

Section 1. Chapter 640C of NRS is hereby amended by adding thereto the provisions set forth as sections 2, through 5, inclusive, of this regulation.

Sec. 2. *The Board may refuse to issue a certificate to an establishment, or may initiate disciplinary action against a holder of a certificate, if the applicant or holder of the certificate, or, where applicable, each member, partner, director, officer or manager of the applicant:*

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 NRS chapter 640C 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 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. Has been convicted of advancing prostitution pursuant to NRS 201.395;

- 6. Has been cited, arrested, or convicted for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances;*
- 7. Has been cited by the Board for facilitating unlicensed activities;*
- 8. Has failed to provide information requested by the Board within 60 days after receiving the request;*
- 9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct;*
- 10. 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. 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. 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. If the holder of the certificate is on probation, has violated the terms of the probation; or*
- 14. 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.

Sec. 3. 1. *If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:*

(a) Place the applicant or holder of the certificate on probation for a specified period or until further order of the Board;

(b) Administer to the applicant or holder of the certificate a public reprimand;

(c) Refuse to issue, renew, reinstate or restore the certificate;

(d) Suspend or revoke the certificate;

(e) Except as otherwise provided in NRS 640C.712, impose an administrative fine of not more than \$5,000 for each violation;

(f) Require the applicant or holder of the certificate to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not issue a private reprimand.

Sec. 4. *“Mobile massage” means the practice of massage therapy out of a vehicle, mobile unit, or who travels to events to provide massage services.*

Sec. 5. *For the purposes of subsection 4 of NRS 640C.580, subsection 4 of NRS 640C.600, and subsection 4 of NRS 640C.620 the term “designee” means the Executive Director of the Board.*

Sec. 6. NAC 640C.060 is hereby amended to read as follows:

640C.060 1. ~~HH~~ *Except as otherwise provided in subsection 2, if* an applicant for a license to practice massage therapy, reflexology or structural integration who otherwise satisfies the requirements of NRS 640C.420, 640C.580, 640C.600, 640C.610, 640C.620 or 640C.630 wishes the Board to recognize a program of massage therapy, reflexology or structural integration other than a program listed in paragraph (a) of subsection 3 of NRS 640C.580, paragraph (a) of subsection 3 of NRS 640C.600 or paragraph (a) of subsection 3 of NRS 640C.620, as applicable, the applicant must submit to the Board a detailed outline of the training of the applicant that includes, without limitation:

- (a) A list of the instructors of the training;
- (b) Any texts used as study guides for the training; and
- (c) Certificates of completion for the training which evidence that the applicant has satisfied the number of training hours required by the Commission on Postsecondary Education for a program of massage therapy, reflexology or structural integration.

2. *The Board may waive the requirements of subsection 1 for an applicant who completed a program of massage therapy, reflexology or structural integration in another state, territory or possession of the United States or the District of Columbia may submit documentation that demonstrates that the program of massage therapy, reflexology or structural integration is approved by the entity that issues a license to practice massage therapy, reflexology or structural integration in that state, territory or possession of the United*

States or the District of Colombia if the program of massage therapy, reflexology, or structural integration satisfies the requirements of NAC 640C.052, 640C.055, or 640C.057.

3. Where practicable, a request for recognition of a program of massage therapy, reflexology or structural integration made pursuant to this section will be considered by the Board at the next regularly scheduled meeting of the Board immediately following the receipt of the request.

Sec. 7. NAC 640C.075 is hereby amended to read as follows:

640C.075 1. The Board may issue a license to an applicant and immediately place the licensee on probation pursuant to NRS 640C.710 if the application or background of the applicant demonstrates that the applicant has committed one or more of the acts described in NRS 640C.700.

2. The terms of probation imposed pursuant to subsection 1 may require the licensee to:

(a) Report to the Board all contact with law enforcement personnel within 48 hours after such contact occurs;

(b) Refrain from providing outcall services;

(c) Submit employment offers to the staff of the Board for review and approval;

(d) Notify the Board of any changes in his or her employment;

(e) Complete an ethics course within 90 calendar days after the issuance of the license;

(f) Submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report upon renewal of his or her license;

(g) Attend a probation orientation;

(h) Take any other action that the Board deems appropriate; or

(i) Take any combination of the actions set forth in paragraphs (a) to (h), inclusive.

3. As used in this section, “outcall services” means massage therapy, reflexology or structural integration provided for compensation by a massage therapist, reflexologist or structural integration practitioner ~~in a location other than at the address set forth in the business license of the massage establishment, reflexology establishment or structural integration establishment.~~ *at a client’s home, office, or other location that is not an establishment.*

Sec. 8. NAC 640C.083 is hereby amended to read as follows:

640C.083 1. A person shall not operate a massage establishment, a reflexology establishment or a structural integration establishment unless the person holds a valid certificate to operate a massage establishment, a reflexology establishment or a structural integration establishment, as applicable, which has been issued by the Board.

2. To obtain a certificate, an applicant for a certificate must:

(a) Submit a completed application for the applicable certificate on a form prescribed by the Board;

(b) Pay the fee set forth in NAC 640C.095; and

(c) Comply with any other requirements of this chapter and chapter 640C of NRS.

3. The application must include, without limitation:

(a) A copy of the state business license of the applicant;

(b) A copy of any business license or conditional business license of the applicant issued by a local government;

(c) A list of services that the applicant wishes to provide to clients; and

(d) A photograph of the entrance of the establishment.

4. ~~{The Board will issue a certificate to an applicant who complies with the requirements of subsection 2, if the applicant and, where applicable, each member, partner, director, officer or manager of the applicant, has not been:~~

~~(a) Convicted of advancing prostitution pursuant to NRS 201.395;~~

~~(b) Except as otherwise provided in paragraph (a), cited, arrested or convicted for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances; or~~

~~(c) Previously cited by the Board for facilitating unlicensed activities.~~

~~5.}~~ Except as otherwise provided in subsection ~~{6,}~~ *section 2 of this regulation*, a certificate is valid for 1 year after the first day of the first calendar month immediately following the date of issuance or renewal and may be renewed if, before the certificate expires, the holder of the certificate:

(a) Submits to the Board a completed application for renewal on a form prescribed by the Board;

(b) Pays the fee set forth in NAC 640C.095; and

(c) Complies with any other requirements of this chapter and chapter 640C of NRS.

~~{6. The Board will not renew a certificate pursuant to subsection 5 if the holder of the certificate or any member, partner, director, officer or manager of the holder has been arrested, convicted or cited, as applicable, in the manner described in subsection 4.~~

~~7.}~~ 5. A certificate issued pursuant to this section is not transferable.

Sec. 9. NAC 640C.095 is hereby amended to read as follows:

640C.095	1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted by paper copy	\$130
	2. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted through the Internet website of the Board	\$100
	3. For issuing a license as a massage therapist, a reflexologist or a structural integration practitioner	\$295
	4. For issuing a temporary license	\$250
	5. For conducting a background check	\$85
	6. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted by paper copy	\$325
	7. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted through the Internet website of the Board	\$295
	8. For restoring an expired license	\$25 per each expired month, not to exceed \$500
	9. For reinstatement of a suspended or revoked license	\$500
	10. For issuing a replacement license	\$50
	11. For restoring an inactive license	\$295

12. For reissuance of a certificate for a massage establishment, reflexology establishment or structural integration establishment \$25

13. For a petition submitted to the Board for review of criminal history \$50

14. For issuing a certificate for a massage establishment or a structural integration establishment:

~~[(a) For an establishment with a single room for massage therapy or structural integration—no fee~~

~~——(b) For an establishment with at least 2 but not more than 7 rooms for massage therapy or structural integration—~~

~~——\$15~~

~~——(c) For an establishment with at least 8 but not more than 20 rooms for massage therapy or structural integration——~~

~~——\$25~~

~~——(d) For an establishment with at least 21 but not more than 40 rooms for massage therapy or structural integration——~~

~~——\$35~~

~~——(e) For an establishment with more than 40 rooms for massage therapy or structural integration]~~

\$50

15. For the renewal of a certificate for a massage establishment or a structural integration establishment:

~~[(a) For an establishment with a single room for massage therapy or structural integration—no fee~~

~~————(b) For an establishment with at least 2 but not more than 7 rooms for massage therapy or structural integration—~~

~~————\$15~~

~~————(c) For an establishment with at least 8 but not more than 20 rooms for massage therapy or structural integration——~~

~~————\$25~~

~~————(d) For an establishment with at least 21 but not more than 40 rooms for massage therapy or structural integration——~~

~~————\$35~~

~~————(e) For an establishment with more than 40 rooms for massage therapy or structural integration}~~

\$50

~~{16. For issuing a certificate for a massage establishment that does not have rooms for massage therapy:~~

~~————(a) For an establishment with not more than 10 chairs or tables for massage therapy——~~

~~————\$20~~

~~————(b) For an establishment with more than 10 chairs or tables for massage therapy——~~

~~————\$40~~

~~————17. For the renewal of a certificate for a massage establishment that does not have rooms for massage therapy:~~

~~————(a) For an establishment with not more than 10 chairs or tables for massage therapy——~~

~~————\$20~~

~~————(b) For an establishment with more than 10 chairs or tables for massage therapy——~~

~~————\$40}~~

~~{18.}~~ 16. For issuing a certificate for a reflexology establishment:

~~{(a) For an establishment with not more than 10 chairs or tables for reflexology —~~

~~—\$20~~

~~—(b) For an establishment with more than 10 chairs or tables for reflexology~~

~~—\$40}~~

\$50

19. For renewal of a certificate for a reflexology establishment:

~~{(a) For an establishment with not more than 10 chairs or tables for reflexology —~~

~~—\$20~~

~~—(b) For an establishment with more than 10 chairs or tables for reflexology~~

~~—\$40}~~

\$50

Sec. 10. Section 19 of LCB File R128-20 is hereby amended to read as follows:

Sec. 19. 1. A person wishing to apply for a license to practice massage therapy, reflexology or structural integration may petition the Board to review his or her criminal history to determine if the criminal history would disqualify the petitioner from being licensed by the Board.

2. The petition must be completed on a form prescribed by the Board.

3. The Board will ~~{complete a background check of the petitioner in addition to reviewing}~~ *review* the information contained in the petition.

4. Not later than 90 days after receiving the completed petition, the Board will inform the petitioner of whether the criminal history will disqualify the petitioner from being licensed by the Board.