

Section 1. Chapter 640C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 below.

Sec. 2. *Each massage, reflexology, and structural integration establishment must notify the Board in writing of any:*

- 1. Consumer complaint filed with the establishment against a licensee employed or under contract with the establishment.*
- 2. Disciplinary action taken by the establishment against the licensee as a result of a consumer complaint or any other action.*

(Section 2 provides for public safety by requiring establishments to report consumer complaints to the Board for investigation and possible disciplinary action.)

Sec. 3. *All applications for a license as a massage therapist, reflexologist, or structural integration practitioner expire one year from the date the application was started.*

(Section 3 provides for applications for licensure to expire when the applicant has not completed the process within one year from the date of applying. This reduces the number of applications that are pending for individuals that do not complete the background investigation, pass the examination, or do not provide proof of education.)

Sec. 4. NRS 640C.080 is hereby amended to read as follows:

640C.080 “Reflexology” means *an integrative health practice that maps a reflection of the body and uses* the application of a system of pressure *to neural pathways which assists the body to function optimally which is primarily* to the feet, ears and hands of the human body.

(Section 4 modifies the definition of reflexology to align with the definition used by the American Reflexology Certification Board.)

Sec. 5. NRS 640C.180 is hereby amended to read as follow:

640C.180 1. At the first meeting of each fiscal year, the members of the Board shall elect a Chair, Vice Chair and Secretary-Treasurer from among the members.

2. The Board shall meet at least quarterly and may meet at other times at the call of the Chair or upon the written request of a majority of the members of the Board.

3. The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:

(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

4. A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.

5. ~~Four~~ **Five** members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.

(Section 5 corrects the number of members to constitute a quorum.)

Sec. 6. NRS 640C.520 is hereby amended to read as follows:

NRS 640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter \$600

An application for a license 300

An application for a license without an examination 300

A background check of an applicant 600

The issuance of a license 400

The renewal of a license 350

The restoration of an expired license 500

The reinstatement of a suspended or revoked license 500

The issuance of a replacement license 75

The restoration of an inactive license 300

The issuance of a certification of a massage, reflexology and structural integration establishment as defined in NRS 640C.330 50

The renewal of a certification of a massage, reflexology and structural integration establishment as defined in NRS 640C.330 50

An ethics course offered by the Board \$200

A jurisprudence examination established by the Board \$500

A third inspection of a massage establishment, reflexology establishment or structural integration establishment \$150

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640C.426, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.

3. Subject to the limits provided by subsection 1, the Board:

(a) May adopt regulations that establish different fees for different types of licenses; and

(b) In establishing the different fees for different types of licenses, shall consider the income and opportunities for employment available to the holders of the different types of licenses.

4. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

(Section 6 provides for the Board to charge up to \$200 for an ethics course offered by the Board to ensure a comprehensive understanding of the statutes and regulations. Additionally, it allows for a jurisprudence exam to test the knowledge of the applicant and/or licensee. The Board plans to work with the Federation of State Massage Therapy Boards to administer the exam. The Board provides inspections on at least an annual basis for establishments to ensure compliance with sanitation regulations. When locations do not comply with the regulations and require multiple inspections within one year the Board would like to charge for the 3rd and all subsequent inspections resulting from noncompliance with NAC 640C.)

Sec. 7. NRS 640C.700 is hereby amended to read as follows:

NRS 640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

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

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

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

4. *Has been arrested for a crime involving prostitution or any other sexual offense;*

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

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

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

~~[5.]~~ 6. Has an alcohol or other substance use disorder;

~~[6.]~~ 7. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy, reflexology or structural integration;

~~[7.]~~ 8. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy, reflexology or structural integration;

~~[8.]~~ **9.** Has failed to provide information requested by the Board within 60 days after receiving the request;

~~[9.]~~ **10.** Has, in the judgment of the Board, engaged in unethical or unprofessional conduct;

~~[10.]~~ **11.** Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy, reflexology or structural integration within 30 days after becoming aware of that conduct;

~~[11.]~~ **12.** Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

~~[12.]~~ **13.** Has solicited or received compensation for services relating to the practice of massage therapy, reflexology or structural integration that he or she did not provide;

~~[13.]~~ **14.** If the holder of the license is on probation, has violated the terms of the probation;

~~[14.]~~ **15.** Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage, reflexology or structural integration for which he or she has not received training, practicing massage therapy, reflexology or structural integration under an assumed name and impersonating a licensed massage therapist, reflexologist or structural integration practitioner;

~~[15.]~~ **16.** Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

Ê This subsection applies to an owner or other principal responsible for the operation of the facility.

~~{16.}~~ 17. Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

~~{17.}~~ 18. Except as otherwise provided in subsection 16, has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine, whichever occurs later.

(Sections 7 and 8 allows for the Board to address the increase in human trafficking and sexual misconduct in the practice of massage by addressing the persons arrested for prostitution by law enforcement. Frequently these cases are not prosecuted. Additionally, by retaining their licenses the individuals are then moved from location-to-location and state-to-state by traffickers.)

Sec. 8. NRS 640C.745 is hereby amended to read as follows:

NRS 640C.745 1. When conducting an investigation of a massage therapist, reflexologist or structural integration practitioner pursuant to this chapter, the Board or the Executive Director

may request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction *or arrest* of the massage therapist, reflexologist or structural integration practitioner for a crime involving violence, prostitution or any other sexual offense. Such records include, without limitation, a record of criminal history as defined in NRS 179A.070.

2. Upon receiving a request from the Board or the Executive Director pursuant to subsection 1, the governmental agency or court of competent jurisdiction shall provide the requested records to the Board or the Executive Director as soon as reasonably practicable. The governmental agency or court of competent jurisdiction may redact from the records produced pursuant to this subsection any information relating to the agency or court that is deemed confidential by the agency or court. Upon receiving the records from the governmental agency or court, the Board and the Executive Director:

(a) Shall maintain the confidentiality of the records if such confidentiality is required by federal or state law; and

(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist, reflexologist or structural integration practitioner pursuant to this chapter.

Sec. 9. This act becomes effective:

1. Upon passage and approval for purposes of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On July 1, 2021, for all other purposes.

