



## Nevada State Board of Massage Therapy

### \*\*\*NOTICE OF WORKSHOP FOR PROPOSED REGULATION\*\*\*

#### LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy will take place online via Zoom, available via telephone or by visiting 1755 E. Plumb Ln. Ste 254, Reno, NV 89502. Persons wishing to participate in the meeting may connect to the meeting through the link below or telephone numbers below. Persons wishing to provide public comment during the meeting may use the links below and at the appropriate time, the Board Chair will call on persons wishing to make public comment.

Virtual access available by registering for this meeting online:

<https://us06web.zoom.us/j/84151856142?pwd=ZYnHnEdnFyDCGxID51knjZNTt7Y6u3.1>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID: 841 5185 6142

Passcode: 833399

SIP: [84151856142@zoomcrc.com](mailto:84151856142@zoomcrc.com)

Telephonic access to this meeting available by dialing the number below based on the location closest to participant.

+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 (Germantown)

+1 312 626 6799 US (Chicago)

#### DATES AND TIMES:

**November 19, 2024, commencing at 9:00 a.m.**

**Zoom sign-in available at 8:30 a.m.**

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### AGENDA

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1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502 775.687.9955 Fax 775.786.4264

Email: [nvmassagebd@lmt.nv.gov](mailto:nvmassagebd@lmt.nv.gov) Website: <http://massagetherapy.nv.gov>

**Please Note:** The Nevada State Board of Massage Therapy may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Elisabeth Barnard at 775.687.9951 (ebarnard@lmt.nv.gov) in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific agenda items. Public comment may also be taken at other such times as requested as long as the request for public comment will not interrupt ongoing Board business. The Board may discuss the matters not on the agenda but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide public comment, please avoid repetition. The Board limits public comment to three (3) minutes.

**Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment (see NRS 233B.126).** Please be aware that after the quasi-judicial Board has rendered a decision in the contested case and, assuming this happens before adjournment, the Board may entertain public comment on the proceeding at that time.

1. Call to order and roll call of Board Members.
2. Mission Statement of the Nevada State Board of Massage Therapy – To protect the public health, safety, and welfare through effective massage therapy regulation. Insuring that qualified, competent, ethical practitioners are licensed.
3. Public comment – Members of the public who wish to participate in a public meeting may do so by providing public comment during the two designated public comment periods. Additionally, public comment options may include, without limitation, telephonic or email comment. Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting. The Board will not restrict comments based on viewpoint. The opportunity for public comment will be available at the beginning and ending of the meeting. (Discussion Only)
4. Workshop for proposed regulatory changes to NAC 640C.340.
5. Public comment.
6. Adjournment

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**Notices:**

Items may be combined for consideration by the board. Items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and at the end of the meeting. Regarding public comment, no vote may be taken upon a matter raised under this agenda item until the matter itself has been specifically included on a future agenda as an item upon which action may be taken. (NRS 241.020). The Chair may allow comment on individual agenda items at her discretion. Public comments are limited to three (3) minutes.

The Nevada State Board of Massage Therapy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than **Monday, November 18, 2024**, to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502. Supporting materials are available on the Board's website**

[http://massagetherapy.nv.gov/About/Board\\_Meetings/Meetings/](http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/) or by contacting **Elisabeth Barnard at 775.687.9951 or [ebarnard@lmt.nv.gov](mailto:ebarnard@lmt.nv.gov) or 1755 E Plumb Lane, Suite 252, Reno, NV 89502.**

Documents provided to Board members during the meeting will be posted on the website after the meeting.

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Elisabeth Barnard at 775.687.9951 or [ebarnard@lmt.nv.gov](mailto:ebarnard@lmt.nv.gov) no later than 48 hours prior to the meeting.

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In accordance with NRS 241.020, this public notice and agenda was posted on or before November 5, 2024, at the following locations:

[http://massagetherapy.nv.gov/About/Board\\_Meetings/Meetings/](http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/)

<https://notice.nv.gov>

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

State Library and Archives

Nevada Legislative Counsel Bureau

# Small Business Impact Statement

## Proposed Changes to NAC 640C

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C, regarding revising NAC 640C.340 to clarify when a client needs to be draped.

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.

RE: NRS 233B.0609 Proposed permanent or temporary regulation: Contents of small business impact statement; person responsible for agency to sign impact statement.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Public comment was solicited when a licensee petitioned the Board to engage in revising the regulation to clarify the requirements for draping a client. A public meeting was held wherein the Board engaged in discussions with the licensee who submitted the petition and others in support of the regulatory change. The Board discussed how the changes could be made to ensure the public was still protected.

The Executive Director worked with stakeholders to ensure the changes facilitated the Boards function to protect the health, safety and welfare of the public while meeting the needs of small businesses.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at ebarnard@lvmt.nv.gov or at 775-687-9951.

2. The manner in which the analysis was conducted.

The manner in which the analysis was conducted was through reviewing and discussing the comments of various stakeholders affected who sought the change in the regulation, Board staff and the Board during a public meeting, and the Board’s attorney.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates or on the public.

Beneficial effects: The changes will enable individuals who seek out massage therapists for certain types of massage will continue to receive the massages to assist in their continued healing.

(2) Both direct and indirect effects.

Direct effects: The direct effects are to establish clear guidance on acceptable practices and allow businesses proposing to (continue) offering those services to remain compliant.

Indirect effects: Licensees and their businesses may see indirect effects improved public confidence and expectations for certain types of massage therapy.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

There is no fiscal impact to licensees. The Board continues to provide education and information to licensees to ensure compliance.

5. The estimated cost to the agency for enforcement of the proposed regulation.

No cost is expected due to the implementation of these regulations.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No new fees are proposed.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

This regulation does not duplicate any other nor is it more stringent.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses are the result of communications with those most likely to be affected by the changes as well as others which have expertise in the matter. The Board Executive Director has communicated and researched this matter with affected stakeholders, with the Board's attorney, and with staff.

As the Executive Director who is responsible for the Board I certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sincerely,  
Nevada Board of Massage Therapy



Elisabeth Barnard  
Executive Director  
Nevada State Board of Massage Therapy

**Section 1.** NAC 640C.340 is hereby amended to read as follows:

NAC 640C.340 ~~[A]~~ *1. Except as otherwise provided in subsection (2), a* massage therapist shall drape a client, including, without limitation, a client who has signed a written consent form pursuant to paragraph (c) of subsection 4 of NRS 640C.700, by covering the client with a towel, sheet, blanket, linen or other covering in such a manner that:

~~[1]~~ *(a)* The client's genitals, gluteal cleft and breasts are not exposed; and

~~[2]~~ *(b)* Neither the massage nor the movement of the body expose the client's genitals, or gluteal cleft or breasts.

*2. The breast of a client, which may not be exposed without first having obtained prior written consent, may be treated under the following circumstances:*

*(b) The massage of the breasts is for therapeutic or medical purposes including, without limitation, the reduction of scar tissue following a surgery on the breast, release of myofascial binding, or improving lymphatic flow;*

*(b) The massage therapist or structural integration practitioner has received at least 48 hours of continuing education credits in lymphatic massage, myofascial massage, or oncology massage;*

*(c) There is a valid request from the client, a valid prescription is presented, or there is a referral from a qualified medical professional; and*

*(e) A written description and explanation is given to the client before the massage begins and permission granted again before uncovering the breast.*

*3. The Board shall revoke the license of a massage therapist or structural integration practitioner for a period of 3 years who the Board determines has violated the requirements set forth in subsection 2.*