

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

LCB File No. R108-17

November 2, 2017

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

AUTHORITY: §§1, 19, 21, 30 and 32, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455; §§2, 3, 7, 10, 11, 20, 22 and 24-29, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, and section 11 of Assembly Bill No 179, chapter 275, Statutes of Nevada 2017, at page 1452; §4, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, and NRS 640C.755; §5, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, and NRS 640C.400, as amended by section 20 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1456; §6, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, NRS 640C.520, as amended by section 28 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462, and section 11 of Assembly Bill No 179, chapter 275, Statutes of Nevada 2017, at page 1452; §8, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, and NRS 640C.500, as amended by section 26 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1461; §9, NRS 640C.100, as amended by section 16 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1453, and NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455; §§12 and 13, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, NRS 640C.400, as amended by section 20 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1456, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448, and section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450; §14, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448, and section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450; §§15-17, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, NRS 640C.500, as amended by section 26 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1461, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at

page 1448, and section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450; §§18 and 23, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448, section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450, and section 11 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1452; §31, NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455, NRS 640C.700, as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448, and section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450.

A REGULATION relating to massage therapy; establishing certain requirements for obtaining a license to practice reflexology and structural integration; establishing requirements for a program of massage therapy; revising provisions relating to licenses issued to practice massage, reflexology and structural integration; providing for the certification and operation of a massage therapy, reflexology or structural integration establishment; revising certain requirements relating to sanitation, hygiene and safety in the practice of massage, reflexology and structural integration establishments; establishing a schedule of fees; establishing administrative fines for certain violations; revising provisions governing unethical or unprofessional conduct for purposes of disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 179 of the 2017 Legislative Session: (1) changed the name of the Board of Massage Therapists to the Board of Massage Therapy; and (2) authorized the Board to issue licenses to practice reflexology and structural integration. (Sections 7, 9 and 17 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at pages 1448, 1450 and 1454) Existing law requires the Board to adopt regulations relating to the practice of massage therapy, reflexology and structural integration. (NRS 640C.320, as amended by section 19 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1455)

Section 12 of this regulation prescribes certain examination requirements for: (1) obtaining a license to practice reflexology; and (2) obtaining a license to practice structural integration. **Section 12** also revises certain examination requirements for obtaining a license to practice massage therapy.

Section 5 of this regulation sets forth the number of hours and the curriculum required for a program of massage therapy to be recognized by the Board.

Section 8 of this regulation prescribes the date on which a license which has been restored is valid.

Section 9 of this regulation exempts certain students from the requirements to be licensed as a massage therapist, reflexologist or structural integration practitioner.

A.B. 179 requires the Board to adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology or structural integration establishment. (Section 11 of Assembly Bill No. 179, chapter 275, Statutes of Nevada, at page 1452) **Section 2** of this regulation defines the term “reflexology establishment.” **Section 3** of this regulation defines the term “structural integration establishment.” **Section 7** of this regulation provides the requirements for the certification of a massage or structural integration establishment. **Section 10** of this regulation requires each massage, reflexology or structural integration establishment to provide a list of each licensed employee working in the establishment on or before July 1 of each year. **Section 11** of this regulation authorizes the Board to conduct inspections of each massage, reflexology or structural integration establishment or each massage therapist, reflexologist or structural integration practitioner. **Sections 18-20** and **22-29** of this regulation establish certain requirements relating to the sanitation, hygiene and safety in the practice of massage, reflexology and structural integration.

Section 6 of this regulation establishes a schedule of fees related to obtaining: (1) a license to practice massage therapy, reflexology or structural integration; and (2) a certificate for a massage or structural integration establishment.

Section 4 of this regulation sets forth the schedule of administrative fines that the Board may impose for violation of the acts set forth in **section 31** of this regulation.

Section 15 of this regulation revises provisions relating to the continuing education requirements for a licensed massage therapist.

Sections 13, 14, 16, 17, 21, 30 and **32** of this regulation make conforming changes relating to: (1) the practice of reflexology and structural integration; and (2) massage, reflexology and structural integration establishments.

Section 1. Chapter 640C of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *“Reflexology establishment” means any premises, mobile unit, building or part of a building where reflexology is practiced.*

Sec. 3. *“Structural integration establishment” means any premises, mobile unit, building or part of a building where structural integration is practiced.*

Sec. 4. 1. *The Board adopts the following schedule of administrative fines for any administrative citation issued pursuant to NRS 640C.755:*

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>MASSAGE THERAPIST, REFLEXOLOGIST OR STRUCTURAL INTEGRATION PRACTITIONER</i>			
<i>Practicing with an expired license or registration.....</i>	<i>\$200</i>	<i>\$500</i>	<i>\$1,000</i>
<i>Failure to display license or registration at a work station</i>	<i>200</i>	<i>500</i>	<i>1,000</i>
<i>Using advertisements which contain knowingly false or deceptive statements.....</i>	<i>500</i>	<i>1,500</i>	<i>2,500</i>
<i>Altering a license.....</i>	<i>1,000</i>	<i>3,000</i>	<i>5,000</i>
<i>Advertising without a license number on advertisement.....</i>	<i>\$100</i>	<i>\$250</i>	<i>\$500</i>
<i>Failing to comply with NAC 640C.200 to 640C.310, inclusive</i>	<i>200</i>	<i>500</i>	<i>1,000</i>
<i>Offering to perform sexual activities during the practice of massage therapy, reflexology or structural integration</i>	<i>1,000</i>	<i>2,000</i>	<i>5,000</i>

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>MESSAGE ESTABLISHMENTS, REFLEXOLOGY ESTABLISHMENTS OR STRUCTURAL INTEGRATION ESTABLISHMENTS</i>			
<i>Failing to comply with NAC 640C.200 to 640C.310, inclusive</i>			
	<i>200</i>	<i>500</i>	<i>1,000</i>
<i>Operating a massage establishment, a reflexology establishment or a structural integration establishment without a certificate</i>			
	<i>1,000</i>	<i>2,500</i>	<i>5,000</i>
<i>Failure to display certificate</i>			
	<i>200</i>	<i>500</i>	<i>1,000</i>
<i>Offering to perform sexual activities.....</i>			
	<i>\$1,000</i>	<i>\$2,000</i>	<i>\$5,000</i>
<i>ANY PERSON</i>			
<i>Practicing massage therapy, reflexology or structural integration without a license or certificate.....</i>			
	<i>1,000</i>	<i>2,500</i>	<i>5,000</i>
<i>Copying or altering a license or certificate for the purposes of fraud, deception, misrepresentation or other illegal purpose.....</i>			
	<i>1,000</i>	<i>3,000</i>	<i>5,000</i>

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>Using a copied or altered license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose</i>	<i>1,000</i>	<i>2,000</i>	<i>5,000</i>
<i>Offering to perform massage therapy, reflexology or structural integration without a license.....</i>	<i>1,000</i>	<i>2,000</i>	<i>5,000</i>
<i>Offering to perform sexual activities during the course of practicing massage therapy, reflexology or structural integration</i>	<i>1,000</i>	<i>2,000</i>	<i>5,000</i>
<i>Advertising without a license number on the advertisement.....</i>	<i>\$1,000</i>	<i>\$2,500</i>	<i>\$5,000</i>

2. A person who violates a provision of this chapter or chapter 640C of NRS for which this section does not provide a specific fine, including, without limitation, a second or subsequent violation, may be:

(a) Ordered to appear at a disciplinary hearing before the Board; and

(b) Punished by the Board as set forth in NRS 640C.700, as amended by section 29 of

Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462.

Sec. 5. *The Board will recognize a program of massage therapy which requires its pupils to complete a minimum of 550 hours of instruction in the following courses before receiving a certificate:*

1. One hundred twenty-five hours of instruction in the body's systems, including, without limitation, anatomy, physiology and kinesiology;

2. Two hundred twenty hours of instruction which is taken in a classroom setting with hands-on instruction in assessment, theory and application instruction, which must include not less than 80 hours in clinical instruction;

3. Forty hours of instruction in pathology;

4. Twenty hours of instruction in business;

5. Twenty hours of instruction in ethics; and

6. One hundred twenty-five hours of instruction in other courses of massage therapy in a classroom setting with hands-on instruction.

Sec. 6. *The Board will charge and collect the following fees:*

1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner.....\$100

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

3. For issuing a temporary license\$250

4. For conducting a background check.....\$85

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

- 6. *For restoring an expired license \$25 per each expired month, not to exceed \$500*
- 7. *For reinstatement of a suspended or revoked license.....\$500*
- 8. *For issuing a replacement license\$50*
- 9. *For restoring an inactive license\$295*
- 10. *For issuing a certificate for a massage establishment or a structural integration establishment:*
 - (a) *For an establishment with a single room for massage or structural integration..... no fee*
 - (b) *For an establishment with at least 2 but not more than 7 rooms for massage or structural integration\$15*
 - (c) *For an establishment with at least 8 but not more than 20 rooms for massage or structural integration\$25*
 - (d) *For an establishment with at least 21 but not more than 40 rooms for massage or structural integration\$35*
 - (e) *For an establishment with more than 40 rooms for massage or structural integration.....\$50*
- 11. *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 or structural integration no fee*

- (b) For an establishment with at least 2 but not more than 7 rooms for
massage or structural integration\$15*
- (c) For an establishment with at least 8 but not more than 20 rooms
for massage or structural integration.....\$25*
- (d) For an establishment with at least 21 but not more than 40 rooms
for massage or structural integration.....\$35*
- (e) For an establishment with more than 40 rooms for massage or
structural integration\$50*

Sec. 7. 1. A massage establishment and a structural integration establishment must be certified by the Board.

2. A massage establishment or a structural integration establishment must submit an application for a certificate on a form prescribed by the Board and include the fee set forth in section 6 of this regulation.

Sec. 8. For the purposes of subsection 2 of NRS 640C.500, as amended by section 26 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1461, a license which has been restored is valid from the day that it is issued.

Sec. 9. For the purposes of paragraph (f) of subsection 1 of NRS 640C.100, as amended by section 16 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1453, the Board interprets the exemption in that paragraph to apply only to students enrolled in a school of massage therapy, reflexology or structural integration which is recognized by the Board while the student is performing massage therapy, reflexology or structural integration at the school or other location, provided that the student is supervised by an instructor.

Sec. 10. *Each massage establishment, reflexology establishment and structural integration establishment must provide to the Board a list of each licensee employed by or working in the establishment on or before July 1 of each year.*

Sec. 11. *The Board may conduct inspections of each massage establishment, reflexology establishment and structural integration establishment, and each massage therapist, reflexologist or structural integration practitioner for compliance with this chapter.*

Sec. 12. 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.400, *as amended by section 20 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1456*, an applicant for a license to practice massage therapy must pass:

~~1.1~~ (a) The National Certification Examination for Therapeutic Massage ~~;~~
~~2.1~~ *administered by the National Certification Board for Therapeutic Massage and Bodywork;*

(b) The National Certification Examination for Therapeutic Massage and Bodywork ~~;~~
~~3.1~~ *administered by the National Certification Board for Therapeutic Massage and Bodywork;*

(c) The National Examination for State Licensing ~~;~~
~~4.1~~ *administered by the National Certification Board for Therapeutic Massage and Bodywork* ~~;~~
;

(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 section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448, 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 (BCETMB) administered by the National Certification Board for Therapeutic Massage and Bodywork.

3. *For the purposes of paragraph (c) of subsection 2 of section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450, 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. 13. 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.400 ~~101~~ , *as amended by section 20 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1456, NRS 640C.420 , as amended by section 21 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1458, section 7 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1448, or section 9 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1450*, wishes the Board to recognize a program of massage therapy , *reflexology or structural integration* other than a program listed in paragraph (a) or (b) of subsection ~~4~~ 3 of NRS 640C.400, *as amended by section 20 of Assembly Bill No. 179,*

chapter 275, Statutes of Nevada 2017, at page 1456, 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 ~~H~~, *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. 14. NAC 640C.070 is hereby amended to read as follows:

640C.070 The Board or its designee will report the results of an investigation of an applicant for a license to practice massage therapy, *reflexology or structural integration*, where practicable, at the next scheduled meeting of the Board immediately after the receipt of all the background information relating to the applicant that the Board or its designee deems necessary to conduct the investigation.

Sec. 15. NAC 640C.100 is hereby amended to read as follows:

640C.100 1. To maintain his or her licensure, a massage therapist must complete, to the satisfaction of the Board, at least ~~H2~~ 24 hours of continuing education as specified in NAC 640C.110 within the ~~year~~ *licensing period* immediately preceding the request for 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 . ~~[in the year in which the credit is earned.]~~

2. If a massage therapist obtains more than ~~[12]~~ 24 hours of continuing education in a ~~[year,]~~ *licensing period*, the massage therapist may request that the Board carry over the excess hours of credit, not to exceed ~~[36]~~ 72 hours, 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.]~~ *licensing periods*.

3. If a massage therapist 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 indicating that the massage therapist is not in compliance with the requirements for continuing education.

Sec. 16. NAC 640C.120 is hereby amended to read as follows:

640C.120 1. A massage therapist , *reflexologist or structural integration practitioner* may request approval of credit for continuing education from the Board before or after attending, preparing or giving a presentation at a program of continuing education.

2. A request made pursuant to subsection 1 must be accompanied by the applicable information and documentation listed in NAC 640C.130.

3. The Board will inform a massage therapist , *reflexologist or structural integration practitioner* of the approval or denial of credit for continuing education within 30 days after the next meeting of the Board immediately following the receipt of a request made pursuant to subsection 1.

Sec. 17. 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 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, 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 **H**, *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. 18. NAC 640C.200 is hereby amended to read as follows:

640C.200 1. A massage establishment, *reflexology establishment or structural integration establishment* that provides vapor baths, steam baths, *saunas, steam rooms, spas* or portable saunas must be equipped with adequate shower facilities.

2. A massage ~~therapist~~ *establishment, reflexology establishment or structural integration establishment* shall ensure that:

(a) All portable saunas, showers, tubs, basins, massage or steam tables, combs, brushes, shower caps and any other equipment used in the massage establishment, *reflexology establishment or structural integration establishment* is cleaned and rendered free from harmful organisms; ~~by the application of a bactericidal agent;~~

(b) Any equipment that comes in contact with a client of the massage therapist, *reflexologist or structural integration practitioner* is ~~cleaned with soap or detergent and hot water~~ *disinfected* and ~~is~~ sanitized before the equipment is used on another client;

(c) All equipment, furniture and fixtures, including, without limitation, tables used for massage, *reflexology or structural integration*, are clean and well maintained;

(d) All electrical equipment used for the care of a client is clean and well maintained and is listed to applicable standards and requirements by ~~Underwriters Laboratories Inc.~~ *UL LLC*, or approved by another nationally recognized testing laboratory; and

(e) All hydrotherapy equipment is cleaned after each use, is well maintained and is only used in the manner prescribed by the manufacturer of the equipment.

3. *A massage therapist, reflexologist or structural integration practitioner shall ensure that:*

(a) All portable saunas, showers, tubs, basins, massage or steam tables, combs, brushes, shower caps and any other equipment used in the massage establishment, reflexology establishment or structural integration establishment is cleaned and rendered free from harmful organisms;

(b) Any equipment that comes in contact with a client of the massage therapist, reflexologist or structural integration practitioner is disinfected and sanitized before the equipment is used on another client;

(c) All equipment, furniture and fixtures, including, without limitation, tables used for massage, reflexology or structural integration, are clean and well-maintained;

(d) All electrical equipment used for the care of a client is clean and well-maintained and is consistent with applicable standards and requirements of UL LLC, or approved by another nationally recognized testing laboratory; and

(e) All hydrotherapy equipment is cleaned after each use, is well-maintained and is only used in the manner prescribed by the manufacturer of the equipment.

4. *As used in this section, “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. 19. 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 a manner that prevents contamination and preserves the integrity of the lubricant.

2. A massage therapist, *reflexologist or structural integration practitioner* shall sanitize a container used to dispense a lubricant ~~each~~:

(a) *Between each client; and*

(b) *Each* time before the massage therapist, *reflexologist or structural integration practitioner* refills the container.

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. 20. NAC 640C.220 is hereby amended to read as follows:

640C.220 1. ~~{Any}~~ *A massage establishment, reflexology establishment or structural integration establishment shall ensure that each* exterior door and window in a massage establishment, *reflexology establishment or structural integration establishment* must be tight-fitting and must effectively exclude insects, rodents and other vermin.

2. The walls, ceilings and floors in a massage establishment, *reflexology establishment or structural integration establishment* must be well maintained and kept clean.

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

Sec. 21. NAC 640C.230 is hereby amended to read as follows:

640C.230 1. A room in which massage therapy , *reflexology or structural integration* is practiced must:

- (a) Be designed to provide privacy for the client;
- (b) Have the capability of maintaining the air temperature in the room at 75 degrees Fahrenheit at a point 24 inches above the floor;
- (c) Have sufficient ventilation and circulation to prevent objectionable odors; and
- (d) Have lighting fixtures which are capable of providing a minimum of 5 foot-candles of light at the floor level. Such lighting fixtures must be used when any cleaning operations are conducted in the room.

2. A room in which massage therapy , *reflexology or structural integration* is practiced must not be used simultaneously for massage therapy , *reflexology or structural integration* and any domestic purposes.

Sec. 22. NAC 640C.240 is hereby amended to read as follows:

640C.240 1. After a towel, linen or gown has been used once in a massage establishment, *reflexology establishment or structural integration establishment*, it must be deposited in a receptacle provided for soiled towels, linens and gowns and must not be used again until properly laundered and sanitized.

2. After being laundered and sanitized, all towels, linens and gowns in a massage establishment , *reflexology establishment or structural integration establishment* must be

stored on shelves or in compartments, cabinets or sealed plastic containers that are used only for that purpose.

3. Any items designed for a single service and all towels, linens and gowns furnished for the use of a client must be clean.

Sec. 23. NAC 640C.250 is hereby amended to read as follows:

640C.250 **1.** A massage therapist, *reflexologist or structural integration practitioner* shall:

~~1.~~ (a) Wear clean opaque clothing and practice strict standards of personal hygiene while practicing massage therapy ~~;~~ and

~~2.~~ *reflexology or structural integration;*

(b) Thoroughly wash his or her hands with soap and water or an alcohol liquid ~~approved by the Board:~~

~~(a)~~ :

(1) Before and after providing massage therapy, *reflexology or structural integration* to each client; and

~~(b)~~ (2) After using the restroom ~~;~~ and

(c) *Sanitize his or her hands in the room or area, as applicable, in which massage therapy, reflexology or structural integration is practiced before and after each client.*

2. *A massage establishment, reflexology establishment or structural integration establishment which provides its massage therapists, reflexologists or structural integration practitioners with a uniform, must provide a clean opaque uniform.*

Sec. 24. NAC 640C.260 is hereby amended to read as follows:

640C.260 1. A massage establishment , *reflexology establishment or structural integration establishment* must have an adequate supply of hot and cold running water that is safe and sanitary.

2. The interior piping in a water distribution system in a massage establishment , *reflexology establishment or structural integration establishment* must be installed and maintained in compliance with any applicable local building codes or ordinances prescribing standards for plumbing.

Sec. 25. 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, easily cleaned and coved 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 ~~therapist~~ *establishment, reflexology establishment or structural integration establishment* 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 ~~H~~ , *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 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 ~~therapist~~ establishment, *reflexology establishment or structural integration establishment* shall ensure that all bathing facilities provided for use in ~~the~~ 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, bathtub, 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. 26. NAC 640C.280 is hereby amended to read as follows:

640C.280 All sewage and liquid waste generated by a massage establishment, *reflexology establishment or structural integration establishment* must be disposed of in a municipal sewage system where such a system is available. If a municipal sewage system is not available, sewage and liquid waste must be collected, treated and disposed of in compliance with the

provisions of chapters 444 of NRS and NAC and any applicable local regulations which govern the subsurface disposal of sewage.

Sec. 27. NAC 640C.290 is hereby amended to read as follows:

640C.290 Garbage and refuse on the premises of a massage establishment , *reflexology establishment or structural integration establishment* must be:

1. Kept in containers which are easy to clean and well maintained; and
2. Disposed of in a sanitary manner.

Sec. 28. NAC 640C.300 is hereby amended to read as follows:

640C.300 1. A sanitary toilet must be provided in each massage establishment ~~H~~ , *reflexology establishment or structural integration establishment*.

2. Lavatories with an adequate supply of hot and cold water under pressure must be conveniently located for use by the employees and clients of a massage establishment ~~H~~ , *reflexology establishment or structural integration establishment*.

3. Any room in a massage establishment , *reflexology establishment or structural integration establishment* that contains a toilet must:

- (a) Have doors that are capable of being fully closed and locked from the inside; and
- (b) Be kept clean, in good repair and free from flies, insects and vermin.

4. A supply of soap in a covered dispenser, single-use or disposable towels in a dispenser and a waste receptacle for proper disposal of the towels must be provided in each lavatory.

5. A supply of toilet paper on a dispenser must be available and conveniently located next to each toilet provided in a massage establishment ~~H~~ , *reflexology establishment or structural integration establishment*.

Sec. 29. NAC 640C.310 is hereby amended to read as follows:

640C.310 A massage ~~therapist~~ *establishment, reflexology establishment or structural integration establishment* shall ensure that the massage *establishment, reflexology establishment or structural integration* establishment ~~in which the massage therapist engages in the practice of massage therapy~~ is:

1. Kept clean and free of litter or rubbish; ~~and~~
2. Maintained in a neat and orderly manner ~~+~~;
3. *Not used to facilitate sexual activity during the course of practicing massage, reflexology or structural integration; and*
4. *Not used to facilitate unlicensed activity.*

Sec. 30. NAC 640C.400 is hereby amended to read as follows:

640C.400 As used in subsection 4 of NRS 640C.700, *as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462*, the Board interprets the phrase “sexual activity” to include, without limitation:

1. Sexual intercourse;
2. Examining or touching the genitals, anus or any sexualized body part except as otherwise provided in subsection 4 of NRS 640C.700 ~~+~~, *as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462*;
3. Rubbing against a client for sexual gratification;
4. Kissing;
5. Hugging, touching, fondling or caressing of a romantic or sexual nature;
6. Not allowing a client privacy to dress or undress except as may be necessary in a medical emergency or custodial situation;

7. Not providing a client a gown or draping except as may be necessary in a medical emergency;
8. Removing the client's clothing or gown or draping without consent, except as may be necessary in a medical emergency or in a custodial setting;
9. Encouraging masturbation or any other sex act in the presence of the massage therapist **††**, *reflexologist or structural integration practitioner*;
10. Dressing or undressing in the presence of the client;
11. Masturbation or any other sex act by the massage therapist, *reflexologist or structural integration practitioner* in the presence of the client;
12. Suggesting or discussing the possibility of dating or beginning a sexual or romantic relationship before the professional relationship ends;
13. Terminating the professional relationship with the client for the purpose of dating or pursuing a romantic or sexual relationship;
14. Discussing the sexual history, preference or fantasies of the massage therapist **††**, *reflexologist or structural integration practitioner*;
15. Any behavior, gesture or expression that may reasonably be interpreted as seductive or sexual;
16. Making statements regarding the client's body, appearance, sexual history or sexual orientation other than for legitimate health care purposes;
17. Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening or harming a client;

18. Photographing or filming the body or any body part of a client other than for legitimate health care purposes; and

19. Showing a client sexually explicit photographs other than for legitimate health care purposes.

Sec. 31. NAC 640C.410 is hereby amended to read as follows:

640C.410 1. As used in subsection 9 of NRS 640C.700, *as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462*, the Board interprets the phrase “unethical or unprofessional conduct” to include, without limitation:

(a) Offering to practice massage , *reflexology or structural integration* 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 ~~H~~, *reflexologist or structural integration practitioner*.

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

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

(f) 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.

(g) 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.

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

(i) 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.

(j) 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.

(k) 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.

(l) 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.

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

(n) 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.

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

(1) Client; or

- (2) Family member of a client;*
- (p) Aiding, abetting or assisting any person in performing any acts prohibited by law.*
- (q) Failing to abide by any state or federal statute or regulation relating to the practice of massage therapy, reflexology or structural integration.*
- (r) Engaging in sexual contact with a client.*
- (s) Failing to report the unauthorized practice of massage therapy, reflexology or structural integration.*
- (t) 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.*
- (u) Abusing a client.*
- (v) Misappropriating the property of a client.*
- (w) 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.*
- (x) 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.*
- (y) 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.*
- (z) 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.*

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

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

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.

Sec. 32. NAC 640C.420 is hereby amended to read as follows:

640C.420 1. Except as otherwise provided in paragraph (c) of subsection 4 of NRS 640C.700, *as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462*, the consent of the client or former client does not excuse or negate the responsibility of the massage therapist , *reflexologist or structural integration practitioner* to comply with NAC 640C.400 and 640C.410 and the provisions of NRS 640C.700 , *as amended by section 29 of Assembly Bill No. 179, chapter 275, Statutes of Nevada 2017, at page 1462*, with regard to sexual activity.

2. The provisions of NAC 640C.400 and 640C.410 do not prohibit:

(a) A massage therapist , *reflexologist or structural integration practitioner* from providing health care services during the course of practicing massage , *reflexology or structural integration* on a person in the case of an emergency if the services cannot or will not be provided by a health care provider;

(b) Contact by a massage therapist , *reflexologist or structural integration practitioner* with a client that is necessary for a legitimate health care purpose and that meets the standard of

appropriate care of a massage therapist , *reflexologist or structural integration practitioner* as determined by the Board; or

(c) Providing services related to the practice of massage therapy , *reflexology or structural integration* to a person who is in a preexisting established personal relationship with the massage therapist , *reflexologist or structural integration practitioner* if there is no evidence of, or potential for, exploiting the person.