



**Nevada State Board of Massage Therapy**

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Petition for the adoption, filing, amendment or repeal of a regulation

Name: Sally Spurgeon

Date: October 1, 2024

Address: 6819 W Tropicana Ave #200 City: Las Vegas State: Nevada Zip: 891093

Phone: 702-429-6016 Fax: 702-253-7042 email: [sally@therapielv.com](mailto:sally@therapielv.com)

To petition the Nevada State Board of Massage Therapy for the adoption, filing, amendment or repeal of a regulation contained in Nevada Administrative Code Chapter 640C:

Identify the reason for petitioning for the adoption, filing, amendment or repeal of the regulation:

Note: If you require additional space for any section, you may attach separate pages to the petition form

I am petitioning to amend NAC 640C.340, which requires the client's breasts to be fully draped during massage, even if the client has signed a written consent form. The new regulation, effective June 5, 2024, has directly impacted my business, which has been providing therapeutic breast massage to post-mastectomy patients since 2010. Our practice operates under a consent form that was approved by the Board, ensuring informed client consent for therapeutic treatment. I am requesting an amendment that allows for the continuation of uncovered breast massage when medically necessary and with explicit written consent from the client.

Please write the proposed language of the regulation to be adopted, filed or amended or the existing language of the regulation to be repealed, as applicable:

"A massage therapist may provide breast massage on uncovered breasts for therapeutic or medically necessary purposes, provided that:

1. The client has signed a written consent form specifically authorizing uncovered breast massage for therapeutic purposes;
2. The therapist has received specialized training in post-mastectomy care and breast health;
3. The client's safety, dignity, and comfort are maintained throughout the session."

The statutory authority for the adoption, filing, amendment or repeal of the regulation:

This petition is made under the authority of NRS 640C.320, which grants the Nevada State Board of Massage Therapy the power to adopt, amend, and repeal regulations in the interest of public safety and professional standards.

Please submit any additional supporting documentation with the petition form, including Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation

Wherefore, the above named party requests that the Nevada State Board of Massage Therapy grant this petition and make the regulatory changes requested.

*Sally Spurgeon*

Signature: \_\_\_\_\_

Date: 10/01/2024

## Elisabeth Barnard

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**From:** Sally Spurgeon <sally@therapieiv.com>  
**Sent:** Monday, October 7, 2024 3:51 PM  
**To:** Nevada Board of Massage Therapists  
**Subject:** Petition for the amendment of a regulation  
**Attachments:** PetitionforAdoptionFilingAmendmentRepealofRegulationNSBMT.doc.pdf; Letter to NSBMT.docx; Testimonials2.docx; Client testimonial from research study.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Members of the Nevada State Board of Massage Therapy,

I am writing to formally petition for an amendment to the recent regulation prohibiting breast massage on uncovered breasts, even with explicit client consent, as part of Nevada Administrative Code Chapter 640C. In addition, I am requesting that my business be considered for a grandfathered exemption to allow the continued provision of therapeutic breast massage to post-mastectomy patients, as our practice has been in compliance with Board-approved guidelines since 2009.

Since that time, my business has been operating under a consent form that was approved by the Nevada State Board of Massage Therapy, allowing breast massage on uncovered breasts with the client's informed consent. Over the past 15 years, we have served countless post-mastectomy patients, providing medically necessary services that aid in their physical and emotional recovery. The new regulation would severely impact our ability to continue providing these essential services, which are often critical in improving range of motion, reducing pain and swelling, and promoting overall recovery following surgery.

In light of the long-standing approval of our consent form, the adoption of our form by the Board for use on its website, and the vital role our services play in post-mastectomy recovery, I respectfully request that my business be granted a grandfathered exemption to continue operating under the previous regulation.

I'd also like to note that during the COVID-19 pandemic, my business was asked to reopen by both the Governor of Nevada, Steve Sisolak, and Senator Dr. Joe Hardy, recognizing the services we provide as a medical necessity. This underscores the critical role that therapeutic breast massage plays in the recovery and health of post-surgical patients, particularly breast cancer survivors. Given that our services were deemed essential even during a public health crisis, I believe that further restrictions on our practice would not be in the best interest of client care.

A scientific study conducted by AT Still University, AZ validated the therapeutic benefits of our post-mastectomy protocol by showing statistically significant improvement in shoulder abduction, flexion and external rotation. The study is pending publication. A testimonial from the study is attached along with my original letter to the board and some of our reviews. I am happy to provide more testimonials and letters of support if you would like them.

Thank you for your consideration of this petition. I am committed to ensuring that breast cancer survivors in Nevada continue to receive the best possible care during their recovery process, and I look forward to your response.

Sincerely,



Sally Spurgeon, LMT, MMP, BCTMB  
*Certified Lymphedema Therapist*

**thérapie.**

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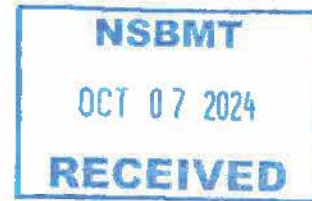
[www.therapie.lv.com](http://www.therapie.lv.com)

[www.yournewbreastfriend.com](http://www.yournewbreastfriend.com)

Thérapie  
6819 W Tropicana Ave #200  
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September 25, 2024

Nevada State Board of Massage Therapy  
1755 E. Plumb Lane, Suite 252  
Reno, NV 89502



Dear Members of the Nevada State Board of Massage Therapy,

Subject: Clarification and Concerns Regarding NAC 640C.340 - Draping Requirements

I am writing to you as a licensed massage therapist and a business owner whose primary focus is breast health and post-mastectomy work. My business, Thérapie, is centered around providing therapeutic services for individuals recovering from breast cancer, and I also lead a nonprofit that trains and compensates therapists to safely offer these critical services to cancer survivors in our community.

Additionally, we offer and teach massage for healthy breasts, emphasizing the importance of early detection of breast cancer, as it significantly improves a client's chance of survival. With 1 in 8 women and 1 in 877 men being diagnosed with breast cancer annually, it is crucial for massage therapists to be equipped with the knowledge and skills to work with this population and promote breast health through safe and effective techniques as it is highly likely that a client presenting on their table may have received this diagnosis.

Many of our clients are referred to us by plastic surgeons who rely on our treatments to aid their patients' recovery not only from mastectomies but also from breast reduction and augmentation surgeries. Our work significantly improves patients' outcomes by supporting scar tissue management, reducing discomfort, and enhancing mobility during the post-surgery recovery phase.

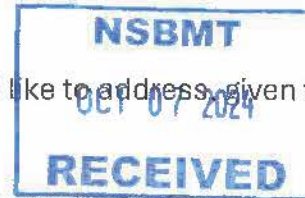
The primary protocol we use in these treatments, The Spurgeon Method®, has been scientifically validated through a study performed by AT Still University, Arizona, Department of Health Sciences. Massage therapists trained in The Spurgeon Method® bridge the gap between surgery and physical therapy by restoring range of motion, relieving pain, and reducing swelling - essential aspects of recovery. The Spurgeon Method® is also an NCBTMB-approved course for both breast health and post-mastectomy work, ensuring therapists are highly trained and knowledgeable in these specialized techniques.

One particularly critical concern arises with clients who have undergone radiation therapy as part of their breast cancer treatment. Radiation often results in tissue breakdown, which can lead to infection. If the affected area is not clearly visible to the therapist, this can create a very dangerous situation, as the therapist may unknowingly aggravate tissue damage, potentially causing harm to the client. For this reason, it is essential that therapists be able to visually inspect

the treated area to ensure they are providing safe care. Restricting this visibility could result in unintended harm, especially for vulnerable breast cancer survivors.

I recently became aware of the changes to Section 640C.340 of the Nevada Administrative Code regarding draping regulations, which now explicitly require that a client's breasts must remain covered during massage, even when the client has provided informed written consent as stated on the approved form "\_\_\_\_I am comfortable having the therapist work with the hands directly on the uncovered breasts while performing massage". This new regulation represents a significant departure from the prior rules, under which I have been operating since 2009. At that time, the Board approved the informed consent form I created for breast massage, which was subsequently posted on the Board's website as the official document permitting this specialized work.

The new law raises several concerns and questions that I would like to address, given the nature of my practice and the population I serve:



1. **Definition of "Breasts":** Many of my clients have undergone mastectomies or other surgeries that result in the removal of mammary tissue. Given the new draping requirements, I seek clarification on what constitutes "breasts" in the context of this law. Specifically, does this term apply only to individuals with mammary glands, or does it extend to clients with autologous tissue reconstructions, implant reconstructions, partial mastectomies, or even male clients with gynecomastia?
2. **Donor Sites in Breast Reconstruction:** For clients who have undergone autologous breast reconstruction, donor sites such as the Latissimus (LAT flap), Gluteal Artery Perforator (GAP flap), Profunda Artery Perforator (PAP flap), and Transverse Upper Gracilis (TUG flap) are often involved. Work on these areas is crucial for scar tissue management and overall recovery. Does the new law also restrict massage work on these donor sites, as they are in the buttocks and inner thighs?
3. **Impact on Breast Cancer Survivors and Other Clients:** As mentioned, I run a nonprofit organization dedicated to training therapists in safe and effective breast massage for post-mastectomy patients. Our therapists provide these services to breast cancer survivors at a local cancer support center. Given the new law, I am deeply concerned about whether we will still be able to perform this critical work. Additionally, the new draping requirements could severely impact the recovery process for clients who come to us following breast reduction or augmentation surgeries, as well as other types of reconstructive surgery.

I propose an exception be made to allow the continued use of the existing consent form for therapists who have undergone training in The Spurgeon Method® or other NCBTMB-accredited courses and possess the specialized knowledge required to perform this work safely. These therapists are highly trained in both breast health and post-mastectomy techniques, and the consent form has proven effective in safeguarding clients' consent and understanding of the procedures involved.

As the Board may remember, during the COVID-19 pandemic, Governor Sisolak recognized the essential nature of our services and requested that our office reopen as a medical necessity to provide this much-needed care to patients who came to us with a physician's request for treatment. This further underscores the importance of continuing these specialized therapies in a safe and controlled manner.

Given the serious implications of the new law for both therapists and clients, I kindly request a response clarifying the following:

1. The Board's current definition of "breasts" under NAC 640C.340, especially in cases of mastectomy and reconstruction.
2. Whether the restrictions apply to donor sites used in autologous tissue reconstruction.
3. Whether therapists are now prohibited from working on gluteal muscles without draping, even when these areas are involved in breast reconstruction.
4. Whether my nonprofit's ongoing work to support breast cancer survivors will still be permissible under the new rules.
5. How the new law accounts for cases where tissue breakdown due to radiation therapy or unresolved scarring may not be visible if the area is required to remain draped, posing potential risks for both the client and therapist.

I would appreciate your guidance on these matters to ensure compliance with the law while continuing to provide safe and beneficial services to clients who have undergone breast surgery. I trust the Board shares my commitment to helping breast cancer survivors and promoting breast health through early detection, scientifically validated therapeutic care, and post-surgical recovery.

Thank you for your attention to these concerns. I look forward to your prompt clarification and response. Time is of the essence, as we have clients already booked for these services, and I need to know as soon as possible whether we will be allowed to provide them without modifications.

Sincerely,



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