



NEVADA STATE BOARD OF MASSAGE THERAPY

NOTICE OF INTENT TO ACT UPON A REGULATION PROPOSED REGULATION
LCB FILE NO. R017-24

DATE: May 9, 2024
TIME: 2:00 PM

LOCATIONS VIA VIDEO CONFERENCE:

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Meeting ID: 840 3275 1110

Passcode: 972939

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- 213.244.140.110 (Germany)
- 103.122.166.55 (Australia Sydney)
- 103.122.167.55 (Australia Melbourne)
- 149.137.40.110 (Singapore)
- 64.211.144.160 (Brazil)
- 149.137.68.253 (Mexico)
- 69.174.57.160 (Canada Toronto)
- 65.39.152.160 (Canada Vancouver)
- 207.226.132.110 (Japan Tokyo)
- 149.137.24.110 (Japan Osaka)

Meeting ID: 840 3275 1110

Passcode: 972939

The Nevada State Board of Massage Therapy will hold a public hearing at 2:00 p.m. on May 9, 2024. 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. R017-24).

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

1. Statement of need for and purpose of the regulation:

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C, regarding strengthening and enhancing the regulations governing massage therapy, reflexology, and structural integration and revising the number of hours and subject matter required for a program of massage therapy to be approved by the Board.

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 Elisabeth Barnard at ebarnard@lmt.nv.gov or (775) 687-9951.

4. Estimated economic effects on businesses:

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

Beneficial effects: The Board has revised the number of hours and subject matter for a program of massage therapy to be approved by the Board. This change is necessary to align with upcoming federal regulations governing access to certain types of federal loans. The regulation will allow the Board to provide further oversight to the establishments. It also defines the term “moral turpitude.”

Immediate effects: The regulation will strengthen and Board’s oversight of the massage therapy, reflexology, and structural integration industry.

Long-term effects: The regulation will allow the Board to streamline its process and regulation of the industry.

5. Statement of methods used to determine impact on small business)

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.

6. There are no costs to the Board for implementation of this regulation.

7. The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities. The regulations, even after these proposed regulation changes are adopted, will not overlap and duplicate parts of a federal regulation. The Board is not aware of any proposed provisions which are more stringent than a federal regulation that regulates the same activity.

8. This regulation is not required pursuant to a federal law. However, a federal regulation that is due to take effect on July 1, 2024, impacts students access to certain types of federal financial aid and as such, the Board is enacting this regulation to ensure that the students can continue to access that financial aid, without this regulatory changes, students would not be able to access that financial aid.

9. This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.

10. This regulation does not impose a fee.

11. Interested persons may provide their views regarding the regulation at the following locations or by submitted written comments to Elisabeth Barnard at ebarnard@lmt.nv.gov or (775) 687-9951.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Elisabeth Barnard at ebarnard@lmt.nv.gov or (775) 687-9951. Written submissions must be received by the Board on or before May 8, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation (LCB File No R017-24) 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 will be available at the Board's Offices: 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation (LCB File No. R017-24) 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

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

**PROPOSED REGULATION OF THE
BOARD OF MASSAGE THERAPY**

LCB File No. R017-24

March 18, 2024

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

AUTHORITY: § 1, NRS 640C.320 and 640C.700; §§ 2 and 3, NRS 640C.320 and 640C.580; § 4, NRS 640C.320, 640C.580, 640C.600 and 640C.620; §§ 5, 8 and 9, NRS 640C.320 and 640C.330; § 6, NRS 640C.320 and 640C.520; §§ 7 and 11, NRS 640C.320 and 640C.500; §§ 10 and 12, NRS 640C.320.

A REGULATION relating to massage therapy, reflexology and structural integration; interpreting the term “crime involving moral turpitude” for purposes relating to disciplinary action; revising requirements relating to examinations required for the issuance of a license to practice massage therapy, reflexology and structural integration; revising requirements governing programs of massage therapy, reflexology and structural integration; revising the grounds for denying or refusing to renew a certificate to operate a massage therapy, reflexology or structural integration establishment; providing that such a certificate is not transferable; eliminating certain fees; revising provisions concerning the standards of practice of massage therapists, reflexologists and structural integration practitioners; revising provisions relating to massage therapy, reflexology and structural integration establishments; revising requirements related to continuing education required for massage therapists, reflexologists and structural integration practitioners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Massage Therapy to adopt regulations relating to the practices of massage therapy, reflexology and structural integration. (NRS 640C.320, 640C.330)

Existing law authorizes the Board to refuse to issue a license to an applicant for a license to practice massage therapy, reflexology or structural integration or to initiate disciplinary action against a licensee if the applicant or licensee has been convicted of a crime involving moral turpitude. (NRS 640C.700) **Section 1** of this regulation interprets the term “crime involving moral turpitude” to mean conviction of a felony or gross misdemeanor within the immediately preceding 10 years.

Existing law requires an applicant for a license to practice massage therapy to pass a nationally recognized examination for testing the education and professional competency of massage therapists that is approved by the Board. (NRS 640C.580) **Section 2** of this regulation removes the ITEC Examination administered by the International Therapy Examination Council from the list of approved examinations. **Section 12** of this regulation repeals a requirement that

an applicant for a license to practice massage therapy, reflexology or structural integration take and pass an examination administered by the Board or the Federation of State Massage Therapy Boards or its successor organization. **Section 6** of this regulation removes the fee related to that examination.

Existing law requires an applicant for a license to practice massage therapy, reflexology or structural integration to have successfully completed a program of massage therapy, reflexology or structural integration, as applicable, recognized by the Board. Existing law requires the Board to recognize certain programs and additionally authorizes the Board to recognize other programs. (NRS 640C.580, 640C.600, 640C.620) **Section 3** of this regulation revises the number of hours and subject matter that are required for a program of massage therapy to be recognized by the Board.

To obtain recognition of a program of massage therapy, reflexology or structural integration, other than such a program for which approval is required by existing law, existing regulations require the applicant to submit to the Board a detailed outline of the training that includes specific information. (NAC 640C.060) **Section 4** of this regulation additionally authorizes the program of massage therapy, reflexology or structural integration to submit the outline directly to the Board.

Existing regulations provide that the Board will deny an application for a certificate to operate a massage, reflexology or structural integration establishment or refuse to renew such a certificate if the applicant has been: (1) convicted of advancing prostitution; (2) arrested or convicted of certain crimes; or (3) cited by the Board for facilitating unlicensed activities. (NAC 640C.083) **Section 5** of this regulation provides that the Board will also deny an application if the applicant has been cited for certain crimes. **Section 5** additionally provides that the Board will deny or refuse to renew an application if any member, partner, director, officer or manager of the certificate holder or applicant has been arrested, convicted or cited in the manner described. Further, **section 5** prohibits the transfer of a certificate to operate a massage, reflexology or structural integration establishment.

Section 7 of this regulation removes the requirement that a copy of a certificate of completion submitted by a massage therapist, reflexologist or structural integration practitioner as evidence that he or she has attended a program of continuing education must be original or certified.

Existing law requires the Board to establish requirements relating to sanitation, hygiene and safety in the practice of massage therapy, reflexology and structural integration. (NRS 640C.320) **Section 8** of this regulation removes the requirement that lubricants be stored separately from cleaning supplies. **Section 9** of this regulation revises requirements concerning the structure of bathing facilities at a massage, reflexology or structural integration establishment. **Section 10** of this regulation clarifies existing requirements concerning draping a client so that his or her genitals, gluteal cleft and breasts are not exposed.

Existing regulations require a massage therapist or structural integration practitioner to complete: (1) at least 2 hours of continuing education in topics relating to human trafficking during the first licensing period; and (2) at least 2 hours of continuing education in topics relating to ethics during each licensing period. (Section 8 of LCB File No. R128-20) **Section 11** of this regulation additionally requires a reflexologist to complete such continuing education and revises the permissible topics for continuing education in ethics. **Section 11** also eliminates: (1) the requirement that a massage therapist or structural integration practitioner who works or resides in a county whose population is 100,000 or more must complete the 2 hours of instruction in human

trafficking in person; (2) authorization for a massage therapist or structural integration practitioner to take and pass certain examinations authorized by the Board in exchange for 2 hours of continuing education; and (3) a provision that the Board will review and approve courses of continuing education in human trafficking and ethics and maintain a list of those courses that it has approved.

Section 1. Chapter 640C of NAC is hereby amended by adding thereto a new section to read as follows:

As used in subsection 3 of NRS 640C.700, the Board will interpret the term “crime involving moral turpitude” to mean any felony or gross misdemeanor offense for which an applicant or licensee has been convicted within the immediately preceding 10 years.

Sec. 2. NAC 640C.050 is hereby amended to read as follows:

640C.050 1. For the purposes of paragraph (c) of subsection 2 of NRS 640C.580, an applicant for a license to practice massage therapy must pass:

(a) The National Certification Examination for Therapeutic Massage administered by the National Certification Board for Therapeutic Massage and Bodywork;

(b) The National Certification Examination for Therapeutic Massage and Bodywork administered by the National Certification Board for Therapeutic Massage and Bodywork;

(c) The National Examination for State Licensing administered by the National Certification Board for Therapeutic Massage and Bodywork; *or*

(d) The Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards. ~~†-or~~

~~—(e) The ITEC Examination administered by the International Therapy Examination Council.—~~

2. For the purposes of paragraph (c) of subsection 2 of NRS 640C.600, an applicant for a license to practice reflexology must pass:

(a) The certification exam administered by the American Reflexology Certification Board;

- (b) The certification exam administered by the International Institute of Reflexology;
- (c) The certification in reflexology exam administered by the International Therapy Examination Council; or

(d) The Board Certification Exam for Therapeutic Massage and Bodywork (BCETMB) administered by the National Certification Board for Therapeutic Massage and Bodywork.

3. For the purposes of paragraph (c) of subsection 2 of NRS 640C.620, an applicant for a license to practice structural integration must pass the certification exam for structural integration administered by the Certification Board for Structural Integration.

Sec. 3. NAC 640C.052 is hereby amended to read as follows:

640C.052 The Board will recognize a program of massage therapy pursuant to paragraph (b) of subsection 3 of NRS 640C.580, if the program requires its pupils to complete a minimum of ~~550~~ 625 hours of instruction in the following courses before receiving a certificate evidencing successful completion of the program:

1. At least ~~125~~ 345 hours of instruction ~~in the body's systems, including, without limitation, anatomy, physiology and kinesiology;~~
~~2. At least 220 hours of instruction~~ which is taken in a classroom setting with hands-on instruction in *courses of massage therapy*, assessment, theory and application instruction, which must include at least 80 hours in clinical instruction; *and*
~~3. 2.~~ At least ~~40~~ 280 hours of instruction in ~~pathology;~~
~~4. At least 40 hours of instruction in business or ethics or a combined total of at least 40 hours of instruction in business and ethics; and~~
~~5. At least 125 hours of instruction in other courses of massage therapy in a classroom setting with hands-on instruction.~~ *the following areas:*

- (a) *Pathology;*
- (b) *Business;*
- (c) *Ethics;*
- (d) *Anatomy;*
- (e) *Physiology;*
- (f) *Kinesiology; and*
- (g) *Any other courses the program deems necessary.*

Sec. 4. NAC 640C.060 is hereby amended to read as follows:

640C.060 1. 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.610, 640C.620 or 640C.630 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 *or the program from which the applicant received training* 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. Where practicable, a request for recognition of a program of massage therapy, reflexology or structural integration 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.

Sec. 5. 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;

(c) A list of services that the applicant wishes to provide to clients; and

(d) A photograph of the entrance of the establishment.

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. ~~HA~~ *Except as otherwise provided in subsection 6, 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. ~~}; and~~

~~—(d) Has not}~~

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. A certificate issued pursuant to this section is not transferable.

Sec. 6. NAC 640C.095 is hereby amended to read as follows:

640C.095 The Board will charge and collect the following nonrefundable fees:

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 a temporary license	\$250
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 an examination administered by the Board or the Federation of State Massage Therapy Boards or its successor organization pursuant to section 4 of LCB File No. R128-20	\$50
13. For reissuance of a certificate for a massage establishment, reflexology establishment or structural integration establishment	\$25
14. 13. For a petition submitted to the Board for review of criminal history	\$50

~~15.~~ 14. 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 integrationno fee
- (b) For an establishment with at least 2 but not more than 7 rooms for massage therapy or structural integration\$15
- (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 rooms for massage therapy or structural integration.....\$50

~~16.~~ 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 integrationno fee
- (b) For an establishment with at least 2 but not more than 7 rooms for massage therapy or structural integration\$15
- (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 rooms for massage therapy or structural integration.....\$50

~~17.~~ **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.....\$20

(b) For an establishment with more than 10 chairs or tables for massage therapy.....\$40

~~18.~~ **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.....\$20

(b) For an establishment with more than 10 chairs or tables for massage therapy.....\$40

~~19.~~ **18.** For issuing a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for reflexology.....\$20

(b) For an establishment with more than 10 chairs or tables for reflexology.....\$40

~~20.~~ **19.** For renewal of a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for reflexology.....\$20

(b) For an establishment with more than 10 chairs or tables for reflexology\$40

Sec. 7. NAC 640C.130 is hereby amended to read as follows:

640C.130 1. To obtain credit for attending a program of continuing education relating to the practice of massage therapy, reflexology or structural integration, a massage therapist, reflexologist or structural integration practitioner must submit to the Board:

- (a) The name of the program;
- (b) The name of the sponsor of the program;
- (c) Biographical information regarding the instructor of the program;
- (d) The inclusive dates and location of attendance of the program;
- (e) The number of hours awarded by the sponsor of the program for completion of the program;
- (f) A ~~certified or original~~ copy of the signed certificate of completion; and
- (g) A brief summary of the information that the massage therapist, reflexologist or structural integration practitioner learned at the program and the manner in which the massage therapist, reflexologist or structural integration practitioner will use that information in his or her practice.

2. To obtain credit for preparing or giving a presentation at a program of continuing education relating to the practice of massage therapy, reflexology or structural integration, a massage therapist, reflexologist or structural integration practitioner must submit to the Board:

- (a) Biographical information regarding the massage therapist, reflexologist or structural integration practitioner who is preparing or giving the presentation at the program of continuing education;
- (b) The title of the presentation;

- (c) The name of the sponsor of the presentation;
- (d) The location of the presentation;
- (e) The number of hours of the presentation;
- (f) The source of the information conveyed in the presentation;
- (g) The inclusive dates of the presentation;
- (h) A list of all the persons who attended the presentation; and
- (i) 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 relating to the practice of massage therapy, reflexology or structural integration, a massage therapist, reflexologist or structural integration practitioner 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. Except as otherwise provided in subsection 5, if the credit for continuing education is for a course of study, training or performing an educational activity relating to the practice of massage therapy, reflexology or structural integration which is not specified in subsection 1 of NAC 640C.110, subsection 1 of NAC 640C.117 or subsection 1 of NAC 640C.112, as applicable, the massage therapist, reflexologist or structural integration practitioner must submit to the Board:

- (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, training or activity relates to massage therapy, reflexology or structural integration.

5. If the credit for continuing education is sought for:

(a) A course attended by telecommunication or on the Internet, the massage therapist, reflexologist or structural integration practitioner must submit to the Board a copy of the transcript and the certificate of completion or other proof of completion, which includes the contact information of the provider.

(b) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board, the massage therapist, reflexologist or structural integration practitioner must submit to the Board a list of the dates on which the meetings were attended.

Sec. 8. NAC 640C.210 is hereby amended to read as follows:

640C.210 1. A lubricant used in the practice of massage therapy, reflexology or structural integration, including, without limitation, oil, soap, alcohol, powder, lotion, shampoo and salts, must be:

(a) Dispensed from a suitable container that prevents contamination; and

(b) Stored †:

~~—(1) Separately from cleaning supplies; and~~

~~—(2) In† in~~ a manner that prevents contamination and preserves the integrity of the lubricant.

2. A massage therapist, reflexologist or structural integration practitioner shall:

(a) Sanitize a container used to dispense a lubricant:

(1) Between each client; and

(2) Each time before the massage therapist, reflexologist or structural integration practitioner refills the container; and

(b) Ensure that there are no contraindications before using a lubricant or topical application on a client.

3. A massage therapist or structural integration practitioner may use spa treatments, muds and body wraps while practicing massage therapy if the massage therapist or structural integration practitioner considers and follows sanitary procedures in his or her use of those materials.

Sec. 9. NAC 640C.270 is hereby amended to read as follows:

640C.270 1. If a bathing facility other than a shower is used in a massage establishment, reflexology establishment or structural integration establishment, the bathing facility must:

(a) Have floors that are slip-resistant ~~and~~ *and* easily cleaned ; ~~and covered to a height of 4 inches;~~

(b) If an artificial surface made from resilient materials is used for the floor, be vacuumed with a wet vacuum frequently, to keep the floor clean and free from accumulated moisture;

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

(d) If there is more than one bathing facility, be separated by a nonporous, nonabsorbent floor.

2. A massage establishment, reflexology establishment or structural integration establishment or the holder of a certificate shall ensure that:

(a) An effective watertight joint between the wall and the floor is maintained in a bathing facility that is used in a massage establishment, reflexology establishment or structural integration establishment; and

(b) Any rubber or impervious mats that are used in the bathing facility are cleaned, sanitized and dried between uses.

3. If a shower is provided in a massage establishment, reflexology establishment or structural integration establishment, the shower must:

(a) ~~Have compartments which are~~ *Be* impervious to water to a height of 6 feet above the floor;

(b) Have a floor that is furnished with a nonslip impervious surface; and

(c) Have tempered glass or acrylic glass doors if the doors are made of glass or a substitute for glass.

4. A massage establishment, reflexology establishment or structural integration establishment shall ensure that all bathing facilities provided for use in the massage establishment, reflexology establishment or structural integration establishment satisfy the requirements of chapters 444 of NRS and NAC.

5. As used in this section:

(a) “Bathing facility” includes, without limitation, a spa, shower, table shower, Vichy shower, bathtub, balneotherapy tub, sauna and steam bath.

(b) “Spa” means a pool primarily designed for therapeutic use which is not drained, cleaned or refilled for each user. The term includes units which employ hydrojet circulation, hot water, cold water, mineral water or air induction bubbles, or any combination thereof.

Sec. 10. NAC 640C.340 is hereby amended to read as follows:

640C.340 A massage therapist shall drape a client , *including, without limitation, a client who has signed a written consent form pursuant to paragraph (c) of subsection 4 of NRS 640C.700*, by covering the client with a towel, sheet, blanket, linen or other covering in such a manner that:

1. The client’s genitals , ~~and~~ gluteal cleft and ~~if the client is a female, the client’s~~ breasts are not exposed; and
2. Neither the massage nor the movement of the body expose the client’s genitals , ~~or~~ gluteal cleft or ~~if the client is a female, the client’s~~ breasts.

Sec. 11. Section 8 of LCB File R128-20 is hereby amended to read as follows:

1. During the first licensing period, a massage therapist , *reflexologist* or structural integration practitioner must complete at least 2 hours of instruction in continuing education in topics relating to human trafficking.

~~2. If the massage therapist or structural integration practitioner works or resides in a county whose population is 100,000 or more, the massage therapist or structural integration practitioner must complete the continuing education described in subsection 1 in person, unless a public health emergency has been declared by the Governor.~~

~~3.~~ For each period of licensing, a massage therapist , *reflexologist* or structural integration practitioner must complete at least 2 hours of instruction in continuing education in topics relating to ethics. As used in this subsection, “ethics” ~~includes,~~ *may include*, without limitation:

- (a) The requirements of NRS 432B.220;
- (b) The requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191;

(c) The standards of conduct for massage therapists , *reflexologists* or structural integration practitioners, including, without limitation, applicable state and federal law; ~~and~~ or

(d) Human trafficking.

~~{4. For each period of licensing, a massage therapist or structural integration practitioner may take an examination described in section 4 of LCB File No. R128-20, and if the massage therapist or structural integration practitioner passes the examination, the Board will award credit for 2 hours of instruction in continuing education for the applicable licensing period.~~

~~—5. The Board will:~~

~~—(a) Review and approve courses that satisfy the continuing education requirements described in subsections 1 and 3; and~~

~~—(b) Maintain a list of courses that are approved pursuant to paragraph (a).}~~

Sec. 12. Section 4 of LCB File No. R128-20 is hereby repealed.

TEXT OF REPEALED SECTION

Section 4 of LCB File No. R-128.20.

Sec. 4. In addition to any examination described in NAC 640C.050, an applicant for a license to practice massage therapy, reflexology or structural integration must take and pass an examination administered by the Board or the Federation of State Massage Therapy Boards or its successor organization.

