aware that after the quasi-judicial Board has rendered a decision in the contested case and, assuming this happens before adjournment, the Board may entertain public comment on the proceeding at that time.

1. Call to order and roll call of Board Members.
2. Mission Statement of the Nevada State Board of Massage Therapy – To protect the public health, safety, and welfare through effective massage therapy regulation. Insuring that qualified, competent, ethical practitioners are licensed.
3. Public comment – Members of the public who wish to participate in a public meeting may do so by providing public comment during the two designated public

comment periods. Additionally, public comment options may include, without limitation, telephonic or email comment. Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting. The Board will not restrict comments based on viewpoint. The opportunity for public comment will be available at the beginning and ending of the meeting. (Discussion Only)

4. Introduction of new Board members (For Discussion)
5. Workshop for proposed regulatory changes to NAC Chapter 640
6. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
 - a. Review Application of Deaysana D. Mattison Williams (For Discussion and Possible Action)
7. Background Review Request per NRS 622.085 – Qiu Ping Lin (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Discussion and Possible Action)
8. Background Review Request per NRS 622.085 – Jian Fei Zeng (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Discussion and Possible Action)
9. Request for dismissal of Case Number NVMT-R-2601 regarding Kiwana Ham NVMT.8510. (For Discussion and Possible Action)
10. Formal Hearing Diego Lamoth Baro NVMT.10441 – Case Number NVMT-C-26008. (For Discussion and Possible Action)
11. Formal Hearing Maoqing Xu NVMT.9163 – Case Number NVMT-C-26011. (For Discussion and Possible Action)
12. Formal Hearing Ratana Haag NVMT.5986 – Case Number NVMT-C-26015. (For Discussion and Possible Action)
13. Formal Hearing Chufeng Wang NVMT.12664 – Case Number NVMT-C-26021. (For Discussion and Possible Action)
14. Review Petition for Advisory Opinion from Liliana Sosa, Scratch Studio regarding scope of massage therapy. (For Discussion and Possible Action)

15. Review Petition for Advisory Opinion from Pamela Henderson regarding scope of massage therapy. (For Discussion and Possible Action)

Consent agenda items are shown in italics. The Consent Agenda contains matters of routine acceptance. The Board members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or revisions.

16. *Consent Agenda Items – Board members may choose to request any item listed below be pulled for discussion and possible action. Any items not pulled may be approved in a single motion to approve the consent agenda excluding pulled items. (For Discussion and Possible Action)*
 - a. *Approval of applications approved and authorized by the Chairperson through April 30, 2026 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2026 Budget versus Actual through April 30, 2026. (For Possible Action)*
 - c. *Discussion and possible action regarding review and acceptance of updated Fiscal Year 2027 Budget. (For Possible Action)*
 - d. *Discussion and possible action regarding review and acceptance of Fiscal Year 2028 Budget. (For Possible Action)*
 - e. *Discuss, amend, and approve Board meeting minutes for March 18, 2026. (For Possible Action)*
 - f. *Discussion and possible action regarding approval of the updated Board policy 3.1.1 Compensation and Performance Reviews. (For Possible Action)*
 - g. *Discussion and possible action regarding updates to the list of substantially equivalent states listed on the website per Section 5 of LCB File No. R128-20. (For Possible Action)*
 - h. *Discussion and possible action for review, approval, and possible adoption of changes to language access plan pursuant to NRS 232.0081*
17. Executive Director Report. (For Discussion)
 - a. Strategic Plan Key Indicators
 - i. Licensure and renewals
 - ii. Inspection Team calendar year-to-date key indicators
 - iii. Complaints and investigations calendar year-to-date key indicators
 - b. Federation of State Massage Therapy Boards
 - c. Other topics
 - d. Financials, cash reserves, and anticipated upcoming expenditures.
18. Discussion and possible action regarding selection of Delegate and Alternate to the Federation of State Massage Therapy Boards Annual Meeting, October 21-23, 2026, Las Vegas, NV. (For Discussion and Possible Action)
19. Discussion and possible action regarding sending additional attendees to the Federation of State Massage Therapy Boards Annual Meeting, October 21-23,

2026, Las Vegas, NV and authorization to adjust the budget if needed. (For Discussion and Possible Action)

20. Discussion and possible action regarding entering into a new contract with Summit Government Affairs, Ltd for government relations services for the 2027 Legislative Session. (For Discussion and Possible Action)
21. Discussion and possible action regarding submitting a bill draft request for the 2027 Legislative Session to clarify the background and fingerprint requirements and recipient for all license types and any other changes the Board determines appropriate. (For Discussion and Possible Action)
22. Discussion regarding recommended future agenda items. (For Discussion)
23. Public comment.
24. Adjournment

Notices:

Items may be combined for consideration by the board. Items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and at the end of the meeting. Regarding public comment, no vote may be taken upon a matter raised under this agenda item until the matter itself has been specifically included on a future agenda as an item upon which action may be taken. (NRS 241.020). The Chair may allow comment on individual agenda items at her discretion. Public comments are limited to three (3) minutes.

The Nevada State Board of Massage Therapy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than **Friday, June 5, 2026**, to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502. Supporting materials are available on the Board's website <https://massagetherapy.nv.gov/> or by contacting Elisabeth Barnard at 775.687.9951 or ebarnard@lmt.nv.gov or 1755 E Plumb Lane, Suite 252, Reno, NV 89502.**

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Elisabeth Barnard at 775.687.9951 or ebarnard@lmt.nv.gov no later than 48 hours prior to the meeting.

In accordance with NRS 241.020, this public notice and agenda was posted on or before May 22, 2026, at the following locations:

<https://massagetherapy.nv.gov/>

<https://notice.nv.gov>

Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502
State Library and Archives
Nevada Legislative Counsel Bureau

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

Sec. 2. *The Board may refuse to issue a certificate to an establishment, or may initiate disciplinary action against a holder of a certificate, if the applicant or holder of the certificate, or, where applicable, each member, partner, director, officer or manager of the applicant:*

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of NRS chapter 640C or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy, reflexology or structural integration or a substantially similar business, or a crime involving moral turpitude;

4. Has engaged in or solicited sexual activity during the course of practicing massage, reflexology or structural integration on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has been convicted of advancing prostitution pursuant to NRS 201.395;

- 6. Has been cited, arrested, or convicted for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances;*
- 7. Has been cited by the Board for facilitating unlicensed activities;*
- 8. Has failed to provide information requested by the Board within 60 days after receiving the request;*
- 9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct;*
- 10. Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy, reflexology or structural integration within 30 days after becoming aware of that conduct;*
- 11. Has been disciplined by the Board or in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;*
- 12. Has solicited or received compensation for services relating to the practice of massage therapy, reflexology or structural integration that he or she did not provide;*
- 13. If the holder of the certificate is on probation, has violated the terms of the probation;*
- 14. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage, reflexology or structural integration for which he or she has not received training, practicing massage therapy, reflexology or structural integration*

under an assumed name and impersonating a licensed massage therapist, reflexologist or structural integration practitioner ; or

15. Has violated NAC 640C.350.

Sec. 3. 1. *If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:*

(a) Place the applicant or holder of the certificate on probation for a specified period or until further order of the Board;

(b) Administer to the applicant or holder of the certificate a public reprimand;

(c) Refuse to issue, renew, reinstate or restore the certificate;

(d) Suspend or revoke the certificate;

(e) Require the applicant or holder of the certificate to pay the costs incurred by the Board to conduct the investigation and hearing; or

(f) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not issue a private reprimand.

Sec. 4. *“Mobile massage” means the practice of massage therapy out of a vehicle, mobile unit, or who travels to events to provide massage services. The term does not include outcall services.*

Sec. 5. -1. *A person who holds an active license in good standing to practice massage therapy, reflexology, or structural integration issued by another state, territory or possession of the*

United States may apply for a temporary license to practice massage therapy, reflexology, or structural integration in this State by:

(a) Submitting an application.

(b) Paying the fee set forth in NAC 640C.095.

(c) Providing a copy of his or her active license in good standing.

(d) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy, reflexology, or structural integration; and

(2) Disciplinary proceedings relating to his or her license to practice massage therapy, reflexology, or structural integration are not pending;

(e) Lising all states, territories, or possessions of the United States that the applicant was issued a license.

(f) Listing the name of the applicant's supervisor.

2. A fully licensed massage therapist, reflexologist, or structural integration practitioner who supervises a person who has been issued a temporary license is responsible for the acts of the person.

Sec. 6. NAC 640C.060 is hereby amended to read as follows:

640C.060 1. ~~##~~ *Except as otherwise provided in subsection 2, if* an applicant for a license to practice massage therapy, reflexology or structural integration who otherwise satisfies the requirements of NRS 640C.420, 640C.580, 640C.600, , 640C.620 or wishes the Board to recognize a program of massage therapy, reflexology or structural integration other than a

program listed in paragraph (a) of subsection 3 of NRS 640C.580, paragraph (a) of subsection 3 of NRS 640C.600 or paragraph (a) of subsection 3 of NRS 640C.620, as applicable, 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, reflexology or structural integration.

2. The Board may waive the requirements of subsection 1 for an applicant who completed a program of massage therapy, reflexology or structural integration in another state, territory or possession of the United States or the District of Columbia may submit documentation that demonstrates that the program of massage therapy, reflexology or structural integration is approved by the entity that issues a license to practice massage therapy, reflexology or structural integration in that state, territory or possession of the United States or the District of Colombia if the program of massage therapy, reflexology, or structural integration satisfies the requirements of NAC 640C.052, 640C.055, or 640C.057. The Board will maintain a list of programs of massage therapy, reflexology, or structural integration that satisfies the requirements of NAC 640C.052, 640C.055, and 640C.057.

Sec. 7. NAC 640C.075 is hereby amended to read as follows:

640C.075 1. The Board may issue a license to an applicant and immediately place the licensee on probation pursuant to NRS 640C.710 if the application or background of the applicant demonstrates that the applicant has committed one or more of the acts described in

NRS 640C.700.

2. The terms of probation imposed pursuant to subsection 1 may require the licensee to:

(a) Report to the Board all contact with law enforcement personnel within 48 hours after such contact occurs;

(b) Refrain from providing outcall services;

(c) Refrain from providing mobile massage;

(d) Submit employment offers to the staff of the Board for review and approval;

(e) Notify the Board of any changes in his or her employment;

(f) Complete an ethics course within 90 calendar days after the issuance of the license;

(g) Submit to the Board a complete set of fingerprints 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 upon renewal of his or her license;

(g) Attend a probation orientation;

(h) Take any other action that the Board deems appropriate; or

(i) Take any combination of the actions set forth in paragraphs (a) to (h), inclusive.

3. As used in this section, “outcall services” means massage therapy, reflexology or structural integration provided for compensation by a massage therapist, reflexologist or structural integration practitioner ~~in a location other than at the address set forth in the business license of the massage establishment, reflexology establishment or structural integration establishment.~~ *at a client’s home, office, or other location that is not an establishment.*

Sec. 8. NAC 640C.083 is hereby amended to read as follows:

640C.083 1. A person shall not operate a massage establishment, a reflexology establishment or a structural integration establishment unless the person holds a valid certificate to operate a massage establishment, a reflexology establishment or a structural integration establishment, as applicable, which has been issued by the Board.

2. To obtain a certificate, an applicant for a certificate must:

(a) Submit a completed application for the applicable certificate on a form prescribed by the Board;

(b) Pay the fee set forth in NAC 640C.095; and

(c) Comply with any other requirements of this chapter and chapter 640C of NRS.

3. The application must include, without limitation:

(a) A copy of the state business license of the applicant;

(b) A copy of any business license or conditional business license of the applicant issued by a local government;

4. ~~The Board will issue a certificate to an applicant who complies with the requirements of subsection 2, if the applicant and, where applicable, each member, partner, director, officer or manager of the applicant, has not been:~~

~~(a) Convicted of advancing prostitution pursuant to NRS 201.395;~~

~~(b) Except as otherwise provided in paragraph (a), cited, arrested or convicted for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances; or~~

~~(c) Previously cited by the Board for facilitating unlicensed activities.~~

~~5.]~~ Except as otherwise provided in subsection ~~{6,}~~ *section 2 of this regulation*, a certificate is valid for 1 year after the first day of the first calendar month immediately following

the date of issuance or renewal and may be renewed if, before the certificate expires, the holder of the certificate:

(a) Submits to the Board a completed application for renewal on a form prescribed by the Board;

(b) Pays the fee set forth in NAC 640C.095; and

(c) Complies with any other requirements of this chapter and chapter 640C of NRS.

~~{6. The Board will not renew a certificate pursuant to subsection 5 if the holder of the certificate or any member, partner, director, officer or manager of the holder has been arrested, convicted or cited, as applicable, in the manner described in subsection 4.~~

~~7.}~~ 5. A certificate issued pursuant to this section is not transferable.

Sec. 9. NAC 640C.095 is hereby amended to read as follows:

640C.095 1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted by paper copy
..... \$130

2. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted through the Internet website of the Board \$100

3. For issuing a license as a massage therapist, a reflexologist or a structural integration practitioner \$295

4. For issuing *an application for a temporary license and issuing a* temporary license
~~{250}~~ *\$150*

5. For conducting a background check \$85

6. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted by paper copy

..... \$325

7. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted through the Internet website of the Board

\$295

8. For restoring an expired license

\$25 per each

expired month,

not to exceed \$500

9. For reinstatement of a suspended or revoked license

\$500

10. For issuing a replacement license

\$50

11. For restoring an inactive license

\$295

12. For reissuance of a certificate for a massage establishment, reflexology establishment or structural integration establishment

\$25

13. ~~H~~ For issuing a certificate for a massage establishment or a structural integration establishment:

(a) For an establishment with a single room for massage therapy or structural integration

no fee

(b) For an establishment with at least 2 but not more than ~~7~~ 20 rooms for massage therapy or structural integration

~~15~~ \$25

(c) ~~For an establishment with at least 8 but not more than 20 rooms for massage therapy or structural integration~~

~~————~~ \$25

~~———— (d) For an establishment with at least 21 but not more than 40 rooms for massage therapy or structural integration ————~~

~~————~~ \$35

~~———— (e) For an establishment with more than ~~40~~ 20 rooms for massage therapy or structural integration~~ \$50

15. For the renewal of a certificate for a massage establishment or a structural integration establishment:

(a) For an establishment with a single room for massage therapy or structural integration no fee

(b) For an establishment with at least 2 but not more than ~~7~~ 20 rooms for massage therapy or structural integration

~~{ \$15 }~~ \$25

~~(c) { For an establishment with at least 8 but not more than 20 rooms for massage therapy or structural integration ————~~

~~————~~ \$25

~~———— (d) For an establishment with at least 21 but not more than 40 rooms for massage therapy or structural integration ————~~

~~————~~ \$35

~~———— (e) For an establishment with more than ~~40~~ 20 rooms for massage therapy or structural integration~~ \$50

16. For issuing a certificate for a massage establishment that does not have rooms for massage therapy:

(a) For an establishment with not more than 10 chairs or tables for massage therapy

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

(b) For an establishment with more than 10 chairs or tables for massage therapy

~~1~~ ~~\$40~~ ~~2~~ ~~\$50~~

17. For the renewal of a certificate for a massage establishment that does not have rooms for massage therapy:

(a) For an establishment with not more than 10 chairs or tables for massage therapy

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

(b) For an establishment with more than 10 chairs or tables for massage therapy

~~1~~ ~~\$40~~ ~~2~~ ~~\$50~~

18. For issuing a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for reflexology

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

(b) For an establishment with more than 10 chairs or tables for reflexology

~~1~~ ~~\$40~~ ~~2~~ ~~\$50~~

19. For renewal of a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for reflexology

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

(b) For an establishment with more than 10 chairs or tables for reflexology

~~1~~ ~~\$40~~ ~~2~~ ~~\$50~~

Sec. 10. NAC 640C.100 is hereby amended to read as follows:

640C.100 1. To maintain his or her licensure, a massage therapist or structural integration practitioner must complete ~~1, to the satisfaction of the Board,~~ at least ~~24~~ 6 hours of instruction

in continuing education as specified in NAC 640C.110 or 640C.112, as applicable, within the licensing period immediately preceding the request for renewal of his or her license. *Each massage therapist or structural integration practitioner must attest to his or her compliance with requirement set forth in this subsection at the time for the renewal of his or her license.*

~~{Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license.}~~

~~2. {If a massage therapist or structural integration practitioner obtains more than 6 hours of instruction in continuing education in a licensing period, the massage therapist or structural integration practitioner may request that the Board carry over the excess hours of credit, not to exceed 72 18 hours of instruction, to apply towards completion of the requirement for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 3 succeeding years.~~

~~3. If a massage therapist or structural integration practitioner fails to complete the requirements for continuing education set forth in subsection 1 before the date on which his or her license expires, the Board will send a notice to the massage therapist or structural integration practitioner indicating that the massage therapist or structural integration practitioner is not in compliance with the requirements for continuing education.}~~

The Board will perform random audits of massage therapists and structural integration practitioners for compliance with the requirements for continuing education.

3. If audited by the Board, a massage therapist or structural integration practitioner shall prove that he or she has participated in 6 hours of continuing education during each licensing period that is audited by presenting copies of original certificates of completion or computer printouts from approved providers of continuing education to the Board.

4. A massage therapist and structural integration practitioner shall maintain documentation of completion of the requirements for continuing education for 4 years.

Sec. 11. NAC 640C.410 is hereby amended to read as follows:

640C.410 1. As used in subsection 9 of NRS 640C.700, the Board interprets the phrases:

(a) “Unethical conduct” to include, without limitation, any of the following conduct that occurred outside the course and scope of the practice of massage therapy, reflexology or structural integration:

(1) Aiding, abetting or assisting any person in performing any act prohibited by law.

(2) Performing any act prohibited by law.

(b) “Unprofessional conduct” to include, without limitation, any of the following conduct that occurred in the course and scope of the practice of massage therapy, reflexology or structural integration:

(1) Offering to practice massage therapy, reflexology or structural integration on a client in exchange for sexual favors.

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

(3) Using health care information or access to health care information to meet or attempt to meet the sexual needs of the massage therapist, reflexologist or structural integration practitioner.

(4) Performing acts beyond the scope of the practice of massage therapy, reflexology or structural integration.

(5) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration without adequate training.

(6) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration if competency is not maintained or the standards of competence are not satisfied, or both.

(7) Disclosing the contents of the examination for licensure or certification, or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration.

(8) Assigning or delegating functions, tasks or responsibilities of licensed or certified persons to unqualified persons.

(9) Failing to supervise a person to whom functions of massage therapy, reflexology or structural integration are delegated or assigned, if responsible for supervising the person.

(10) Failing to safeguard a client from the incompetent, abusive or illegal practice of any person during the practice of massage therapy, reflexology or structural integration.

(11) Practicing massage therapy, reflexology or structural integration while, with or without good cause, the physical, mental or emotional condition of the massage therapist, reflexologist or structural integration practitioner impairs his or her ability to act in a manner consistent with established or customary standards of the practice of massage therapy, reflexology or structural integration, as applicable.

(12) Practicing massage therapy, reflexology or structural integration, if any amount of alcohol or a controlled substance or dangerous drug that is not legally prescribed is present in the body of the massage therapist, reflexologist or structural integration practitioner.

(13) Failing to respect and maintain a client's right to privacy.

(14) Performing or offering to perform the functions of a licensee or holder of a certificate by false representation or under a false or assumed name.

(15) Soliciting or borrowing money, materials or other property, or any combination thereof,
from a:

(I) Client; or

(II) Family member of a client.

(16) Aiding, abetting or assisting any person in performing any acts prohibited by law.

(17) Failing to abide by any state or federal statute or regulation relating to the practice of
massage therapy, reflexology or structural integration.

(18) Engaging in sexual contact with a client.

(19) Failing to report the unauthorized practice of massage therapy, reflexology or structural
integration.

(20) Endangering the safety of the general public, clients or coworkers by making actual or
implied threats of violence or carrying out an act of violence.

(21) Abusing a client.

(22) Misappropriating the property of a client.

(23) Failing to comply with a condition, limitation or restriction which has been placed on
the license of the massage therapist, reflexologist or structural integration practitioner, or the
certificate of the massage establishment, reflexology establishment or structural integration
establishment.

(24) Engaging in the practice of massage therapy, reflexology or structural integration
without a license issued pursuant to the provisions of this chapter and chapter 640C of NRS.

(25) Displaying a license, certificate, diploma or permit, or a copy of a license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited or materially altered.

(26) Engaging in a pattern of conduct that demonstrates failure to exercise the knowledge, skills and abilities to use the methods ordinarily exercised by a reasonable and prudent massage therapist, reflexologist or structural integration practitioner to protect the public.

(27) Failing to cooperate with an investigation or inspection conducted by the Board.

(28) Engaging in any other unprofessional conduct with a client that the Board determines is outside the professional boundaries generally considered acceptable in the profession.

(29) Advertising in a manner that is inconsistent with this chapter or chapter 640C of NRS.

(30) Engaging in the practice of massage therapy, reflexology, or structural integration when a client has a condition that makes massage therapy, reflexology, or structural integration contraindicated.

2. When evaluating whether a massage therapist, reflexologist or structural integration practitioner 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, reflexologist or structural integration practitioner and the client or former client;

(b) The transfer of care of the client or former client from the massage therapist, reflexologist or structural integration practitioner to another massage therapist, reflexologist or structural integration practitioner, as applicable;

(c) The duration of the professional relationship between the massage therapist, reflexologist or structural integration practitioner 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, reflexology or structural integration were provided to the client or former client by the massage therapist, reflexologist or structural integration practitioner;

(e) The communication between the massage therapist, reflexologist or structural integration practitioner and the client or former client after the last services related to the practice of massage therapy, reflexology or structural integration 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, reflexologist or structural integration practitioner;

(g) The nature of the health condition of the client or former client, if any, during the professional relationship between the massage therapist, reflexologist or structural integration practitioner 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, reflexologist or structural integration practitioner, if any, and the vulnerability of the client or former client; and

(i) The standard cycle for revisiting a massage therapist, reflexologist or structural integration practitioner as determined by the Board.

Section 19 of LCB File R128-20 is hereby amended to read as follows:

Sec. 19. 1. A person wishing to apply for a license to practice massage therapy, reflexology or structural integration may petition the Board to review his or her criminal history to determine if the criminal history would disqualify the petitioner from being licensed by the Board.

2. The petition must be completed on a form prescribed by the Board.

3. The Board will ~~complete a background check of the petitioner in addition to reviewing~~ *review* the information contained in the petition.

4. Not later than 90 days after receiving the completed petition, the Board will inform the petitioner of whether the criminal history will disqualify the petitioner from being licensed by the Board.

Small Business Impact Statement

Proposed Changes to NAC 640C

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C regarding the discipline of establishments, establishing definitions, revising the recognition of a program of massage therapy, revising the requirements for the issuance and renewal of an establishment certificate, revising the fee for a temporary license, revising the requirements for continuing education, revising the term “unprofessional conduct.”

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 massage, reflexology and structural integration establishments 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.

Internally, the Executive Director of the Board reviewed the draft regulation with staff and legal counsel to determine the potential impact to small businesses. The Board also noticed and will conduct a public workshop. There is a potential to impact small businesses because the Board is revising the way that it charges for an establishment certificate, which may result in an increase in costs associated with that certificate. However, the increase is at most \$50, which is not a significant or negative impact. Additionally, the Executive Director sought input from the licensing community regarding continuing education and sent a survey to licensees requesting feedback. The Executive Director reviewed the feedback and adjusted the regulation based on some of the feedback.

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 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 proposed changes with the Executive Director of the Board, staff and the Board’s counsel and through a survey sent to licensees.

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 changes will establish a process pursuant to which the Board can discipline holders of establishment certificates, reduces the fees for a temporary license, creates clarity in continuing education requirements.

(2) Both direct and indirect effects.

Direct effects: The direct effects are to establish clear guidance on acceptable practices and creates clear procedures for disciplining holders of establishment certificates.

Indirect effects: Licensees and their businesses may see indirect effects improved public confidence and expectations.

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 not a significant economic impact on small businesses. The Board has considered the need to enforce statutory requirements the associated costs. After assessing costs and revenues, a simplified fee structure serves that need and keeps impacts consistent across all businesses

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 include increased fees. The Board is changing the structure of the way it charges its fees for establishments. This regulation also reduces a fee for the issuance of a temporary license.

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.

This regulation does not duplicate any other nor is it more stringent.

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



Elisabeth Barnard
Executive Director
Nevada Board of Massage Therapy