

**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 by the Board or 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;*
- 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 ; or*

*15. Has violated NAC 640C.350.*

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

*(f) 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. The term does not include outcall services.*

**Sec. 5. -1.** *A person who holds an active license in good standing to practice massage therapy, reflexology, or structural integration issued by another state, territory or possession of the*

*United States may apply for a temporary license to practice massage therapy, reflexology, or structural integration in this State by:*

*(a) Submitting an application.*

*(b) Paying the fee set forth in NAC 640C.095.*

*(c) Providing a copy of his or her active license in good standing.*

*(d) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:*

*(1) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy, reflexology, or structural integration; and*

*(2) Disciplinary proceedings relating to his or her license to practice massage therapy, reflexology, or structural integration are not pending;*

*(e) Lising all states, territories, or possessions of the United States that the applicant was issued a license.*

*(f) Listing the name of the applicant's supervisor.*

*2. A fully licensed massage therapist, reflexologist, or structural integration practitioner who supervises a person who has been issued a temporary license is responsible for the acts of the person.*

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

640C.060 1. ~~##~~ *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.620 or 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. The Board will maintain a list of programs of massage therapy, reflexology, or structural integration that satisfies the requirements of NAC 640C.052, 640C.055, and 640C.057.*

**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) Refrain from providing mobile massage;

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

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

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

(g) 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;

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 *an application for a temporary license and issuing a* temporary license  
~~{250}~~ *\$150*

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. ~~H~~ 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~~ 20 rooms for massage therapy or structural integration

~~15~~ \$25

(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~~ 20 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~~ 20 rooms for massage therapy or structural integration

~~————~~ ~~15~~ \$25

(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~~ 20 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

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

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

~~1~~ ~~\$40~~ ~~2~~ ~~\$50~~

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

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

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

~~1~~ ~~\$40~~ ~~2~~ ~~\$50~~

18. For issuing a certificate for a reflexology establishment:

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

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

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

~~1~~ ~~\$40~~ ~~2~~ ~~\$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

~~1~~ ~~\$20~~ ~~2~~ ~~\$25~~

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

~~1~~ ~~\$40~~ ~~2~~ ~~\$50~~

**Sec. 10.** NAC 640C.100 is hereby amended to read as follows:

640C.100 1. To maintain his or her licensure, a massage therapist or structural integration practitioner must complete ~~1, to the satisfaction of the Board,~~ at least ~~24~~ 6 hours of instruction

in continuing education as specified in NAC 640C.110 or 640C.112, as applicable, within the licensing period immediately preceding the request for renewal of his or her license. *Each massage therapist or structural integration practitioner must attest to his or her compliance with requirement set forth in this subsection at the time for the renewal of his or her license.*

~~{Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license.}~~

~~2. {If a massage therapist or structural integration practitioner obtains more than 6 hours of instruction in continuing education in a licensing period, the massage therapist or structural integration practitioner may request that the Board carry over the excess hours of credit, not to exceed 72 18 hours of instruction, to apply towards completion of the requirement for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 3 succeeding years.~~

~~3. If a massage therapist or structural integration practitioner fails to complete the requirements for continuing education set forth in subsection 1 before the date on which his or her license expires, the Board will send a notice to the massage therapist or structural integration practitioner indicating that the massage therapist or structural integration practitioner is not in compliance with the requirements for continuing education.}~~

*The Board will perform random audits of massage therapists and structural integration practitioners for compliance with the requirements for continuing education.*

*3. If audited by the Board, a massage therapist or structural integration practitioner shall prove that he or she has participated in 6 hours of continuing education during each licensing period that is audited by presenting copies of original certificates of completion or computer printouts from approved providers of continuing education to the Board.*

*4. A massage therapist and structural integration practitioner shall maintain documentation of completion of the requirements for continuing education for 4 years.*

**Sec. 11.** NAC 640C.410 is hereby amended to read as follows:

640C.410 1. As used in subsection 9 of NRS 640C.700, the Board interprets the phrases:

(a) “Unethical conduct” to include, without limitation, any of the following conduct that occurred outside the course and scope of the practice of massage therapy, reflexology or structural integration:

(1) Aiding, abetting or assisting any person in performing any act prohibited by law.

(2) Performing any act prohibited by law.

(b) “Unprofessional conduct” to include, without limitation, any of the following conduct that occurred in the course and scope of the practice of massage therapy, reflexology or structural integration:

(1) Offering to practice massage therapy, reflexology or structural integration on a client in exchange for sexual favors.

(2) Using health care information to contact a client for the purpose of engaging in a sexual activity with the client.

(3) Using health care information or access to health care information to meet or attempt to meet the sexual needs of the massage therapist, reflexologist or structural integration practitioner.

(4) Performing acts beyond the scope of the practice of massage therapy, reflexology or structural integration.

(5) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration without adequate training.

(6) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration if competency is not maintained or the standards of competence are not satisfied, or both.

(7) Disclosing the contents of the examination for licensure or certification, or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration.

(8) Assigning or delegating functions, tasks or responsibilities of licensed or certified persons to unqualified persons.

(9) Failing to supervise a person to whom functions of massage therapy, reflexology or structural integration are delegated or assigned, if responsible for supervising the person.

(10) Failing to safeguard a client from the incompetent, abusive or illegal practice of any person during the practice of massage therapy, reflexology or structural integration.

(11) Practicing massage therapy, reflexology or structural integration while, with or without good cause, the physical, mental or emotional condition of the massage therapist, reflexologist or structural integration practitioner impairs his or her ability to act in a manner consistent with established or customary standards of the practice of massage therapy, reflexology or structural integration, as applicable.

(12) Practicing massage therapy, reflexology or structural integration, if any amount of alcohol or a controlled substance or dangerous drug that is not legally prescribed is present in the body of the massage therapist, reflexologist or structural integration practitioner.

(13) Failing to respect and maintain a client's right to privacy.

(14) Performing or offering to perform the functions of a licensee or holder of a certificate by false representation or under a false or assumed name.

(15) Soliciting or borrowing money, materials or other property, or any combination thereof,  
from a:

(I) Client; or

(II) Family member of a client.

(16) Aiding, abetting or assisting any person in performing any acts prohibited by law.

(17) Failing to abide by any state or federal statute or regulation relating to the practice of  
massage therapy, reflexology or structural integration.

(18) Engaging in sexual contact with a client.

(19) Failing to report the unauthorized practice of massage therapy, reflexology or structural  
integration.

(20) Endangering the safety of the general public, clients or coworkers by making actual or  
implied threats of violence or carrying out an act of violence.

(21) Abusing a client.

(22) Misappropriating the property of a client.

(23) Failing to comply with a condition, limitation or restriction which has been placed on  
the license of the massage therapist, reflexologist or structural integration practitioner, or the  
certificate of the massage establishment, reflexology establishment or structural integration  
establishment.

(24) Engaging in the practice of massage therapy, reflexology or structural integration  
without a license issued pursuant to the provisions of this chapter and chapter 640C of NRS.

(25) Displaying a license, certificate, diploma or permit, or a copy of a license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited or materially altered.

(26) Engaging in a pattern of conduct that demonstrates failure to exercise the knowledge, skills and abilities to use the methods ordinarily exercised by a reasonable and prudent massage therapist, reflexologist or structural integration practitioner to protect the public.

(27) Failing to cooperate with an investigation or inspection conducted by the Board.

(28) Engaging in any other unprofessional conduct with a client that the Board determines is outside the professional boundaries generally considered acceptable in the profession.

(29) Advertising in a manner that is inconsistent with this chapter or chapter 640C of NRS.

*(30) Engaging in the practice of massage therapy, reflexology, or structural integration when a client has a condition that makes massage therapy, reflexology, or structural integration contraindicated.*

2. When evaluating whether a massage therapist, reflexologist or structural integration practitioner is prohibited from engaging or attempting to engage in a sexual activity with a client or former client, the Board will consider, without limitation:

(a) Documentation of a formal termination of the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client;

(b) The transfer of care of the client or former client from the massage therapist, reflexologist or structural integration practitioner to another massage therapist, reflexologist or structural integration practitioner, as applicable;

(c) The duration of the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client;

(d) The amount of time that has passed since the last services related to the practice of massage therapy, reflexology or structural integration were provided to the client or former client by the massage therapist, reflexologist or structural integration practitioner;

(e) The communication between the massage therapist, reflexologist or structural integration practitioner and the client or former client after the last services related to the practice of massage therapy, reflexology or structural integration were provided to the client or former client and before the commencement of the personal relationship;

(f) The extent to which the personal or private information of the client or former client was shared with the massage therapist, reflexologist or structural integration practitioner;

(g) The nature of the health condition of the client or former client, if any, during the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client and after that professional relationship ended;

(h) The extent of emotional dependence of the client or former client on the massage therapist, reflexologist or structural integration practitioner, if any, and the vulnerability of the client or former client; and

(i) The standard cycle for revisiting a massage therapist, reflexologist or structural integration practitioner as determined by the Board.

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.