

**STATE OF NEVADA
BOARD OF MASSAGE THERAPY**

**NOTICE OF INTENT TO ACT UPON A REGULATION
LCB File No. R040-18**

**Notice of Hearing for the Adoption of Regulations of the
State of Nevada Board of Massage Therapy**

The State of Nevada Board of Massage Therapy will hold a public hearing at 9:00 a.m., on June 18, 2018, at the Grant Sawyer Building, 555 East Washington Avenue, Suite 4412, Las Vegas, Nevada 89101 with videoconferencing to the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 640C of the Nevada Administrative Code (LCB File No. R040-18).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. This regulation is needed to implement statutory changes made by Assembly Bill 179 of the 2017 Legislative Session.
2. This regulation is not a temporary regulation.
3. This is a permanent regulation and a copy of the regulation may be obtained by contacting Sandra Anderson, Executive Director of the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502, 775-687-9955, sjanderson@lmt.nv.gov.
4. Estimated economic effects on businesses:

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates nor on the public. While businesses will have to pay a fee for a certificate, those certificates are on a one-year licensure period and the fees associated with those certificates are not overly burdensome for the establishment. In an effort to control prostitution/inappropriate touching in massage/reflexology/structural integration establishments, the Board is requiring establishments to report such incidents and other types of employment actions to the Board. This will result in reporting requirements establishments did not have before.

Beneficial effects: Reflexology and structural integration will be regulated by the Board. Massage/Reflexology/Structural Integration establishments will be regulated by the Board under concurrent jurisdiction with the local governments. This will ensure the public is protected not only by regulating licensees, but also the establishments where the public receives the services. Through the required reporting described above, the public will be better protected because the Board will be able to

address situations they may not be aware of and assist those individuals should they require it.

Immediate effects: The Board has begun implementing similar changes enacted by LCB File R108-17 and has been implementing the statutory changes enacted by the passage of AB179 of the 2017 Legislative Session. Through AB179 and LCB File108-17 and now, LCB File R040-18, the public will be better protected through the regulation of the practice of reflexology and structural integration.

Long-term effects: The public will be protected through the regulation of the practice of reflexology and structural integration as well as massage/reflexology/structural integration establishments. Standards are being established so that licensees are aware of the standards to which they must hold themselves.

5. The Board staff reviewed the regulation with its legal counsel to determine the economic impact to small businesses. The Board's Executive Director also had meetings with the small businesses that would be impacted by this regulation. There is an impact to small business. Reflexologists, structural integration practitioners and massage/reflexology/structural integration establishments will now be certified by the Board. Certificates for establishments are on a one-year licensure period and the fees associated with those certificates are not overly burdensome for the establishment. The Board did reach out to the reflexology and structural integration communities and has received positive feedback with regard to the fees.
6. There is no additional cost to the Board for enforcement of this regulation.
7. The Board and local governments have concurrent jurisdiction over the regulation of massage/reflexology/structural integration establishments. The establishments pursuant to local ordinances do have to obtain a business license. AB179 requires establishments to be certified by the Board in addition to any licenses required by a local government.
8. This regulation is not required pursuant to a federal law.
9. This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.
10. This regulation establishes a new fee for the certification of massage/reflexology and structural integration establishments.
11. Interested persons may provide their views regarding the regulation at the following locations or by submitted written comments to the Board:

Location: Grant Sawyer Building
555 East Washington Avenue, Suite 4412
Las Vegas, Nevada 89101

Location: Legislative Building
401 South Carson Street, Suite 2134
Carson City, Nevada 89701

This regulation imposes a new fee on reflexologists and massage/reflexology/structural integration establishments. Persons wishing to comment upon the proposed action of the Nevada State Board of Massage Therapy may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Sandra Anderson, Executive Director of the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502, 775-687-9955, sjanderson@lmt.nv.gov. Written submissions must be received by the Nevada State Board of Massage Therapy on or before June 13, 2018. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Massage Therapy may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation (LCB File No R040-18) to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation (LCB File No. R040-18) to be adopted will be available at Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502, and the Board's website at <http://massagetherapy.nv.gov/> and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation (LCB File No. R040-18) are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.us/>. Copies of this notice and the proposed regulation also will be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

State Library and Archives, 100 Stewart Street, Carson City, Nevada 89701
Carson City Library 900 North Roop Street, Carson City, Nevada 89701-3101
Lincoln County Library 63 Main Street, Pioche, Nevada 89043
Churchill County Library, 553 South Main Street, Fallon, Nevada 89406-3306
Lyon County Library System 20 Nevin Way, Yerington, Nevada 89447-2399
Las Vegas-Clark County Library District Headquarters, Las Vegas Boulevard North, Las Vegas, Nevada 89101-2062
Mineral County Public Library, P.O. Box 1390 833, Hawthorne, Nevada 89415
Douglas County Public Library, 1625 Library Lane, Minden, Nevada 89423-0337
Pershing County Library, 1125 Central Avenue, Lovelock, Nevada 89419
Elko County Library, 720 Court Street, Elko, Nevada 89801-3397

Storey County Public Library (CLOSED, instead, send to the Storey County Clerk's Office, see below)

Esmeralda County Library Corner of Crook & 4th Street, P.O. Box 430, Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office, Drawer D, Virginia City, Nevada 89440

Eureka County Library, 10190 Monroe Street, Eureka, Nevada 89316

Tonopah Public Library (Nye County), P.O. Box 449, Tonopah, Nevada 89049

Humboldt County Library, 85 East 5th Street, Winnemucca, Nevada 89445-3095

Washoe County Library System, 301 South Center Street Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County), 625 South Broad Street, Battle Mountain, Nevada 89820

White Pine County Library, 950 Campton Street, Ely, Nevada 89301

The Department of Administration's website at www.notice.nv.gov

The Legislative Counsel Bureau's website at <https://leg.state.nv.us/App/Notice/A/>

The Board's website at <http://massagetherapy.nv.gov/>