

Amendment No. 196

Assembly Amendment to Assembly Bill No. 250

(BDR 54-733)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of AB250 (§§ 12, 13, 19, 21, 23, 24, 25, 27, 32).

| ASSEMBLY ACTION | Initial and Date | SENATE ACTION | Initial and Date |
|--|------------------|--|------------------|
| Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ | Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ |
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Amend sec. 8, page 2, line 43, by deleting “*town.*” and inserting:

“town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.”.

Amend sec. 9, page 3, line 9, by deleting “*five*” and inserting:

“at least six”.

Amend sec. 9, page 3, line 11, by deleting “*Four*” and inserting:

“At least five”.

Amend sec. 9, page 3, by deleting line 13 and inserting:

“At least two of whom represent northern Nevada and at lease two of whom”.

Amend sec. 13, page 4, between lines 40 and 41, by inserting:

JDA/JRS

Date: 4/25/2005

A.B. No. 250—Provides for licensing and regulation of massage therapists.

“3. The Board shall hire a full-time staff of investigators to conduct background investigations of applicants for a license in a timely manner, as determined by the Board, and to conduct routine unannounced inspections of massage therapists. The Board shall employ those investigators in both northern Nevada and southern Nevada.”.

Amend sec. 14, page 5, line 7, by deleting ***“and”***.

Amend sec. 14, page 5, line 11, by deleting ***“examination.”*** and inserting:

“examination; and

6. Reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license issued pursuant to this chapter and to the State Board of Cosmetology for a license issued pursuant to chapter 644 of NRS.”.

Amend sec. 19, page 7, line 6, by deleting ***“and”***.

Amend sec. 19, page 7, line 10, by deleting ***“report; and”*** and inserting:

“report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and”.

Amend sec. 19, page 7, between lines 20 and 21, by inserting:

“4. The Board or its designee shall:

(a) Fingerprint each applicant and conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;
(3) The existence and nature of any pending litigation involving the applicant; and
(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation not more than 30 days after the Board receives a complete application; and

(d) Maintain the results of the investigation in a confidential manner. The results of an investigation must be available only to the Board and a peace officer of this State.”.

Amend sec. 20, page 7, by deleting lines 37 and 38 and inserting:

“(b) Offered not less than four times each year. The location of the examination must alternate between northern Nevada and southern Nevada. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.”.

Amend sec. 24, page 10, between lines 31 and 32, by inserting:

“4. An applicant who holds a license to practice massage therapy that is issued by a county, city or town in this State and who does not have a criminal background investigation approved by a local law enforcement agency must submit to a background investigation conducted pursuant to section 19 of this act.”.

Amend sec. 25, page 10, line 44, by deleting “48 120” and inserting “45 300”.

Amend sec. 26, page 11, line 16, by deleting:

“location at each place” and inserting:

“manner at each location”.

Amend sec. 29, page 12, by deleting lines 22 and 23 and inserting:

“3. Has been convicted of a crime involving violence, prostitution or any other sexual”.

Amend sec. 29, page 12, line 24, after *“offense,”* by inserting:

“a crime involving any type of larceny,”.

Amend sec. 29, page 12, line 27, by deleting *“turpitude; or”* and inserting:

“turpitude within the immediately preceding 10 years.”.

Amend sec. 29, page 12, by deleting lines 28 through 30.

Amend sec. 29, page 13, line 18, by deleting *“training;”* and inserting:

“training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;”.

Amend sec. 32, page 14, line 27, by deleting *“\$5,000;”* and inserting:

“\$1,000 per day for each day for which the Board determines that a violation occurred as charged in the complaint;”.

Amend sec. 32, page 14, after line 45, by inserting:

“4. The appropriate law enforcement agency of a city or county in which a massage therapist holds a business license issued by the city or county may temporarily suspend the license of a massage therapist immediately if the massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense. The temporary suspension of the license must not exceed 15 days. The Board may extend the temporary suspension if the Board

determines that the suspension is required to protect the health, safety or welfare of the public. In any such case, the hearing must be held and a final decision rendered within 15 days after the law enforcement agency notifies the holder of the license of the temporary suspension.”.