



NEVADA STATE BOARD OF MASSAGE THERAPY
POLICY AND PROCEDURE

Subject: Inspection Policy	Policy No. 11.2.1	
	Issued By: Board	Distribution: Nevada State Board of Massage Therapy Members and Employees
	Amends/Supersedes	
Reference(s):	Effective Date: 6/10/2020 Revised 3/30/2022	

I. PURPOSE

The Nevada State Board of Massage Therapy (NSBMT) shall make, receive and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of NSBMT.

II. POLICY

NSBMT must make, receive and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency.

III. SCOPE

This policy applies to all employees working within the inspection team or department under the authority of or within the NSBMT.

IV. RESPONSIBILITY

- A. Employees are responsible for complying with the requirements of this policy.
- B. Supervisors are responsible for:
 - 1. Informing current incumbent employees periodically of the content and intent of this policy.
 - 2. Taking disciplinary action when an employee is in violation of this policy.
- C. The Executive Director shall be responsible for:
 - 1. Providing assistance to supervisors and employees in the interpretation and explanation of this policy.
 - 2. Assisting management in determining action to be taken if an employee violates this policy.

V. PROCEDURES

- A. Inspections of all establishments and outcall therapists shall be conducted at least annually with a minimum of 95% completion rate. The inspection team will work together during January to establish an accurate listing of the establishments and licensees for inspection during the calendar year. The team shall work together to ensure compliance with inspection guidelines throughout the calendar year and will meet quarterly to assess goals and objectives. New locations will be added to the route ~~and the list maintained by the team of the total number of new inspections added since the assessment was completed in January~~ on an ongoing basis. No new establishments will be added to the annual inspection goals until the following January. ~~Percentages will be adjusted to include the new establishments on a quarterly basis and be reported to the Board at each meeting following the adjustments.~~
- a. Inspections shall be completed using the NSBMT Compliance Inspection form.
 - b. Inspectors shall verify compliance with all applicable items on the form. If a list of licensees working in the establishment is not available at the time of inspection, it may be emailed to the Inspector within three (3) business days of the inspection.
 - i. When referencing license numbers on the NSBMT Compliance Inspection Form no designation shall be used for NVMT licensees. A designation shall be used for all other license types.
 - ii. Employee lists shall be verified no later than three (3) business days after receipt.
 - iii. Establishments shall be notified of a licensee's ~~expired~~ status **if other than active** immediately.
 - iv. Licensees performing massage on an expired license shall be cited and fined based on the number of violations/occurrences of practicing on an expired license. To verify the number of violations/occurrences the inspector shall check the citation log for prior citations and proceed accordingly with the preparing the citation.
 - v. The report accompanying the citation shall include a copy of the inspection report, ~~employee log~~, and screen shot from the database confirming the expired status at the time of verification.
 - c. Inspectors shall make note of all items not in compliance and conduct follow-up inspections as necessary or arrange for notification of compliance by the establishment or licensee. Compliance dates of the NSBMT Compliance Inspection Form shall reflect fifteen (15) business days from the date of the inspection.
 - ~~d. Inspectors shall update the Daily Activity Sheet (DAS) daily or upon return to the office.~~
 - ~~e. Inspectors shall update the Route Log by 9:00 a.m. on the last workday of the week.~~
 - f. In an effort to work towards a paperless system the inspector shall scan and upload the NSBMT Compliance Inspection forms to the S: drive no later than

12:00 p.m. on the last workday of the week. Inspectors that will be out the last workday of the week shall plan accordingly to comply prior to taking leave. In cases of unexpected leave, the inspector will complete the required tasks upon return to the office.

- g. Updates **to the daily activity sheet and route log** for the week shall be completed no later than ~~9:00 a.m.~~ **close of business** on the last workday of the week and shall be reported to the Board in the Executive Director's **Monthly Board Update**.
 - h. The Executive Director or designee shall audit the DAS, Route Log and scanned files for congruent information, accuracy, and consistency at a minimum of monthly. The paper documents shall be kept until the audit is complete **and verified**. Once **verified and updated, if necessary, paper documents complete** ~~the Executive Director will notify the inspector that the forms~~ may be destroyed.
 - i. All inspection reports shall be maintained according to the Nevada State Records Retention Schedule. ~~Combine i. and j. and renumber~~
 - j. The Executive Director will authorize the deletion of these files in compliance with the Nevada State Records Retention Schedule.
 - ~~k. Outcall inspection forms will be uploaded to the licensees file in the database. Hard copies will be sent to the Administrative Assistant II for inclusion in the licensee's file.~~
 - l. Key indicators shall be reported to the Board at each Board meeting including total number of establishments identified, total number of outcall therapists identified, percentage of inspections completed in both categories, number of unsatisfactory inspections, and number of citations issued by inspectors.
 - ~~m. The Administrative Assistant II responsible for license renewals shall confirm the establishment(s) listed on the renewal are on the log. New locations will be identified and shared with the inspection team on a weekly basis. New locations will be added to the Route Log by the inspectors. new establishments tab and incorporated quarterly.~~
- B.** Follow-up inspections of unsatisfactory establishments or therapists shall be completed no sooner than fifteen (15) business days Nevada Revised Statutes (NRS 640C.755(2)(a)) but no later than forty-five (45) business days. **Extension may be authorized by the Executive Director.**

C. Citations

- a. Citations may be issued for violations of law and fines assessed based on **Nevada Administrative Code** (NAC) 640C.450. Citations may not be issued for items that are not substantiated as a violation of ~~Nevada Revised Statutes~~ NRS or NAC 640C. ~~Common items resulting in a citation but not limited to include unlicensed activity, violation of sanitation requirements not in compliance at follow-up inspection, advertising one of the practices covered under the practice act without a license, offering to perform one of the practices without a license.~~

- b. Citations shall be issued on the form provided for this purpose.
 - ~~i. White copy forwarded to Reno Office for billing~~
 - ~~ii. Yellow copy hand delivered or mailed to recipient~~
 - ~~iii. Pink copy placed into file~~
- c. Upon return to the office
 - i. The citation shall be logged.
 - ii. A report outlining the violations and supporting information shall be compiled within three (3) business days and saved on the S: drive.
 - iii. The white copy of the citation and a copy of the report shall be emailed to the Management Analyst for entry into the accounting system.
 - ~~iv. The Management Analyst or designee shall process the billing and receive payments.~~
 - ~~v. Once payment is received a copy of the documentation shall be processed by the Accounting Assistant for payment to the Controller's office to transfer the fines to the General Fund.~~
 - ~~vi. Citations not paid within ninety (90) days shall be sent to the Controller's office for collection.~~
 - ~~vii. A log of fines assessed shall be maintained by the Management Analyst and compared to the outstanding receivables at least annually.~~
 - ~~viii. A log of fines paid shall be maintained by the Management Analyst and compared to the amount transferred to the Controller's office for deposit into the General Fund Monthly and reconciled annually.~~
- D. Unlicensed Activity in an Establishment
 - a. Citations shall be issued for unlicensed activity in an establishment to the individual(s) in violation of the practice act.
 - b. Licensees working in, operating, or owning establishments where unlicensed activity occurs will be brought before the Board via the Complaint Notice of Hearing process for disciplinary action.
 - ~~e. Inspectors will send a copy of the citation and report to the Executive Director for investigation.~~
- E. Education of the Public
 - a. The Executive Director and members of the Inspection Team may represent the Board at educational institutions that provide training in massage therapy, reflexology and structural integration and provide information on the licensure, application, and compliance process.
 - b. The Executive Director and members of the Inspection Team may attend trainings and working group meetings to ensure understanding of the Board's scope and policies.
- F. Information Sharing – Collaboration with Agencies
 - a. Information regarding inspections may be shared with other agencies per NRS 640C.760(3).

- b. The Executive Director is the Custodian of Records and the Management Analyst is the back-up Custodian of Records as registered with the Library and Archives. As such, all information disseminated from the Board should be reviewed by the Executive Director or designee and recorded in the Public Information Request log by either the Executive Director or Management Analyst.
- c. In cases where information is shared but no document was provided the Executive Director shall be copied on the correspondence.

VI. POLICY EXCEPTION

On occasion there are special circumstances that may require an exception to this policy be granted. Exceptions, while not common, require the approval of the Executive Director.

VII. POLICY COMMUNICATION

All supervisors and managers of the NSBMT will provide their employees with a copy of this policy. Employees needing clarification should contact the Executive Director for assistance.

This policy is not a substitute for relevant law or regulation, nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with federal regulations and State law.