

# 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 the discipline of establishments, establishing definitions, revising the recognition of a program of massage therapy, revising the requirements for the issuance and renewal of an establishment certificate, revising the fee for a temporary license, revising the requirements for continuing education, revising the term “unprofessional conduct.”

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.

Internally, the Executive Director of the Board reviewed the draft regulation with staff and legal counsel to determine the potential impact to small businesses. The Board also noticed and will conduct a public workshop. There is a potential to impact small businesses because the Board is revising the way that it charges for an establishment certificate, which may result in an increase in costs associated with that certificate. However, the increase is at most \$50, which is not a significant or negative impact. Additionally, the Executive Director sought input from the licensing community regarding continuing education and sent a survey to licensees requesting feedback. The Executive Director reviewed the feedback and adjusted the regulation based on some of the feedback.

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](mailto: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 proposed changes with the Executive Director of the Board, staff and the Board’s counsel and through a survey sent to licensees.

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 establish a process pursuant to which the Board can discipline holders of establishment certificates, reduces the fees for a temporary license, creates clarity in continuing education requirements.

(2) Both direct and indirect effects.

Direct effects: The direct effects are to establish clear guidance on acceptable practices and creates clear procedures for disciplining holders of establishment certificates.

Indirect effects: Licensees and their businesses may see indirect effects improved public confidence and expectations.

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 not a significant economic impact on small businesses. The Board has considered the need to enforce statutory requirements the associated costs. After assessing costs and revenues, a simplified fee structure serves that need and keeps impacts consistent across all businesses

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.

The proposed regulations do include increased fees. The Board is changing the structure of the way it charges its fees for establishments. This regulation also reduces a fee for the issuance of a temporary license.

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