

ASSEMBLY BILL NO. 625—COMMITTEE ON COMMERCE AND LABOR

MARCH 26, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensing and regulation of massage therapists. (BDR 54-755)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; creating the board of massage therapists; prescribing the powers and duties of the board; requiring massage therapists to be licensed by the board; prescribing the requirements for licensure; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Title 54 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 33,
3 inclusive, of this act.
4 **Sec. 2.** *The legislature finds and declares that:*
5 1. *The practice of massage therapy by persons who do not possess*
6 *sufficient knowledge of anatomy and physiology or an understanding of*
7 *the relationship between the structure and function of the tissues being*
8 *treated and the total function of the body may endanger the health,*
9 *welfare and safety of the residents of this state.*
10 2. *To protect the residents of this state, it is necessary to license and*
11 *regulate the practice of massage therapy.*
12 **Sec. 3.** *As used in this chapter, unless the context otherwise*
13 *requires, the words and terms defined in sections 4, 5 and 6 of this act*
14 *have the meanings ascribed to them in those sections.*
15 **Sec. 4.** *“Board” means the board of massage therapists.*
16 **Sec. 5.** *“Massage therapist” means a person who is licensed*
17 *pursuant to the provisions of this chapter.*
18 **Sec. 6.** 1. *“Massage therapy” means the application of a system of*
19 *external manipulations or pressure to the muscular structure and soft*
20 *tissues of the human body for therapeutic purposes, including, without*
21 *limitation:*
22 (a) *Effleurage;*
23 (b) *Petrissage;*



- (c) *Tapotement;*
- (d) *Compressions;*
- (e) *Vibration;*
- (f) *Friction;*
- (g) *Nerve strokes; and*
- (h) *Movements applied manually with or without superficial heat, cold, water or lubricants.*

2. *The term does not include diagnosis, adjustment or manipulation of any articulations of the body or spine or the mobilization of articulations by a thrusting force.*

Sec. 7. 1. *The provisions of this chapter do not apply to:*

(a) *A person licensed pursuant to chapter 630, 630A, 632, 633, 634, 635 or 640 of NRS if the massage is performed in the course of the practice for which he is licensed.*

(b) *A person licensed pursuant to chapter 643 or 644 of NRS if the massage is performed in the course of the practice for which he is licensed and is limited to the head, neck, hands, feet or shoulders of a person.*

(c) *A person who is as an employee of an athletic department of any high school, college or university in this state and who, within the scope of that employment, practices massage therapy on athletes.*

(d) *A person who practices massage therapy solely on members of his immediate family.*

2. *As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.*

Sec. 8. 1. *The board of massage therapists, consisting of five members appointed by the governor, is hereby created.*

2. *The governor shall appoint to the board five members who:*

(a) *Are licensed to practice massage therapy in this state, at least two of whom represent northern Nevada and at least two of whom represent southern Nevada; and*

(b) *Have engaged in the practice of massage therapy for the 3 years immediately preceding their appointment.*

3. *The members who are appointed to the board must continue to practice massage therapy while they are members of the board.*

4. *The governor may remove any member of the board for incompetence, neglect of duty, moral turpitude, misfeasance, malfeasance or nonfeasance in office.*

5. *No member of the board may be held liable in a civil action for an act that he performs in good faith in the execution of his duties pursuant to this chapter.*

Sec. 9. *The Carson City Environmental Health Department shall, at least 30 days before the beginning of a term of a member of the board, or within 30 days after a position on the board becomes vacant, submit to the governor the names of not less than five persons who are qualified for membership on the board for each position that must be filled. The governor shall appoint new members or fill a vacancy from the list, or request a new list. If the Carson City Environmental Health Department*



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1 fails to submit nominations for a position on the board within the periods
2 prescribed in this section, the governor may appoint any qualified
3 person.

4 **Sec. 10.** 1. At the first meeting of each year, the members of the
5 board shall elect a chairman, vice chairman and secretary-treasurer
6 from among its members. No member of the board may serve in the same
7 office of the board for more than two terms. If a vacancy occurs in the
8 office of the chairman, vice chairman or secretary-treasurer, the
9 members of the board shall elect a member to serve the remainder of the
10 unexpired term.

11 2. After the initial terms, the term of each member of the board is 3
12 years. The members shall continue in office until their successors are
13 appointed. No member of the board may serve more than two consecutive
14 terms. A former member of the board is eligible for reappointment to the
15 board if that person has not served on the board during the 3 years
16 immediately preceding the reappointment. A vacancy must be filled by
17 appointment for the unexpired term in the same manner as the original
18 appointment.

19 **Sec. 11.** 1. The board shall meet at least quarterly and may meet at
20 other times at the call of the chairman or upon the written request of a
21 majority of the members of the board. The board shall alternate the
22 location of its meetings between northern Nevada and southern Nevada.

23 2. Except as otherwise provided in subsection 3, a majority of the
24 members of the board constitutes a quorum for the transaction of the
25 business of the board.

26 3. Four members of the board constitute a quorum for the purposes
27 of issuing, suspending or revoking a license issued pursuant to this
28 chapter.

29 **Sec. 12.** The board shall:

30 1. Review and evaluate applications for the licensing of massage
31 therapists;

32 2. Determine the qualifications and fitness of applicants;

33 3. Issue, renew, reinstate, revoke, suspend and deny licenses, as
34 appropriate;

35 4. Investigate any complaints filed with the board;

36 5. Impose any penalties it determines are necessary for the
37 administration of the provisions of this chapter; and

38 6. Transact any other business necessary to carry out its duties.

39 **Sec. 13.** 1. The board shall prepare and maintain a separate list of:

40 (a) The licensees.

41 (b) The applicants for a license.

42 (c) The licensees whose licenses have been revoked or suspended
43 during the preceding year.

44 The board shall, upon request, disclose the information included in each
45 list and may charge a fee for a copy of a list.

46 2. The board shall:

47 (a) Prepare and maintain a record of its proceedings and
48 transactions;



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1 (b) Adopt a seal of which each court in this state shall take judicial
2 notice; and

3 (c) Enforce the provisions of this chapter and any regulations adopted
4 pursuant thereto.

5 **Sec. 14.** The board shall adopt regulations to carry out the
6 provisions of this chapter, including, without limitation, regulations that:

7 1. Establish the requirements for continuing education for the
8 renewal of a license to practice massage therapy;

9 2. Establish the passing grade for the written examination for a
10 license to practice massage therapy required by section 19 of this act; and

11 3. Prescribe the requirements for any practical examination for a
12 license to practice massage therapy that the board may require,
13 including, without limitation, the passing grade for such an examination.

14 **Sec. 15.** 1. The board may employ an executive secretary and any
15 other persons necessary to carry out its duties.

16 2. Except as otherwise provided in subsection 3, a member of the
17 board is entitled to receive a salary of not more than \$50 per day, as fixed
18 by the board, while engaged in the business of the board.

19 3. The salary of a member of the board may not exceed \$500 in any
20 calendar year.

21 4. While engaged in the business of the board, each member and
22 employee of the board is entitled to receive a per diem allowance and
23 travel expenses at a rate fixed by the board. The rate must not exceed the
24 rate provided for officers and employees of this state generally.

25 **Sec. 16.** The board shall adopt a fiscal year beginning on July 1 and
26 ending on June 30.

27 **Sec. 17.** 1. Except as otherwise provided in subsection 4, all
28 reasonable expenses incurred by the board in carrying out the provisions
29 of this chapter must be paid from the money that it receives. No part of
30 the salaries or expenses of the board may be paid from the state general
31 fund.

32 2. All money received by the board must be deposited in a bank or
33 other financial institution in this state and paid out on its order for its
34 expenses.

35 3. The board may delegate to a hearing officer or panel its authority
36 to take any disciplinary action pursuant to this chapter, impose and
37 collect fines and penalties therefor, and deposit the money therefrom in a
38 bank or other financial institution in this state.

39 4. If a hearing officer or panel is not authorized to take disciplinary
40 action pursuant to subsection 3 and the board deposits the money
41 collected from the imposition of fines with the state treasurer for credit to
42 the state general fund, it may present a claim to the state board of
43 examiners for recommendation to the interim finance committee if
44 money is required to pay attorney's fees or the costs of an investigation,
45 or both.

46 **Sec. 18.** 1. A person who is not licensed pursuant to this chapter to
47 practice massage therapy or whose license has been suspended or
48 revoked by the board or has expired and who:

49 (a) Engages in the practice of massage therapy; or



- 1 ***(b) Uses in connection with his name the words or letters “L.M.T.,”***
2 ***“licensed massage therapist,” “licensed massage technician,” “M.T.,”***
3 ***“massage technician,” “massage therapist,” or any other letters, words***
4 ***or insignia indicating or implying that he is licensed to practice massage***
5 ***therapy, or who in any other way, orally, or in writing or print, or by***
6 ***sign, directly or by implication, uses the word “massage” or represents***
7 ***himself as licensed or qualified to engage in the practice of massage***
8 ***therapy,***
9 ***is guilty of a misdemeanor.***
10 ***2. If the board determines that a person has violated or is about to***
11 ***violate the provisions of subsection 1, the board may bring an action in a***
12 ***court of competent jurisdiction to enjoin that person from engaging in or***
13 ***continuing the violation. An injunction:***
14 ***(a) May be issued without proof of actual damage sustained by any***
15 ***person.***
16 ***(b) Does not prevent the criminal prosecution and punishment of a***
17 ***person who violates those provisions.***
18 **Sec. 19. 1. An applicant for a license to practice massage therapy**
19 **must:**
20 ***(a) Be at least 18 years of age.***
21 ***(b) Submit to the board:***
22 ***(1) A completed application on a form prescribed by the board;***
23 ***(2) The fees prescribed by the board pursuant to section 25 of this***
24 ***act;***
25 ***(3) The statement required pursuant to section 22 of this act;***
26 ***(4) Proof that he has successfully completed at least 500 hours of***
27 ***instruction in a program of massage therapy approved by the board;***
28 ***(5) A notarized statement signed by the applicant that states***
29 ***whether:***
30 ***(I) The applicant is or has been licensed to practice massage***
31 ***therapy in another state, territory or possession of the United States or***
32 ***the District of Columbia; and***
33 ***(II) If the applicant is or has been licensed to practice massage***
34 ***therapy in another state, territory or possession of the United States or***
35 ***the District of Columbia, whether any disciplinary proceedings relating***
36 ***to his license to practice massage therapy have ever been instituted***
37 ***against him; and***
38 ***(6) A certification by the licensing entity in each state, territory or***
39 ***possession of the United States or the District of Columbia in which the***
40 ***applicant is or has been licensed to practice massage therapy which***
41 ***states that no disciplinary proceedings relating to his license to practice***
42 ***massage therapy are pending.***
43 ***(c) Pass any practical examination prescribed by the board pursuant***
44 ***to section 14 of this act.***
45 ***(d) Pass a written examination administered by the National***
46 ***Certification Board for Therapeutic Massage and Bodywork or any other***
47 ***organization approved by the board.***
48 ***2. A program of massage therapy approved by the board must***
49 ***include courses in each of the following subjects:***



- 1 (a) *Anatomy and physiology;*
- 2 (b) *The theory and history of massage;*
- 3 (c) *Techniques, demonstrations and practices of massage;*
- 4 (d) *Hygiene and first aid;*
- 5 (e) *Business practices; and*
- 6 (f) *Ethical practices and the laws and regulations of this state relating*
- 7 *to massage therapy.*

8 3. An organization that is approved by the board to administer the
9 written examination required by subsection 1 must be accredited by the
10 National Commission for Certifying Agencies for the purpose of
11 certifying persons who engage in the practice of massage therapy.

12 4. As used in this section, an “hour of instruction” means at least 50
13 minutes of actual time spent receiving instruction.

14 **Sec. 20.** *If the National Certification Board for Therapeutic*
15 *Massage and Bodywork or any other organization that is approved by the*
16 *board to administer the written examination required by section 19 of*
17 *this act ceases to offer such a written examination, the board shall*
18 *prepare or cause to be prepared a written examination that is:*

19 1. *Substantially equivalent to the written examination that was*
20 *administered the National Certification Board for Therapeutic Massage*
21 *and Bodywork or any other organization approved by the board; and*

22 2. *Offered not less than two times each year at a location in northern*
23 *Nevada and southern Nevada.*

24 **Sec. 21.** *An application for a license must include the social security*
25 *number of the applicant.*

26 **Sec. 22.** 1. *An applicant for the issuance or renewal of a license*
27 *must submit to the board the statement prescribed by the welfare division*
28 *of the department of human resources pursuant to NRS 425.520. The*
29 *statement must be completed and signed by the applicant.*

30 2. *The board shall include the statement required pursuant to*
31 *subsection 1 in:*

32 (a) *The application or any other forms that must be submitted for the*
33 *issuance or renewal of the license; or*

34 (b) *A separate form prescribed by the board.*

35 3. *A license may not be issued or renewed by the board if the*
36 *applicant:*

37 (a) *Fails to submit the statement required pursuant to subsection 1; or*

38 (b) *Indicates on the statement submitted pursuant to subsection 1 that*
39 *he is subject to a court order for the support of a child and is not in*
40 *compliance with the order or a plan approved by the district attorney or*
41 *other public agency enforcing the order for the repayment of the amount*
42 *owed pursuant to the order.*

43 4. *If an applicant indicates on the statement submitted pursuant to*
44 *subsection 1 that he is subject to a court order for the support of a child*
45 *and is not in compliance with the order or a plan approved by the district*
46 *attorney or other public agency enforcing the order for the repayment of*
47 *the amount owed pursuant to the order, the board shall advise the*
48 *applicant to contact the district attorney or other public agency enforcing*



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1 *the order to determine the actions that the applicant may take to satisfy*
2 *the arrearage.*

3 **Sec. 23.** 1. *If the board receives a copy of a court order issued*
4 *pursuant to NRS 425.540 that provides for the suspension of all*
5 *professional, occupational and recreational licenses, certificates and*
6 *permits issued to a licensee, the board shall deem the license to be*
7 *suspended at the end of the 30th day after the date the court order was*
8 *issued unless the board receives a letter issued to the licensee by the*
9 *district attorney or other public agency pursuant to NRS 425.550 stating*
10 *that the licensee has complied with a subpoena or warrant or has*
11 *satisfied the arrearage pursuant to NRS 425.560.*

12 2. *The board shall reinstate a license that has been suspended by a*
13 *district court pursuant to NRS 425.540 if:*

14 (a) *The board receives a letter issued by the district attorney or other*
15 *public agency pursuant to NRS 425.550 to the licensee stating that the*
16 *licensee has complied with the subpoena or warrant or has satisfied the*
17 *arreage pursuant to NRS 425.560; and*

18 (b) *The licensee pays the fee for the reinstatement of the license*
19 *prescribed by the board pursuant to section 25 of this act.*

20 **Sec. 24.** 1. *Except as otherwise provided in subsection 3, the board*
21 *shall issue a license to practice massage therapy, without examination, to*
22 *an applicant who:*

23 (a) *Is licensed to practice massage therapy in another state, territory*
24 *or possession of the United States or the District of Columbia;*

25 (b) *Has practiced massage therapy in another state, territory or*
26 *possession of the United States or the District of Columbia in which has*
27 *been licensed for at least 2 consecutive years; and*

28 (c) *Complies with the provisions of subsection 2.*

29 2. *An applicant for a license issued by the board pursuant to*
30 *subsection 1 must submit to the board:*

31 (a) *A completed application on a form prescribed by the board;*

32 (b) *The fees prescribed by the board pursuant to section 25 of this act;*

33 (c) *The statement required pursuant to section 22 of this act;*

34 (d) *A notarized statement signed by the applicant that states whether*
35 *any disciplinary proceedings relating to his license to practice massage*
36 *therapy have ever been instituted against him; and*

37 (e) *A certification by the licensing entity in each state, territory or*
38 *possession of the United States or the District of Columbia in which the*
39 *applicant is or has been licensed to practice massage therapy which*
40 *states that no disciplinary proceedings relating to his license to practice*
41 *massage therapy are pending.*

42 3. *The board shall not issue a license pursuant to this section unless*
43 *the state, territory or possession of the United States or the District of*
44 *Columbia in which the applicant is licensed had requirements at the time*
45 *the license was issued that the board determines are substantially*
46 *equivalent to the requirements for a license to practice massage therapy*
47 *set forth in this chapter.*

48 **Sec. 25.** 1. *The board shall, by regulation, prescribe the fees for:*

49 (a) *A practical examination for a license, if required by the board.*



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- (b) An application for a license.*
- (c) An application for a license without examination.*
- (d) The issuance of a license.*
- (e) The annual renewal of a license.*
- (f) The restoration of an expired license.*
- (g) The reinstatement of a suspended license.*
- (h) The issuance of a duplicate license.*

2. In addition to the fees prescribed pursuant to subsection 1, the board may charge and collect a fee for any other service it provides.

Sec. 26. *Each licensee shall display his license conspicuously at each place where he practices massage therapy.*

Sec. 27. *1. Each license to engage in the practice of massage therapy expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the licensee submits to the board:*

(a) A completed application for renewal on a form prescribed by the board;

(b) Proof of his completion of the requirements for continuing education prescribed by the board pursuant to section 14 of this act;

(c) The fee for the renewal of the license prescribed by the board pursuant to section 25 of this act; and

(d) The statement required pursuant to section 22 of this act.

2. A license that expires pursuant to the provisions of this section may be restored if the applicant:

(a) Complies with the provisions of subsection 1;

(b) Submits to the board proof of his ability to engage in the practice of massage therapy; and

(c) Submits to the board the fees prescribed by the board pursuant to section 25 of this act for:

(1) The restoration of an expired license; and

(2) Each year that the license was expired, the renewal of a license.

3. If the board determines that an applicant has not submitted satisfactory proof of his ability to engage in the practice of massage therapy, the board may require the applicant to pass:

(a) The written examination required by section 19 of this act; and

(b) Any practical examination prescribed by the board pursuant to section 14 of this act.

4. The board shall send a notice of renewal to each licensee not later than 60 days before his license expires. The notice must include a statement of the provisions of this section and the amount of the fee for the renewal of the license.

Sec. 28. *The board may refuse to issue a license to an applicant, or may initiate disciplinary action against a licensee, if the applicant or licensee:*

1. Has submitted false 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 this chapter or any regulation adopted pursuant thereto.



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- 1 3. *Has been convicted of a felony, a sexual offense, a crime relating*
- 2 *to a controlled substance or a crime involving moral turpitude.*
- 3 4. *Has habitually abused alcohol or is addicted to a controlled*
- 4 *substance.*
- 5 5. *Has violated the provisions of NRS 200.5093 or 432B.220.*
- 6 6. *Is, in the judgment of the board, guilty of gross negligence in his*
- 7 *practice of massage therapy.*
- 8 7. *Is determined by the board to be professionally incompetent to*
- 9 *engage in the practice of massage therapy.*
- 10 8. *Has failed to provide information requested by the board within 60*
- 11 *days after he received the request.*
- 12 9. *Has, in the judgment of the board, engaged in unethical or*
- 13 *unprofessional conduct as it relates to the practice of massage therapy.*
- 14 10. *Has been disciplined in another state, a territory or possession of*
- 15 *the United States or the District of Columbia for conduct that would be a*
- 16 *violation of the provisions of this chapter or any regulations adopted*
- 17 *pursuant thereto if the conduct were committed in this state.*
- 18 11. *Has solicited or received compensation for services relating to*
- 19 *the practice of massage therapy that he did not provide.*
- 20 12. *If the licensee is on probation, has violated the terms of his*
- 21 *probation.*
- 22 13. *Has engaged in false, deceptive or misleading advertising.*
- 23 **Sec. 29. 1.** *The board or any of its members who become aware of*
- 24 *any ground for initiating disciplinary action against a licensee shall, and*
- 25 *any other person who is so aware may, file a written complaint with the*
- 26 *board.*
- 27 2. *The complaint must specifically:*
- 28 (a) *Set forth the relevant facts; and*
- 29 (b) *Charge one or more grounds for initiating disciplinary action.*
- 30 3. *As soon as practicable after the filing of the complaint, the board*
- 31 *shall set a date for a hearing on the matter. The date must not be later*
- 32 *than 30 days after the complaint is filed, except that the date may be*
- 33 *extended upon agreement of the person against whom the complaint is*
- 34 *filed and the board.*
- 35 4. *The board shall:*
- 36 (a) *Notify the person that a complaint against him has been filed;*
- 37 (b) *Inform him of the date, time and place set for the hearing; and*
- 38 (c) *Include a copy of the complaint with the notice.*
- 39 5. *The notice and complaint may be served on the person by delivery*
- 40 *to him personally or by registered or certified mail at his last known*
- 41 *address.*
- 42 **Sec. 30. 1.** *The person against whom the complaint is filed:*
- 43 (a) *May appear in person or through the representation of legal*
- 44 *counsel;*
- 45 (b) *Must be given adequate opportunity to confront any witness*
- 46 *against him;*
- 47 (c) *May testify and introduce the testimony of witnesses in his behalf;*
- 48 *and*



1 (d) May submit arguments and briefs in person or through his
2 counsel.

3 2. The board shall issue its decision within 30 days after the hearing.

4 3. The failure of the person charged to attend his hearing or defend
5 himself must not delay and does not void the proceedings. The board
6 may, for good cause shown, continue any hearing from time to time.

7 **Sec. 31.** 1. Except as otherwise provided in subsection 3, if the
8 board determines, after notice and hearing, that an applicant for a
9 license or a licensee has committed any of the acts charged in the
10 complaint, it may:

11 (a) Place him on probation for a specified period or until further
12 order of the board;

13 (b) Administer to him a public or private reprimand;

14 (c) Refuse to renew, reinstate or restore his license;

15 (d) Suspend or revoke his license;

16 (e) Impose an administrative fine of not more than \$5,000;

17 (f) Require him to pay the costs incurred by the board to conduct the
18 investigation and hearing; or

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

21 2. The order of the board may contain such other terms, provisions
22 or conditions as the board deems proper.

23 3. The board may, if the board finds that the action is necessary to
24 protect the health, safety or welfare of the public, upon notice to the
25 licensee, temporarily suspend or refuse to renew his license for a period
26 not to exceed 30 days. For good cause, the board may extend the period
27 of suspension of the license or continue to refuse to renew the license if
28 the board deems such action to be necessary to protect the health, safety
29 or welfare of the public. In any such case, a hearing must be held and a
30 final decision rendered within 30 days after the board notifies the
31 licensee of the temporary suspension.

32 **Sec. 32.** 1. The board may conduct investigations and hold
33 hearings to carry out its duties pursuant to the provisions of this chapter.

34 2. In such a hearing:

35 (a) Any member of the board may administer oaths and examine
36 witnesses; and

37 (b) The board or any member thereof may issue subpoenas to compel
38 the attendance of witnesses and the production of books and papers.

39 3. Each witness who is subpoenaed to appear before the board is
40 entitled to receive for his attendance the same fees and mileage allowed
41 by law to a witness in a civil case. The amount must be paid by the party
42 who requested the subpoena. If any witness who has not been required to
43 attend at the request of any party is subpoenaed by the board, his fees
44 and mileage must be paid from the money of the board.

45 4. If any person fails to comply with the subpoena within 10 days
46 after it is issued, the chairman of the board may petition a court of
47 competent jurisdiction for an order of the court compelling compliance
48 with the subpoena.



1 5. *Upon such a petition, the court shall enter an order directing the*
2 *person subpoenaed to appear before the court at a time and place to be*
3 *fixed by the court in its order, the time to be not more than 10 days after*
4 *the date of the order, and to show cause why he has not complied with*
5 *the subpoena. A certified copy of the order must be served upon the*
6 *person subpoenaed.*

7 6. *If it appears to the court that the subpoena was regularly issued by*
8 *the board, the court shall enter an order compelling compliance with the*
9 *subpoena. The failure of the person to obey the order is a contempt of the*
10 *court that issued the order.*

11 **Sec. 33.** *1. Any records or information obtained during the course*
12 *of an investigation by the board are confidential until the investigation is*
13 *completed. Upon completion of the investigation, the records and*
14 *information are public records if:*

15 *(a) Disciplinary action was taken by the board as a result of the*
16 *investigation; or*

17 *(b) The person who was investigated submits a written request to the*
18 *board asking that the information and records be made public records.*

19 2. *The provisions of this section do not prohibit the board from*
20 *cooperating with another licensing board or any agency that is*
21 *investigating a licensee, including, without limitation, a law enforcement*
22 *agency.*

23 **Sec. 34.** NRS 200.5093 is hereby amended to read as follows:

24 200.5093 1. Any person who is described in subsection 4 and who,
25 in his professional or occupational capacity, knows or has reasonable cause
26 to believe that an older person has been abused, neglected, exploited or
27 isolated shall:

28 (a) Except as otherwise provided in subsection 2, report the abuse,
29 neglect, exploitation or isolation of the older person to:

30 (1) The local office of the aging services division of the department
31 of human resources;

32 (2) A police department or sheriff's office;

33 (3) The county's office for protective services, if one exists in the
34 county where the suspected action occurred; or

35 (4) A toll-free telephone service designated by the aging services
36 division of the department of human resources; and

37 (b) Make such a report as soon as reasonably practicable but not later
38 than 24 hours after the person knows or has reasonable cause to believe
39 that the older person has been abused, neglected, exploited or isolated.

40 2. If a person who is required to make a report pursuant to subsection 1
41 knows or has reasonable cause to believe that the abuse, neglect,
42 exploitation or isolation of the older person involves an act or omission of
43 the aging services division, another division of the department of human
44 resources or a law enforcement agency, the person shall make the report to
45 an agency other than the one alleged to have committed the act or
46 omission.

47 3. Each agency, after reducing a report to writing, shall forward a copy
48 of the report to the aging services division of the department of human
49 resources.



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- 1 4. A report must be made pursuant to subsection 1 by the following
2 persons:
- 3 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,
4 podiatric physician, medical examiner, resident, intern, professional or
5 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
6 and family therapist, *massage therapist*, alcohol or drug abuse counselor,
7 driver of an ambulance, advanced emergency medical technician or other
8 person providing medical services licensed or certified to practice in this
9 state, who examines, attends or treats an older person who appears to have
10 been abused, neglected, exploited or isolated.
- 11 (b) Any personnel of a hospital or similar institution engaged in the
12 admission, examination, care or treatment of persons or an administrator,
13 manager or other person in charge of a hospital or similar institution upon
14 notification of the suspected abuse, neglect, exploitation or isolation of an
15 older person by a member of the staff of the hospital.
- 16 (c) A coroner.
- 17 (d) Every clergyman, practitioner of Christian Science or religious
18 healer, unless he acquired the knowledge of abuse, neglect, exploitation or
19 isolation of the older person from the offender during a confession.
- 20 (e) Every person who maintains or is employed by an agency to provide
21 nursing in the home.
- 22 (f) Every attorney, unless he has acquired the knowledge of abuse,
23 neglect, exploitation or isolation of the older person from a client who has
24 been or may be accused of such abuse, neglect, exploitation or isolation.
- 25 (g) Any employee of the department of human resources.
- 26 (h) Any employee of a law enforcement agency or a county's office for
27 protective services or an adult or juvenile probation officer.
- 28 (i) Any person who maintains or is employed by a facility or
29 establishment that provides care for older persons.
- 30 (j) Any person who maintains, is employed by or serves as a volunteer
31 for an agency or service which advises persons regarding the abuse,
32 neglect, exploitation or isolation of an older person and refers them to
33 persons and agencies where their requests and needs can be met.
- 34 (k) Every social worker.
- 35 (l) Any person who owns or is employed by a funeral home or
36 mortuary.
- 37 5. A report may be made by any other person.
- 38 6. If a person who is required to make a report pursuant to subsection 1
39 knows or has reasonable cause to believe that an older person has died as a
40 result of abuse, neglect or isolation, the person shall, as soon as reasonably
41 practicable, report this belief to the appropriate medical examiner or
42 coroner, who shall investigate the cause of death of the older person and
43 submit to the appropriate local law enforcement agencies, the appropriate
44 prosecuting attorney and the aging services division of the department of
45 human resources his written findings. The written findings must include
46 the information required pursuant to the provisions of NRS 200.5094,
47 when possible.
- 48 7. A division, office or department which receives a report pursuant to
49 this section shall cause the investigation of the report to commence within



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1 3 working days. A copy of the final report of the investigation conducted
2 by a division, office or department, other than the aging services division
3 of the department of human resources, must be forwarded to the aging
4 services division within 90 days after the completion of the report.

5 8. If the investigation of a report results in the belief that an older
6 person is abused, neglected, exploited or isolated, the aging services
7 division of the department of human resources or the county's office for
8 protective services may provide protective services to the older person if he
9 is able and willing to accept them.

10 9. A person who knowingly and willfully violates any of the
11 provisions of this section is guilty of a misdemeanor.

12 **Sec. 35.** NRS 200.5095 is hereby amended to read as follows:

13 200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094,
14 and records and investigations relating to those reports, are confidential.

15 2. A person, law enforcement agency or public or private agency,
16 institution or facility who willfully releases data or information concerning
17 the reports and investigation of the abuse, neglect, exploitation or isolation
18 of older persons, except:

19 (a) Pursuant to a criminal prosecution;

20 (b) Pursuant to NRS 200.50982; or

21 (c) To persons or agencies enumerated in subsection 3 of this
22 section,
23 is guilty of a misdemeanor.

24 3. Except as otherwise provided in subsection 2 and NRS 200.50982,
25 data or information concerning the reports and investigations of the abuse,
26 neglect, exploitation or isolation of an older person is available only to:

27 (a) A physician who is providing care to an older person who may have
28 been abused, neglected, exploited or isolated;

29 (b) An agency responsible for or authorized to undertake the care,
30 treatment and supervision of the older person;

31 (c) A district attorney or other law enforcement official who requires
32 the information in connection with an investigation of the abuse, neglect,
33 exploitation or isolation of the older person;

34 (d) A court which has determined, in camera, that public disclosure of
35 such information is necessary for the determination of an issue before it;

36 (e) A person engaged in bona fide research, but the identity of the
37 subjects of the report must remain confidential;

38 (f) A grand jury upon its determination that access to such records is
39 necessary in the conduct of its official business;

40 (g) Any comparable authorized person or agency in another jurisdiction;

41 (h) A legal guardian of the older person, if the identity of the person
42 who was responsible for reporting the alleged abuse, neglect, exploitation
43 or isolation of the older person to the public agency is protected, and the
44 legal guardian of the older person is not the person suspected of such
45 abuse, neglect, exploitation or isolation;

46 (i) If the older person is deceased, the executor or administrator of his
47 estate, if the identity of the person who was responsible for reporting the
48 alleged abuse, neglect, exploitation or isolation of the older person to the



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1 public agency is protected, and the executor or administrator is not the
2 person suspected of such abuse, neglect, exploitation or isolation; or

3 (j) The older person named in the report as allegedly being abused,
4 neglected, exploited or isolated, if that person is not legally incompetent.

5 4. If the person who is reported to have abused, neglected, exploited or
6 isolated an older person is the holder of a license or certificate issued
7 pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or*
8 *sections 2 to 33, inclusive, of this act*, information contained in the report
9 must be submitted to the board that issued the license.

10 **Sec. 36.** NRS 218.825 is hereby amended to read as follows:

11 218.825 1. Each of the boards and commissions created by the
12 provisions of chapters 623 to 625A, inclusive, 628 to 644, inclusive, ~~and~~
13 654 and 656 of NRS *and sections 2 to 33, inclusive, of this act* shall
14 engage the services of a certified public accountant or public accountant, or
15 firm of either of such accountants, to audit all its fiscal records once each
16 year for the preceding fiscal year or once every other year for the 2
17 preceding fiscal years. The cost of the audit must be paid by the board or
18 commission audited.

19 2. A report of each such audit must be filed by the board or
20 commission with the legislative auditor and the ~~director~~ *chief* of the
21 budget *division of the department of administration* on or before
22 December 1 of each year in which an audit is conducted. All audits must be
23 conducted in accordance with generally accepted auditing standards, and
24 all financial statements must be prepared in accordance with generally
25 accepted principles of accounting for special revenue funds.

26 3. The legislative auditor shall audit the fiscal records of any such
27 board or commission whenever directed to do so by the legislative
28 commission. When the legislative commission directs such an audit, it shall
29 also determine who is to pay the cost of the audit.

30 **Sec. 37.** NRS 284.013 is hereby amended to read as follows:

31 284.013 1. Except as otherwise provided in subsection 4, this chapter
32 does not apply to:

33 (a) Agencies, bureaus, commissions, officers or personnel in the
34 legislative department or the judicial department of state government,
35 including the commission on judicial discipline;

36 (b) Any person who is employed by a board, commission, committee or
37 council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644,
38 inclusive, 648, 652, 654 and 656 of NRS ~~§~~ *and sections 2 to 33,*
39 *inclusive, of this act*; or

40 (c) Officers or employees of any agency of the executive department of
41 the state government who are exempted by specific statute.

42 2. Except as otherwise provided in subsection 3, the terms and
43 conditions of employment of all persons referred to in subsection 1,
44 including salaries not prescribed by law and leaves of absence, including,
45 without limitation, annual leave and sick and disability leave, must be fixed
46 by the appointing or employing authority within the limits of legislative
47 appropriations or authorizations.

48 3. Except as otherwise provided in this subsection, leaves of absence
49 prescribed pursuant to subsection 2 must not be of lesser duration than



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1 those provided for other state officers and employees pursuant to the
2 provisions of this chapter. The provisions of this subsection do not govern
3 the legislative commission with respect to the personnel of the legislative
4 counsel bureau.

5 4. Any board, commission, committee or council created in chapters
6 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and
7 656 of NRS *and sections 2 to 33, inclusive, of this act* which contracts for
8 the services of a person, shall require the contract for those services to be
9 in writing. The contract must be approved by the state board of examiners
10 before those services may be provided.

11 **Sec. 38.** NRS 432B.220 is hereby amended to read as follows:

12 432B.220 1. Any person who is described in subsection 3 and who,
13 in his professional or occupational capacity, knows or has reasonable cause
14 to believe that a child has been abused or neglected shall:

15 (a) Except as otherwise provided in subsection 2, report the abuse or
16 neglect of the child to an agency which provides protective services or to a
17 law enforcement agency; and

18 (b) Make such a report as soon as reasonably practicable but not later
19 than 24 hours after the person knows or has reasonable cause to believe
20 that the child has been abused or neglected.

21 2. If a person who is required to make a report pursuant to subsection 1
22 knows or has reasonable cause to believe that the abuse or neglect of the
23 child involves an act or omission of:

24 (a) A person directly responsible or serving as a volunteer for or an
25 employee of a public or private home, institution or facility where the child
26 is receiving child care outside of his home for a portion of the day, the
27 person shall make the report to a law enforcement agency.

28 (b) An agency which provides protective services or a law enforcement
29 agency, the person shall make the report to an agency other than the one
30 alleged to have committed the act or omission, and the investigation of the
31 abuse or neglect of the child must be made by an agency other than the one
32 alleged to have committed the act or omission.

33 3. A report must be made pursuant to subsection 1 by the following
34 persons:

35 (a) A physician, dentist, dental hygienist, chiropractor, optometrist,
36 podiatric physician, medical examiner, resident, intern, professional or
37 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
38 and family therapist, *massage therapist*, alcohol or drug abuse counselor,
39 advanced emergency medical technician or other person providing medical
40 services licensed or certified in this state;

41 (b) Any personnel of a hospital or similar institution engaged in the
42 admission, examination, care or treatment of persons or an administrator,
43 manager or other person in charge of a hospital or similar institution upon
44 notification of suspected abuse or neglect of a child by a member of the
45 staff of the hospital;

46 (c) A coroner;

47 (d) A clergyman, practitioner of Christian Science or religious healer,
48 unless he has acquired the knowledge of the abuse or neglect from the
49 offender during a confession;



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1 (e) A social worker and an administrator, teacher, librarian or counselor
2 of a school;

3 (f) Any person who maintains or is employed by a facility or
4 establishment that provides care for children, children's camp, or other
5 public or private facility, institution or agency furnishing care to a child;

6 (g) Any person licensed to conduct a foster home;

7 (h) Any officer or employee of a law enforcement agency or an adult or
8 juvenile probation officer;

9 (i) An attorney, unless he has acquired the knowledge of the abuse or
10 neglect from a client who is or may be accused of the abuse or neglect; and

11 (j) Any person who maintains, is employed by or serves as a volunteer
12 for an agency or service which advises persons regarding abuse or neglect
13 of a child and refers them to persons and agencies where their requests and
14 needs can be met.

15 4. A report may be made by any other person.

16 5. If a person who is required to make a report pursuant to subsection 1
17 knows or has reasonable cause to believe that a child has died as a result of
18 abuse or neglect, the person shall, as soon as reasonably practicable, report
19 this belief to the appropriate medical examiner or coroner, who shall
20 investigate the report and submit to an agency which provides protective
21 services his written findings. The written findings must include, if
22 obtainable, the information required pursuant to the provisions of
23 subsection 2 of NRS 432B.230.

24 **Sec. 39.** NRS 608.0116 is hereby amended to read as follows:

25 608.0116 "Professional" means pertaining to an employee who is
26 licensed or certified by the State of Nevada for and engaged in the practice
27 of law or any of the professions regulated by chapters 623 to 645,
28 inclusive, of NRS ~~§~~ *and sections 2 to 33, inclusive, of this act.*

29 **Sec. 40.** Section 19 of this act is hereby amended to read as follows:

30 Sec. 19. 1. An applicant for a license to practice massage
31 therapy must:

32 (a) Be at least 18 years of age.

33 (b) Submit to the board:

34 (1) A completed application on a form prescribed by the board;

35 (2) The fees prescribed by the board pursuant to section 25 of
36 this act;

37 ~~(3) The statement required pursuant to section 22 of this act;~~

38 ~~— (4) Proof that he has successfully completed at least 500 hours~~
39 ~~of instruction in a program of massage therapy approved by the board;~~

40 ~~(5) (4) A notarized statement signed by the applicant that~~
41 ~~states whether:~~

42 (I) The applicant is or has been licensed to practice massage
43 therapy in another state, territory or possession of the United States or
44 the District of Columbia; and

45 (II) If the applicant is or has been licensed to practice
46 massage therapy in another state, territory or possession of the United
47 States or the District of Columbia, whether any disciplinary
48 proceedings relating to his license to practice massage therapy have
49 ever been instituted against him; and



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~~(6)~~ (5) A certification by the licensing entity 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 which states that no disciplinary proceedings relating to his license to practice massage therapy are pending.

(c) Pass any practical examination prescribed by the board pursuant to section 14 of this act.

(d) Pass a written examination administered by the National Certification Board for Therapeutic Massage and Bodywork or any other organization approved by the board.

2. A program of massage therapy approved by the board must include courses in each of the following subjects:

(a) Anatomy and physiology;

(b) The theory and history of massage;

(c) Techniques, demonstrations and practices of massage;

(d) Hygiene and first aid;

(e) Business practices; and

(f) Ethical practices and the laws and regulations of this state relating to massage therapy.

3. An organization that is approved by the board to administer the written examination required by subsection 1 must be accredited by the National Commission for Certifying Agencies for the purpose of certifying persons who engage in the practice of massage therapy.

4. As used in this section, an "hour of instruction" means at least 50 minutes of actual time spent receiving instruction.

Sec. 41. Section 24 of this act is hereby amended to read as follows:

Sec. 24. 1. Except as otherwise provided in subsection 3, the board shall issue a license to practice massage therapy, without examination, to an applicant who:

(a) Is licensed to practice massage therapy in another state, territory or possession of the United States or the District of Columbia;

(b) Has practiced massage therapy in another state, territory or possession of the United States or the District of Columbia in which he has been licensed for at least 2 consecutive years; and

(c) Complies with the provisions of subsection 2.

2. An applicant for a license issued by the board pursuant to subsection 1 must submit to the board:

(a) A completed application on a form prescribed by the board;

(b) The fees prescribed by the board pursuant to section 25 of this act;

(c) ~~The statement required pursuant to section 22 of this act;~~

~~(d)~~ A notarized statement signed by the applicant that states whether any disciplinary proceedings relating to his license to practice massage therapy have ever been instituted against him; and

~~(e)~~ (d) A certification by the licensing entity 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



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1 therapy which states that no disciplinary proceedings relating to his
2 license to practice massage therapy are pending.

3 3. The board shall not issue a license pursuant to this section
4 unless the state, territory or possession of the United States or the
5 District of Columbia in which the applicant is licensed had
6 requirements at the time the license was issued that the board
7 determines are substantially equivalent to the requirements for a
8 license to practice massage therapy set forth in this chapter.

9 **Sec. 42.** Section 27 of this act is hereby amended to read as follows:

10 Sec. 27. 1. Each license to engage in the practice of massage
11 therapy expires on the last day of the month in which it was issued in
12 the next succeeding calendar year and may be renewed if, before the
13 license expires, the licensee submits to the board:

14 (a) A completed application for renewal on a form prescribed by
15 the board;

16 (b) Proof of his completion of the requirements for continuing
17 education prescribed by the board pursuant to section 14 of this act;

18 **and**

19 (c) The fee for the renewal of the license prescribed by the board
20 pursuant to section 25 of this act. ~~}; and~~

21 ~~-(d) The statement required pursuant to section 22 of this act.-}~~

22 2. A license that expires pursuant to the provisions of this section
23 may be restored if the applicant:

24 (a) Complies with the provisions of subsection 1;

25 (b) Submits to the board proof of his ability to engage in the
26 practice of massage therapy; and

27 (c) Submits to the board the fees prescribed by the board pursuant
28 to section 25 of this act for:

29 (1) The restoration of an expired license; and

30 (2) Each year that the license was expired, the renewal of a
31 license.

32 3. If the board determines that an applicant has not submitted
33 satisfactory proof of his ability to engage in the practice of massage
34 therapy, the board may require the applicant to pass:

35 (a) The written examination required by section 19 of this act; and

36 (b) Any practical examination prescribed by the board pursuant to
37 section 14 of this act.

38 4. The board shall send a notice of renewal to each licensee not
39 later than 60 days before his license expires. The notice must include
40 a statement of the provisions of this section and the amount of the fee
41 for the renewal of the license.

42 **Sec. 43.** 1. Notwithstanding the provisions of sections 2 to 33,
43 inclusive, of this act, the board of massage therapists shall issue a license
44 as a massage therapist to an applicant who:

45 (a) Is at least 18 years of age;

46 (b) Submits to the board before September 1, 2001:

47 (1) A completed application on a form prescribed by the board;

48 (2) The fees prescribed by the board pursuant to section 25 of this
49 act;



1 (3) Proof that he has:

2 (I) Successfully completed at least 500 hours of instruction in a
3 program of massage therapy described in section 19 of this act; or

4 (II) Been licensed as a massage therapist by a local government in
5 this state for a period of at least 12 consecutive months during the 3 years
6 immediately preceding July 1, 2001, and has performed at least 125 hours
7 of massage therapy as defined in section 5 of this act during that 12-month
8 period; and

9 (4) The statement required pursuant to section 22 of this act unless
10 after July 1, 2001, the provisions of 42 U.S.C. § 666 requiring each state to
11 establish procedures under which the state has authority to withhold or
12 suspend, or to restrict the use of professional, occupational and recreational
13 licenses of persons who:

14 (I) Have failed to comply with a subpoena or warrant relating to a
15 procedure to determine the paternity of a child or to establish or enforce an
16 obligation for the support of a child; or

17 (II) Are in arrears in the payment for the support of one or more
18 children,
19 are repealed by the Congress of the United States.

20 2. The board shall adopt regulations prescribing the requirements
21 concerning proof of compliance with the provisions of this section.

22 **Sec. 44.** As soon as practicable after July 1, 2001, the governor shall
23 appoint to the board of massage therapists:

24 1. One member whose term expires on June 30, 2002.

25 2. Two members whose terms expire on June 30, 2003.

26 3. Two members whose terms expire on June 30, 2004.

27 **Sec. 45.** Notwithstanding the provisions of sections 2 to 33, inclusive,
28 of this act, a person who engages in the practice of massage therapy as
29 defined in section 5 of this act is not required to be licensed pursuant to the
30 provisions of this act before January 1, 2002.

31 **Sec. 46.** 1. This section and sections 1 to 39, inclusive, 43, 44 and
32 45 of this act become effective on July 1, 2001.

33 2. Sections 40, 41 and 42 of this act become effective on the date on
34 which the provisions of 42 U.S.C. § 666 requiring each state to establish
35 procedures under which the state has authority to withhold or suspend, or
36 to restrict the use of professional, occupational and recreational licenses of
37 persons who:

38 (a) Have failed to comply with a subpoena or warrant relating to a
39 proceeding to determine the paternity of a child or to establish or enforce
40 an obligation for the support of a child; or

41 (b) Are in arrears in the payment for the support of one or more
42 children,
43 are repealed by the Congress of the United States.

44 3. Sections 21, 22 and 23 of this act expire by limitation on the date on
45 which the provisions of 42 U.S.C. § 666 requiring each state to establish
46 procedures under which the state has authority to withhold or suspend, or
47 to restrict the use of professional, occupational or recreational licenses of
48 persons who:



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- 1 (a) Have failed to comply with a subpoena or warrant relating to a
- 2 proceeding to determine the paternity of a child or to establish or enforce
- 3 an obligation for the support of a child; or
- 4 (b) Are in arrears in the payment for the support of one or more
- 5 children,
- 6 are repealed by the Congress of the United States.

