

Amendment No. 960

Senate Amendment to Assembly Bill No. 250 First Reprint

(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 A.B. 250 R1 (§§ 12, 13, 19, 20, 23, 24, 25, 27, 31, 56).

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"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____		Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____		Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 7, page 2, by deleting lines 26 and 27 and inserting:

“2. The term does not include:***(a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or******(b) Reflexology.”.***

Amend sec. 8, page 2, by deleting lines 29 through 32 and inserting:

“(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

SH/KP

Date: 5/27/2005

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

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of'.

Amend sec. 8, page 2, line 36, by deleting “(c)” and inserting “(e)”.

Amend sec. 8, page 2, line 38, by deleting “(d)” and inserting “(f)”.

Amend sec. 8, page 2, line 40, by deleting “(e)” and inserting “(g)”.

Amend the bill as a whole by deleting sections 9 through 13 and adding new sections designated sections 9 through 13, following sec. 8, to read as follows:

“Sec. 9. 1. The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this section and one nonvoting advisory member appointed pursuant to section 10 of this act.

2. The Governor shall appoint to the Board seven members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

↪ *Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.*

(b) One member who is a member of the general public. This member must not be:

(1) A massage therapist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.

3. The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.

4. The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.

5. After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

6. A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

7. A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

8. The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 10. 1. The Governor shall appoint to the Board one nonvoting advisory member.

2. The advisory member must be a person who:

(a) Is a resident of Clark County;

(b) Has been certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500; and

(c) Is actively serving or has retired from service as a police officer with the Las Vegas Metropolitan Police Department.

3. The advisory member is subject to the provisions of section 9 of this act with regard to his terms, reappointment, vacancy and removal.

4. The advisory member:

(a) Serves solely as an advisor to the Board.

(b) May be designated by the Board to assist in any investigation conducted pursuant to this chapter.

(c) May not be counted in determining a quorum of the Board.

(d) May not vote on any matter before the Board.

5. The advisory member:

(a) Serves without salary or compensation.

(b) Is entitled to receive the per diem allowance and travel expenses provided for in section 15.6 of this act.

6. If the advisory member is actively serving as a police officer, the advisory member must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Board and perform any work that is necessary to carry out his duties with

the Board in the most timely manner practicable. The advisory member's employer shall not require the advisory member to:

- (a) Make up the time he is absent from work to carry out his duties with the Board; or*
- (b) Take annual leave or compensatory time for the absence.*

7. Notwithstanding any other provision of law, the advisory member:

- (a) Is not disqualified from public employment or holding a public office because of his membership on the Board; and*
- (b) Does not forfeit his public office or public employment because of his membership on the Board.*

Sec. 11. 1. At the first meeting of each fiscal year, the members of the Board shall elect a Chairman, Vice Chairman and Secretary-Treasurer from among the members.

2. The Board shall meet at least quarterly and may meet at other times at the call of the Chairman or upon the written request of a majority of the members of the Board.

3. The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:

(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

4. A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.

5. Four members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.

Sec. 12. The Board shall:

- 1. Adopt a seal of which each court in this State shall take judicial notice;*
 - 2. Prepare and maintain a record of its proceedings and transactions;*
 - 3. Review and evaluate applications for the licensing of massage therapists;*
 - 4. Determine the qualifications and fitness of applicants;*
 - 5. Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;*
 - 6. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*
 - 7. Investigate any complaints filed with the Board;*
 - 8. Impose any penalties it determines are required to administer the provisions of this chapter;*
- and*
- 9. Transact any other business required to carry out its duties.*

Sec. 13. 1. The Board shall prepare and maintain a separate list of:

- (a) Persons issued a license;*
- (b) Applicants for a license; and*
- (c) Persons whose licenses have been revoked or suspended by the Board.*

2. The Board shall, upon request, disclose the information included in each list and may charge a fee for a copy of the list. The fee may not exceed the actual cost incurred by the Board to make a copy of the list.”.

Amend sec. 14, page 5, by deleting lines 23 through 26 and inserting:

“6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant.”.

Amend the bill as a whole by deleting sec. 15 and adding new sections designated sections 15 through 15.8, following sec. 14, to read as follows:

“Sec. 15. 1. The Attorney General and his deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

Sec. 15.2. 1. The Board shall employ a person as the Executive Director of the Board.

2. The Executive Director serves as the chief administrative officer of the Board at a level of compensation set by the Board.

3. The Executive Director is an at-will employee who serves at the pleasure of the Board.

Sec. 15.4. 1. The Board may employ or contract with inspectors, investigators, advisers, examiners and clerks and any other persons required to carry out its duties and secure the services of attorneys and other professional consultants as it may deem necessary to carry out the provisions of this chapter.

2. Each employee of the Board is an at-will employee who serves at the pleasure of the Board.

The Board may discharge an employee of the Board for any reason that does not violate public policy, including, without limitation, making a false representation to the Board.

Sec. 15.6. *Except as otherwise provided in section 10 of this act, while engaged in the business of the Board:*

1. Each member of the Board is entitled to receive a salary of not more than \$80 per day, as established by the Board; and

2. Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.

Sec. 15.8. *The Board and any of its members and its staff and employees, including, without limitation, inspectors, investigators, advisers, examiners, clerks, counsel, experts, committees, panels, hearing officers and consultants, are immune from civil liability for any act performed in good faith and without malicious intent in the execution of any duties pursuant to this chapter.”.*

Amend the bill as a whole by deleting sec. 18 and adding new sections designated sections 18 and 18.5, following sec. 17, to read as follows:

“Sec. 18. 1. *If a person is not licensed to practice massage therapy pursuant to this chapter, the person shall not:*

(a) Engage in the practice of massage therapy; or

(b) Use in connection with his name the words or letters “L.M.T.,” “licensed massage therapist,” “licensed massage technician,” “M.T.,” “massage technician” or “massage therapist,” or any other letters, words or insignia indicating or implying that he is licensed to practice

massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word “massage” or represent himself as licensed or qualified to engage in the practice of massage therapy.

2. If a person’s license to practice massage therapy pursuant to this chapter has expired or has been suspended or revoked by the Board, the person shall not:

(a) Engage in the practice of massage therapy; or

(b) Use in connection with his name the words or letters “L.M.T.,” “licensed massage therapist,” “licensed massage technician,” “M.T.,” “massage technician” or “massage therapist,” or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word “massage” or represent himself as licensed or qualified to engage in the practice of massage therapy.

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 18.5. 1. If the Board determines that a person has violated or is about to violate any provision of this chapter, the Board may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.”.

Amend sec. 19, page 7, by deleting lines 19 through 22 and inserting:

“to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending;

(5) Except as otherwise provided in section 21 of this act, a complete set of fingerprints and written permission”.

Amend sec. 19, page 7, by deleting lines 34 through 44 and inserting:

“section 14 of this act and except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists.

3. If the Board determines that the examinations being administered pursuant to paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. 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.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

↪ The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to”.

Amend sec. 19, page 8, by deleting line 5 and inserting:

“involving the applicant that would affect his suitability for licensure; and”.

Amend sec. 19, page 8, by deleting lines 12 through 16 and inserting:

“(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to section 14 of this act; and

(d) Maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.”.

Amend the bill as a whole by deleting sections 20 and 21 and adding new sections designated sections 20 and 21, following sec. 19, to read as follows:

“Sec. 20. 1. The Board may issue a temporary license to practice massage therapy.

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

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

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

(3) Proof that he has successfully completed a program of massage therapy recognized by the Board pursuant to section 19 of this act;

(4) Proof that he:

(I) Has taken the examination required pursuant to section 19 of this act; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that he has not committed any of the offenses for which the Board may refuse to issue a license pursuant to section 29 of this act;

(6) 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:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending; and

(7) Except as otherwise provided in section 21 of this act, 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.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed massage therapist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.

5. As used in this section, “fully licensed massage therapist” means a person who holds a license to practice massage therapy issued pursuant to section 19 or 24 of this act.

Sec. 21. 1. The Board of Massage Therapists and the State Board of Cosmetology shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board of Massage Therapists for a license to practice pursuant to this chapter and who is also applying to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS and, not later than 60 days after that application, the applicant also submits an application to the Board of Massage Therapists for a license to practice pursuant to this chapter:

- (a) The applicant is not required to submit a set of fingerprints to the Board of Massage Therapists if the applicant submitted a set of fingerprints with his application to the State Board of Cosmetology;*
- (b) The Board of Massage Therapists shall request from the State Board of Cosmetology a copy of any reports relating to a background investigation of the applicant;*
- (c) Upon receiving such a request, the State Board of Cosmetology shall provide to the Board of Massage Therapists any reports relating to a background investigation of the applicant; and*
- (d) The Board of Massage Therapists shall use the reports provided by the State Board of Cosmetology in reviewing the application for a license to practice pursuant to this chapter, except that the Board of Massage Therapists may conduct its own background investigation of the applicant if the Board of Massage Therapists deems it to be necessary.”.*

Amend sec. 22, page 9, by deleting lines 34 through 45 and inserting:

“Sec. 22. 1. In addition to the any other requirements set forth in this chapter:

- (a) An applicant for the issuance of a license as a massage therapist shall include the social security number of the applicant in the application submitted to the Board.*
- (b) An applicant for the issuance or renewal of a license as a massage therapist shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.”.*

Amend sec. 22, page 10, by deleting lines 6 and 7 and inserting:

“3. A license as a massage therapist may not be issued or renewed by the Board if the applicant:”.

Amend the bill as a whole by deleting sections 24 and 25 and adding new sections designated sections 24 and 25, following sec. 23, to read as follows:

“Sec. 24. 1. Notwithstanding the provisions of section 19 of this act and except as otherwise provided in subsection 3, the Board may issue a license to an applicant who holds a current license to practice massage therapy issued by another state, territory or possession of the United States or the District of Columbia.

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) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and

(2) Whether he has been arrested or convicted, within the immediately preceding 10 years, for any crime involving violence, prostitution or any other sexual offense; and

(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 during the immediately preceding 10 years verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(2) Disciplinary proceedings relating to his license to practice massage therapy are not pending.

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

Sec. 25. 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

<i>An examination established by the Board pursuant to this chapter.....</i>	<i>\$600</i>
<i>An application for a license</i>	<i>300</i>
<i>An application for a license without an examination</i>	<i>300</i>
<i>A background check of an applicant</i>	<i>600</i>
<i>The issuance of a license.....</i>	<i>400</i>
<i>The renewal of a license.....</i>	<i>200</i>
<i>The restoration of an expired license</i>	<i>500</i>
<i>The reinstatement of a suspended or revoked license.....</i>	<i>500</i>
<i>The issuance of a duplicate license</i>	<i>75</i>
<i>The restoration of an inactive license.....</i>	<i>300</i>

2. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.”.

Amend sec. 27, page 12, by deleting lines 31 through 34 and inserting:

“adopted by the Board under section 14 of this act; and

(c) The fee for renewal of the license prescribed by the Board”.

Amend sec. 27, page 12, by deleting lines 38 through 42 and inserting:

“(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board”.

Amend sec. 29, page 14, line 18, after “*probation;*” by inserting “*or*”.

Amend sec. 29, page 14, by deleting lines 24 through 26 and inserting:

“licensed massage therapist.”.

Amend the bill as a whole by deleting sections 30 through 32 and adding new sections designated sections 30 through 32, following sec. 29, to read as follows:

“Sec. 30. 1. If any member of the Board or the Executive Director becomes aware of any ground for initiating disciplinary action against a holder of a license, the member or Executive Director shall file a written complaint with the Board.

2. The complaint must specifically:

(a) Set forth the relevant facts; and

(b) Charge one or more grounds for initiating disciplinary action.

3. As soon as practicable after the filing of the complaint, an investigation of the complaint must be conducted to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the holder of the license.

Sec. 31. 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 license on probation for a specified period or until further order of the Board;

- (b) Administer to the applicant or holder of the license a public reprimand;*
 - (c) Refuse to issue, renew, reinstate or restore the license;*
 - (d) Suspend or revoke the license;*
 - (e) Impose an administrative fine of not more than \$1,000 per day for each day for which the Board determines that a violation occurred;*
 - (f) Require the applicant or holder of the license to pay the costs incurred by the Board to conduct the investigation and hearing; or*
 - (g) 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. 32. Notwithstanding any other statute to the contrary:

- 1. If the Board finds that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, temporarily suspend his license for a period not to exceed 30 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 30 days after the date on which the Board notifies the massage therapist of the temporary suspension.*

2. If a massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director. Upon receiving such a report, the Executive Director shall immediately issue a cease and desist order temporarily suspending the license of the massage therapist. The temporary suspension of the license is effective immediately upon issuance of the cease and desist order and must not exceed 15 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 15 days after the date on which the Executive Director issues the cease and desist order.

3. If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist pending proceedings for disciplinary action, a court shall not stay that order.”.

Amend the bill as a whole by deleting sec. 34 and adding new sections designated sections 34 and 34.5, following sec. 33, to read as follows:

“Sec. 34. 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 34.5. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his application to the Board of Massage Therapists;

(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and

(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license to practice pursuant to this chapter.”.

Amend the bill as a whole by deleting sections 56 through 59 and adding new sections designated sections 56 through 58, following section 55, to read as follows:

“**Sec. 56.** 1. Notwithstanding the provisions of sections 2 to 34, inclusive, of this act and except as otherwise provided in subsection 3, the Board of Massage Therapists may issue a license to practice massage therapy to an applicant, without regard to whether the applicant meets the requirements set forth in section 19 of this act, if the applicant:

(a) Holds a current license to practice massage therapy issued before July 1, 2007, by a county, city or town of this State that regulates the practice of massage therapy; and

(b) Applies to the Board for a license before July 1, 2007.

2. An applicant who applies for a license from 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; and

(c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and

(2) Whether he has been arrested or convicted, within the 10 years immediately preceding submission of the application, for any crime involving violence, prostitution or any other sexual offense.

3. If an applicant applies for a license from the Board pursuant to subsection 1 and the applicant does not have a criminal background investigation approved by a local law enforcement agency, the applicant must:

(a) Submit 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; and

(b) Submit to a background investigation conducted pursuant to section 19 of this act.

4. A license issued by the Board pursuant to subsection 1 shall be deemed to be a license issued by the Board pursuant to section 19 of this act.

5. A person who is licensed to practice massage therapy by a county, city or town in this State before July 1, 2007, must, if the person wishes to continue to practice massage therapy on and after July 1, 2007, hold a license to practice massage therapy issued by the Board.

6. Until July 1, 2007, if a person is licensed to practice massage therapy by a county, city or town in this State but the person does not hold a license to practice massage therapy issued by the Board, the person shall comply with:

(a) All ordinances and regulations of the county, city or town relating to the practice of massage therapy; and

(b) The provisions of sections 2 to 18, inclusive, 22, 23 and 25 to 34, inclusive, of this act.

Sec. 57. 1. As soon as practicable, the Governor shall appoint to the Board of Massage Therapists pursuant to sections 9 and 10 of this act:

- (a) Two members whose terms expire on June 30, 2007;
- (b) Three members whose terms expire on June 30, 2008;
- (c) Two members whose terms expire on June 30, 2009; and
- (d) One nonvoting advisory member whose term expires on June 30, 2009,

↪ except that no member may begin serving a term sooner than July 1, 2005.

2. Notwithstanding the provisions of section 9 of this act, each massage therapist who is appointed to the Board of Massage Therapists to an initial term pursuant to subsection 1 is not required to hold a license issued pursuant to sections 2 to 34, inclusive, of this act at the time of appointment but must be eligible for such a license at the time of appointment.

Sec. 58. 1. This act becomes effective upon passage and approval for the purposes of:

- (a) The Governor appointing members to the Board of Massage Therapists; and
 - (b) The Board and its members and employees performing any organizational, preparatory or preliminary administrative tasks that are necessary to carry out the provisions of this act,
- ↪ and on October 1, 2005, for all other purposes.

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

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

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.”.