

NEVADA BOARD OF MASSAGE THERAPY

NOTICE OF INTENT TO ACT UPON A REGULATION PROPOSED REGULATION
LCB FILE NO. R128-20

DATE: June 8, 2022
TIME: 9:00AM

LOCATIONS VIA VIDEO CONFERENCE:

Join Zoom Meeting

<https://us06web.zoom.us/j/86823524551?pwd=ZkJLeWhDRWs0QWNYSWZvRm5tY0w5dz09>

Meeting ID: 868 2352 4551

Passcode: 854386

One tap mobile

+16699006833,,86823524551#,,,,*854386# US (San Jose)

+12532158782,,86823524551#,,,,*854386# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 868 2352 4551

Passcode: 854386

Find your local number: <https://us06web.zoom.us/u/kbB11KuIKH>

Join by SIP

86823524551@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

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)

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The Nevada State Board of Massage Therapy will hold a public hearing at 9:00 a.m. on June 8, 2022. 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. R128-20).

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 ensuring implementation of changes as a result of the 2019 80th Session of the Nevada State Legislature.

2. This regulation is not a temporary regulation.

3. This is a permanent regulation, and a copy of the regulation may be obtained by contacting Sandra Anderson at sjanderson@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 defined the term “substantially equivalent” to better allow for educational programs from other states that do not meet the Board’s specific guidelines to be accepted when processing applications by endorsement from other jurisdictions. Additionally, the Board has provided the regulations for implementation of AB 319 and the fee associated with the review.

Immediate effects: Working with the Office of the Attorney General the Board added additional regulations to incorporate language recommended by the Senior Deputy Attorney General assigned to the Board.

Long-term effects: The Board continues to work with local law enforcement to address the illicit activity in both Clark and Washoe counties. The regulations assist the Board and law enforcement when addressing illicit locations.

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. While the Board determined that no Small Business Impact Statement (SBIS) was required, the Board is submitting the following information to reflect how it might respond if a SBIS was required.

6. The Board received a quote for implementation of the Jurisprudence exam into the existing application for \$2,900. Additional costs to implement processes and procedures will be absorbed by the daily operations of the Board and staff which will not cause the Board to experience any additional costs.
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.
9. This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.
10. The regulation increases the fees for paper applications to help cover additional processing and mailing costs. The fee for online applications remains \$100 while the fee for paper applications will be increased to \$130. Additionally, the online license renewal fee will remain \$295, while the fee for paper renewals will increase to \$325.

The reissuance of a certificate for a massage establishment, reflexology establishment, or structural integration establishment is proposed to be \$25.

A petition submitted to the board for review of criminal history will be \$50. This fee covers processing the background investigation and verifying the current criminal history of the applicant.

The regulation proposes a fee increase of \$50 for taking the jurisprudence exam if the exam is separate from the application process. At this time the Board is working to incorporate the exam into the application; however, it may be necessary to ensure public safety by administering this exam online separate from the renewal or application process.

11. Interested persons may provide their views regarding the regulation at the following locations or by submitted written comments to Sandra Anderson at sjanderson@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

Sandra Anderson at sjanderson@lmt.nv.gov or (775) 687-9951. Written submissions must be received by the Board on or before June 7, 2022. 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 R128-20) 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 (to be adopted) 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. R128-20) 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/>