

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 (LCB File R028-25).

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. In addition, the Board discussed this in a workshop.

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 Board of Massage Therapy