

ASSEMBLY BILL NO. 179—ASSEMBLYWOMAN CARLTON

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing massage therapy.
(BDR 54-766)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 massage therapy; changing the name of the Board of Massage Therapists to the Board of Massage Therapy; authorizing the Board to issue a license and a temporary license to practice reflexology and structural integration; requiring the Board to adopt regulations concerning the certification of a massage, reflexology and structural integration establishment; authorizing a local government to regulate a massage, reflexology and structural integration establishment; requiring that the Board consist of nine members; requiring the Board to adopt certain additional regulations; providing that a license is valid for 2 years; increasing the fee amount for the renewal of a license; creating a fee for the issuance and renewal of the certification of a massage, reflexology and structural integration establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the Board of Massage Therapists to issue a license to
- 2 practice massage therapy and provides the requirements that an applicant for a
- 3 license must satisfy in order to become licensed. (NRS 640C.400) **Section 7** of this
- 4 bill authorizes the Board to issue a license to practice reflexology. **Section 9** of this
- 5 bill authorizes the Board to issue a license to practice structural integration. **Section**
- 6 **20** of this bill makes conforming changes to existing law regarding the issuance of
- 7 a license to practice massage therapy.



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Existing law authorizes the Board to issue a temporary license to practice massage therapy and provides the requirements that an applicant for a temporary license must satisfy in order to become licensed. (NRS 640C.410) **Section 8** of this bill authorizes the Board to issue a temporary license to practice reflexology. **Section 10** of this bill authorizes the Board to issue a temporary license to practice structural integration.

Section 11 of this bill requires the Board to adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment. **Section 11** additionally authorizes a local government to regulate a massage, reflexology and structural integration establishment in a manner that is more stringent than the regulations adopted by the Board. **Section 11** further requires that the Board and local governments have concurrent jurisdiction over the regulation of massage, reflexology and structural integration establishments and provides that if there is a conflict between a regulation of the Board and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment. **Section 16** of this bill makes conforming changes.

Existing law creates the Board of Massage Therapists, consisting of seven members. (NRS 640C.150) **Sections 14 and 17** of this bill change the name of the Board to the Board of Massage Therapy. **Sections 24, 37 and 40-43** of this bill make conforming changes.

Section 17 of this bill changes the composition of the Board so that it consists of nine members and requires that one member be licensed to practice reflexology in this State and that one member be licensed to practice structural integration in this State.

Existing law requires the Board to adopt regulations to carry out the provisions relating to massage therapy. (NRS 640C.320) **Section 19** of this bill requires the Board to adopt additional regulations that: (1) establish the standards for licensure as a massage therapist, reflexologist or structural integration practitioner; and (2) establish the standards and curriculum for schools of massage therapy, reflexology and structural integration.

Existing law specifies that each license is valid for 1 year and expires on the last day of the month in which it was issued. (NRS 640C.500) **Section 26** of this bill provides that each license is valid for 2 years.

Existing law requires the Board to establish a schedule of fees and charges and requires that the fee for the renewal of a license does not exceed \$200. (NRS 640C.520) **Section 28** of this bill increases this limit to \$350. **Section 28** additionally creates a \$50 limit on the fees for the issuance and renewal of a certification of a massage, reflexology and structural integration establishment.

Existing law requires the Board to impose an administrative fine if a licensee has engaged in or solicited sexual activity during the course of practicing massage. (NRS 640C.712) **Section 30** of this bill instead authorizes the Board to impose such an administrative fine.

Existing law authorizes the Board to issue a license by endorsement to practice massage therapy to an applicant who holds a valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States. (NRS 640C.425) **Section 47** of this bill repeals this provision.

Sections 1, 12, 18, 21-23, 25, 27, 29, 31-36, 38 and 39 of this bill make conforming changes relating to reflexology and structural integration.



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

1 **Section 1.** NRS 629.580 is hereby amended to read as follows:
2 629.580 1. A person who provides wellness services in
3 accordance with this section, but who is not licensed, certified or
4 registered in this State as a provider of health care, is not in
5 violation of any law based on the unlicensed practice of health care
6 services or a health care profession unless the person:

7 (a) Performs surgery or any other procedure which punctures the
8 skin of any person;

9 (b) Sets a fracture of any bone of any person;

10 (c) Prescribes or administers X-ray radiation to any person;

11 (d) Prescribes or administers a prescription drug or device or a
12 controlled substance to any person;

13 (e) Recommends to a client that he or she discontinue or in any
14 manner alter current medical treatment prescribed by a provider of
15 health care licensed, certified or registered in this State;

16 (f) Makes a diagnosis of a medical disease of any person;

17 (g) Performs a manipulation or a chiropractic adjustment of the
18 articulations of joints or the spine of any person;

19 (h) Treats a person's health condition in a manner that
20 intentionally or recklessly causes that person recognizable and
21 imminent risk of serious or permanent physical or mental harm;

22 (i) Holds out, states, indicates, advertises or implies to any
23 person that he or she is a provider of health care;

24 (j) Engages in the practice of medicine in violation of chapter
25 630 or 633 of NRS, the practice of homeopathic medicine in
26 violation of chapter 630A of NRS or the practice of podiatry in
27 violation of chapter 635 of NRS, unless otherwise expressly
28 authorized by this section;

29 (k) Performs massage therapy as that term is defined in NRS
30 640C.060 ~~§~~, *reflexology as that term is defined in section 3 of*
31 *this act or structural integration as that term is defined in section*
32 *5 of this act;* or

33 (l) Provides mental health services that are exclusive to the
34 scope of practice of a psychiatrist licensed pursuant to chapter 630
35 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of
36 NRS.

37 2. Any person providing wellness services in this State who is
38 not licensed, certified or registered in this State as a provider of
39 health care and who is advertising or charging a fee for wellness
40 services shall, before providing those services, disclose to each
41 client in a plainly worded written statement:

42 (a) The person's name, business address and telephone number;



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(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➔ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:



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(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) ~~Reflexology and~~ Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 2. Chapter 640C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 11, inclusive, of this act.

Sec. 3. *"Reflexologist" means a person who is licensed pursuant to the provisions of this chapter to engage in the practice of reflexology.*

Sec. 4. *"Reflexology" means the application of a system of pressure to the feet, ears and hands of the human body.*

Sec. 5. *"Structural integration" means the application of a system of manual therapy, movement education and embodiment education that is intended to:*

1. Improve the structural alignment of the human body;

2. Enhance the ease of movement of the human body; and



1 3. *Improve the functional relationship of the parts of the*
2 *human body to each other within the influences of gravity.*

3 Sec. 6. *"Structural integration practitioner" means a person*
4 *who is licensed pursuant to the provisions of this chapter to*
5 *engage in the practice of structural integration.*

6 Sec. 7. 1. *The Board may issue a license to practice*
7 *reflexology.*

8 2. *An applicant for a license must:*

9 (a) *Be at least 18 years of age;*

10 (b) *Except as otherwise provided in NRS 640C.426, submit to*
11 *the Board:*

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

14 (2) *The fees prescribed by the Board pursuant to*
15 *NRS 640C.520;*

16 (3) *Proof that the applicant has successfully completed a*
17 *program of reflexology recognized by the Board;*

18 (4) *A certified statement issued by the licensing authority in*
19 *each state, territory or possession of the United States or the*
20 *District of Columbia in which the applicant is or has been licensed*
21 *to practice reflexology verifying that:*

22 (I) *The applicant has not been involved in any*
23 *disciplinary action relating to his or her license to practice*
24 *reflexology; and*

25 (II) *Disciplinary proceedings relating to his or her*
26 *license to practice reflexology are not pending;*

27 (5) *Except as otherwise provided in NRS 640C.440, a*
28 *complete set of fingerprints and written permission authorizing the*
29 *Board to forward the fingerprints to the Central Repository for*
30 *Nevada Records of Criminal History for submission to the Federal*
31 *Bureau of Investigation for its report; and*

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

35 (c) *In addition to any examination required pursuant to NRS*
36 *640C.320 and except as otherwise provided in NRS 640C.426, pass*
37 *a nationally recognized examination for testing the education and*
38 *professional competency of reflexologists that is approved by the*
39 *Board.*

40 3. *The Board:*

41 (a) *Shall recognize a program of reflexology that is:*

42 (1) *Approved by the Commission on Postsecondary*
43 *Education; or*

44 (2) *Offered by a public college in this State or any other*
45 *state; and*



(b) May recognize other programs of reflexology.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) 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 that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant.

(b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, 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.

Sec. 8. 1. The Board may issue a temporary license to practice reflexology.

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 NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the Board pursuant to section 7 of this act;

(4) Proof that the applicant:

(I) Has taken the examination required pursuant to section 7 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 the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;



(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 reflexology verifying that:*

(I) *The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and*

(II) *Disciplinary proceedings relating to his or her license to practice reflexology are not pending; and*

(7) *Except as otherwise provided in NRS 640C.440, 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 reflexology only under the supervision of a fully licensed reflexologist 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 reflexologist; 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 reflexology which occurred during the period of temporary licensure.*

5. *As used in this section, "fully licensed reflexologist" means a person who holds a license to practice reflexology issued pursuant to NRS 640C.420 or section 7 of this act.*

Sec. 9. 1. *The Board may issue a license to practice structural integration.*

2. *An applicant for a license must:*

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

(b) *Except as otherwise provided in NRS 640C.426, submit to the Board:*

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

(2) *The fees prescribed by the Board pursuant to NRS 640C.520;*

(3) *Proof that the applicant has successfully completed a program of structural integration recognized by the Board;*



(4) 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 structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending;

(5) Except as otherwise provided in NRS 640C.440, 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

(6) 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

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and professional competency of structural integration practitioners that is approved by the Board.

3. The Board:

(a) Shall recognize a program of structural integration that is:

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

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of structural integration.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) 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 that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant.

(b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by



1 *the Board and its members and employees in carrying out their*
2 *duties pursuant to this chapter. The provisions of this paragraph*
3 *do not prohibit the Board or its members or employees from*
4 *communicating or cooperating with or providing any documents*
5 *or other information to any other licensing board or any other*
6 *federal, state or local agency that is investigating a person,*
7 *including, without limitation, a law enforcement agency.*

8 **Sec. 10.** 1. *The Board may issue a temporary license to*
9 *practice structural integration.*

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

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

13 (b) *Submit to the Board:*

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

16 (2) *The fees prescribed by the Board pursuant to*
17 *NRS 640C.520;*

18 (3) *Proof that the applicant has successfully completed a*
19 *program of structural integration recognized by the Board*
20 *pursuant to section 9 of this act;*

21 (4) *Proof that the applicant:*

22 (I) *Has taken the examination required pursuant to*
23 *section 9 of this act; or*

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

26 (5) *An affidavit indicating that the applicant has not*
27 *committed any of the offenses for which the Board may refuse to*
28 *issue a license pursuant to NRS 640C.700;*

29 (6) *A certified statement issued by the licensing authority in*
30 *each state, territory or possession of the United States or the*
31 *District of Columbia in which the applicant is or has been licensed*
32 *to practice structural integration verifying that:*

33 (I) *The applicant has not been involved in any*
34 *disciplinary action relating to his or her license to practice*
35 *structural integration; and*

36 (II) *Disciplinary proceedings relating to his or her*
37 *license to practice structural integration are not pending; and*

38 (7) *Except as otherwise provided in NRS 640C.440, a*
39 *complete set of fingerprints and written permission authorizing the*
40 *Board to forward the fingerprints to the Central Repository for*
41 *Nevada Records of Criminal History for submission to the Federal*
42 *Bureau of Investigation for its report.*

43 3. *A temporary license issued pursuant to this section expires*
44 *90 days after the date the Board issues the temporary license. The*
45 *Board shall not renew the temporary license.*



1 4. *A person who holds a temporary license:*

2 (a) *May practice structural integration only under the*
3 *supervision of a fully licensed structural integration practitioner*
4 *and only in accordance with the provisions of this chapter and the*
5 *regulations of the Board;*

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

8 (c) *Is subject to the regulatory and disciplinary authority of the*
9 *Board to the same extent as a fully licensed structural integration*
10 *practitioner; and*

11 (d) *Remains subject to the regulatory and disciplinary*
12 *authority of the Board after the expiration of the temporary*
13 *license for all acts relating to the practice of structural integration*
14 *which occurred during the period of temporary licensure.*

15 5. *As used in this section, "fully licensed structural*
16 *integration practitioner" means a person who holds a license to*
17 *practice structural integration issued pursuant to NRS 640C.420*
18 *or section 9 of this act.*

19 **Sec. 11.** 1. *The Board shall adopt regulations that prescribe*
20 *the requirements for the certification and operation of a massage,*
21 *reflexology and structural integration establishment, including,*
22 *without limitation the:*

23 (a) *Requirements for a massage, reflexology and structural*
24 *integration establishment to obtain a certificate;*

25 (b) *Standards with which a massage, reflexology and*
26 *structural integration establishment must comply; and*

27 (c) *Establishment of fees pursuant to NRS 640C.520 for the*
28 *issuance and renewal of a certification of a massage, reflexology*
29 *and structural integration establishment.*

30 2. *The provisions of this section and any regulations adopted*
31 *pursuant thereto do not prohibit a local government from*
32 *regulating a massage, reflexology and structural integration*
33 *establishment, including, without limitation, in a manner that is*
34 *more stringent than the regulations adopted by the Board*
35 *pursuant to this section.*

36 3. *Local governments have concurrent jurisdiction with the*
37 *Board over the regulation of massage, reflexology and structural*
38 *integration establishments.*

39 4. *If there is a conflict between a provision of the regulations*
40 *adopted by the Board pursuant to this section and a requirement*
41 *of a local government, the requirement of a local government*
42 *prevails to the extent that the requirement provides a more*
43 *stringent or specific requirement regarding the regulation of a*
44 *massage, reflexology and structural integration establishment.*



1 **5. As used in this section, “massage, reflexology and**
2 **structural integration establishment” means any premises, mobile**
3 **unit, building or part of a building where massage therapy,**
4 **reflexology or structural integration is practiced by a person or**
5 **persons licensed pursuant to this chapter.**

6 **Sec. 12.** NRS 640C.010 is hereby amended to read as follows:

7 640C.010 The Legislature finds and declares that:

8 1. The practice of massage therapy , **reflexology and structural**
9 **integration** by persons who do not possess sufficient knowledge of
10 anatomy and physiology or an understanding of the relationship
11 between the structure and function of the tissues being treated and
12 the total function of the body may endanger the health, welfare and
13 safety of the residents of this State.

14 2. To protect the residents of this State, it is necessary to
15 license and regulate the practice of massage therapy ~~H~~ , **reflexology**
16 **and structural integration.**

17 **Sec. 13.** NRS 640C.020 is hereby amended to read as follows:

18 640C.020 As used in this chapter, unless the context otherwise
19 requires, the words and terms defined in NRS 640C.030 to
20 640C.070, inclusive, **and sections 3 to 6, inclusive, of this act** have
21 the meanings ascribed to them in those sections.

22 **Sec. 14.** NRS 640C.030 is hereby amended to read as follows:

23 640C.030 “Board” means the Board of Massage ~~{Therapists.}~~
24 **Therapy.**

25 **Sec. 15.** NRS 640C.060 is hereby amended to read as follows:

26 640C.060 1. “Massage therapy” means the application of a
27 system of pressure to the muscular structure and soft tissues of the
28 human body for therapeutic purposes, including, without limitation:

29 (a) Effleurage;

30 (b) Petrissage;

31 (c) Tapotement;

32 (d) Compressions;

33 (e) Vibration;

34 (f) Friction; and

35 (g) Movements applied manually with or without superficial
36 heat, cold, water or lubricants for the purpose of maintaining good
37 health and establishing and maintaining good physical condition.

38 2. The term does not include:

39 (a) Diagnosis, adjustment, mobilization or manipulation of any
40 articulations of the body or spine; or

41 (b) ~~{Reflexology.}~~ **The demonstration of a product on a person**
42 **that applies a system of pressure to the muscular structure and**
43 **soft tissues of the human body, provided that the demonstration is**
44 **not longer than 2 minutes.**



Sec. 16. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(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 , *reflexology or structural integration* is performed in the course of the practice for which the person is licensed.

(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, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, 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, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is 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 , *reflexology or structural integration* on athletes.

(f) Students enrolled in a school of massage therapy , *reflexology or structural integration* recognized by the Board.

(g) A person who practices massage therapy , *reflexology or structural integration* solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 ~~H~~ and *section 11 of this act*, the provisions of this chapter preempt the licensure and regulation of a massage therapist , *reflexologist or structural integration practitioner* by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist , *reflexologist or structural integration practitioner* or applicant for a license to practice massage therapy ~~H~~ , *reflexology or structural integration*.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist , *reflexologist or structural integration practitioner* to obtain a license or permit to



1 transact business within the jurisdiction of the county, city or town,
2 if the license or permit is required of other persons, regardless of
3 occupation or profession, who transact business within the
4 jurisdiction of the county, city or town.

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

8 **Sec. 17.** NRS 640C.150 is hereby amended to read as follows:

9 640C.150 1. The Board of Massage ~~Therapists~~ *Therapy* is
10 hereby created. The Board consists of ~~seven~~ *nine* members
11 appointed pursuant to this chapter and one nonvoting advisory
12 member appointed pursuant to NRS 640C.160.

13 2. The Governor shall appoint to the Board ~~seven~~ *nine*
14 members as follows:

15 (a) Six members who:

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

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

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

24 (b) *One member who is licensed to practice reflexology in this*
25 *State.*

26 (c) *One member who is licensed to practice structural*
27 *integration in this State.*

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

30 (1) A massage therapist ~~H~~ , *reflexologist or structural*
31 *integration practitioner*; or

32 (2) The spouse or the parent or child, by blood, marriage or
33 adoption, of a massage therapist ~~H~~ , *reflexologist or structural*
34 *integration practitioner.*

35 3. The members who are appointed to the Board pursuant to
36 ~~paragraph~~ *paragraphs* (a) , (b) and (c) of subsection 2 must
37 continue to practice massage therapy , *reflexology or structural*
38 *integration, as applicable,* in this State while they are members of
39 the Board.

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

43 5. A member of the Board may not serve more than two
44 consecutive terms. A former member of the Board is eligible for



1 reappointment to the Board if that person has not served on the
2 Board during the 4 years immediately preceding the reappointment.

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

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

8 **Sec. 18.** NRS 640C.300 is hereby amended to read as follows:

9 640C.300 The Board shall:

10 1. Adopt a seal of which each court in this State shall take
11 judicial notice;

12 2. Prepare and maintain a record of its proceedings and
13 transactions;

14 3. Review and evaluate applications for the licensing of
15 massage therapists ~~and~~ , *reflexologists or structural integration*
16 *practitioners*;

17 4. Determine the qualifications and fitness of applicants;

18 5. Issue, renew, reinstate, revoke, suspend and deny licenses,
19 as appropriate;

20 6. Enforce the provisions of this chapter and any regulations
21 adopted pursuant thereto;

22 7. Investigate any complaints filed with the Board;

23 8. Impose any penalties it determines are required to administer
24 the provisions of this chapter; and

25 9. Transact any other business required to carry out its duties.

26 **Sec. 19.** NRS 640C.320 is hereby amended to read as follows:

27 640C.320 The Board shall adopt regulations to carry out the
28 provisions of this chapter. The regulations must include, without
29 limitation, provisions that:

30 1. Establish the requirements for continuing education for the
31 renewal of a license;

32 2. Establish the requirements for the approval of a course of
33 continuing education, including, without limitation, a course on a
34 specialty technique of massage therapy ~~and~~ , *reflexology or*
35 *structural integration*;

36 3. Establish the requirements for the approval of an instructor
37 of a course of continuing education;

38 4. Establish requirements relating to sanitation, hygiene and
39 safety relating to the practice of massage therapy ~~and~~ , *reflexology*
40 *and structural integration*;

41 5. Except as otherwise provided in NRS 622.090, prescribe the
42 requirements for any practical ~~and oral~~ or written examination for a
43 license that the Board may require, including, without limitation, the
44 passing grade for such an examination;



6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant; ~~and~~

7. Prescribe the form of a written administrative citation issued pursuant to NRS 640C.755 ~~+~~;

8. Establish the standards for the licensure of massage therapists, reflexologists and structural integration practitioners under this chapter; and

9. Prescribe the standards and curriculum for schools of massage therapy, reflexology and structural integration in this State.

Sec. 20. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS ~~640C.425 and~~ 640C.426, submit to the Board:

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

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) 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 or her license to practice massage therapy; and

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

(5) Except as otherwise provided in NRS 640C.440, 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*

~~(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~~



(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS ~~640C.425 and~~ 640C.426, ~~+~~

~~(1) Except as otherwise provided in subsection 3,~~ pass a nationally recognized examination for testing the education and professional competency of massage therapists that is approved by the Board. ~~+~~ ~~or~~

~~(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.~~

~~3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of 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.~~ 3. The Board ~~{shall}~~ :

(a) ~~Shall~~ recognize a program of massage therapy that is:

~~{(a)}~~ (1) Approved by the Commission on Postsecondary Education; or

~~{(b)}~~ (2) Offered by a public college in this State or any other state ~~+~~

~~→ The Board may} ; and~~

(b) ~~May~~ recognize other programs of massage therapy.

~~{5.}~~ 4. Except as otherwise provided in NRS ~~640C.425 and~~ 640C.426, the Board or its designee shall:

(a) 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 that would affect his or her suitability for licensure; 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;~~



1 ~~—(e)—~~ Report the results of the investigation of the applicant
2 within the period the Board establishes by regulation pursuant to
3 NRS 640C.320. ~~†; and~~

4 ~~—(d)—~~ (c) Except as otherwise provided in NRS 239.0115,
5 maintain the results of the investigation in a confidential manner for
6 use by the Board and its members and employees in carrying out
7 their duties pursuant to this chapter. The provisions of this
8 paragraph do not prohibit the Board or its members or employees
9 from communicating or cooperating with or providing any
10 documents or other information to any other licensing board or any
11 other federal, state or local agency that is investigating a person,
12 including, without limitation, a law enforcement agency.

13 **Sec. 21.** NRS 640C.420 is hereby amended to read as follows:

14 640C.420 1. Notwithstanding the provisions of NRS
15 640C.400 and except as otherwise provided in subsection 3, the
16 Board may issue a license to an applicant who holds a current
17 license to practice massage therapy , *reflexology or structural*
18 *integration* issued by another state, territory or possession of the
19 United States or the District of Columbia.

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

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

23 (b) The fees prescribed by the Board pursuant to
24 NRS 640C.520;

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

26 (1) Whether any disciplinary proceedings relating to his or
27 her license to practice massage therapy , *reflexology or structural*
28 *integration* have at any time been instituted against the applicant;
29 and

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

33 (d) A certified statement issued by the licensing authority in
34 each state, territory or possession of the United States or the District
35 of Columbia in which the applicant is or has been licensed to
36 practice massage therapy , *reflexology or structural integration*
37 during the immediately preceding 10 years verifying that:

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

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

44 3. The Board shall not issue a license pursuant to this section
45 unless the state, territory or possession of the United States or the



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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 , *reflexology or structural integration* set forth in this chapter.

Sec. 22. NRS 640C.426 is hereby amended to read as follows:

640C.426 1. The Board may issue a license by endorsement to practice massage therapy , *reflexology or structural integration* to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy , *reflexology or structural integration* in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy ~~†~~ , *reflexology or structural integration*; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy , *reflexology or structural integration* pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application.



1 Unless the Board denies the application for good cause, the Board
2 shall approve the application and issue a license by endorsement to
3 practice massage therapy , *reflexology or structural integration* to
4 the applicant not later than:

5 (a) Forty-five days after receiving all additional information
6 required by the Board to complete the application; or

7 (b) Ten days after the Board receives a report on the applicant's
8 background based on the submission of the applicant's fingerprints,
9 ➔ whichever occurs later.

10 4. A license by endorsement to practice massage therapy ,
11 *reflexology or structural integration* may be issued at a meeting of
12 the Board or between its meetings by the Chair and Executive
13 Director of the Board. Such an action shall be deemed to be an
14 action of the Board.

15 5. At any time before making a final decision on an application
16 for a license by endorsement, the Board may grant a provisional
17 license authorizing an applicant to practice as a massage therapist ,
18 *reflexologist or structural integration practitioner* in accordance
19 with regulations adopted by the Board.

20 6. As used in this section, "veteran" has the meaning ascribed
21 to it in NRS 417.005.

22 **Sec. 23.** NRS 640C.430 is hereby amended to read as follows:

23 640C.430 1. In addition to any other requirements set forth in
24 this chapter:

25 (a) An applicant for the issuance of a license as a massage
26 therapist , *reflexologist or structural integration practitioner* shall
27 include the social security number of the applicant in the application
28 submitted to the Board.

29 (b) An applicant for the issuance or renewal of a license as a
30 massage therapist , *reflexologist or structural integration*
31 *practitioner* shall submit to the Board the statement prescribed by
32 the Division of Welfare and Supportive Services of the Department
33 of Health and Human Services pursuant to NRS 425.520. The
34 statement must be completed and signed by the applicant.

35 2. The Board shall include the statement required pursuant to
36 subsection 1 in:

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

39 (b) A separate form prescribed by the Board.

40 3. A license as a massage therapist , *reflexologist or structural*
41 *integration practitioner* may not be issued or renewed by the Board
42 if the applicant:

43 (a) Fails to submit the statement required pursuant to subsection
44 1; or



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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 24. NRS 640C.440 is hereby amended to read as follows:

640C.440 1. The Board of Massage ~~{Therapists}~~ **Therapy** 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}~~ **Therapy** 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}~~ **Therapy** 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}~~ **Therapy** if the applicant submitted a set of fingerprints with the application to the State Board of Cosmetology;

(b) The Board of Massage ~~{Therapists}~~ **Therapy** 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}~~ **Therapy** any reports relating to a background investigation of the applicant; and

(d) The Board of Massage ~~{Therapists}~~ **Therapy** 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}~~ **Therapy** may conduct its own background investigation of the applicant if the Board of Massage ~~{Therapists}~~ **Therapy** deems it to be necessary.



Sec. 25. NRS 640C.450 is hereby amended to read as follows:

640C.450 1. Each licensee shall display his or her original license in a conspicuous manner at each location where the licensee practices massage therapy ~~H~~, *reflexology or structural integration*. If a licensee practices massage therapy , *reflexology or structural integration* in more than one place, the licensee must carry the original license with him or her and display it wherever he or she is actually working.

2. A licensee shall obtain a replacement of the original license from the Board if the licensee's:

(a) Original license is destroyed, misplaced or mutilated; or

(b) Name or address as printed on the original license has changed.

3. To obtain a replacement license, the licensee must:

(a) File an affidavit with the Board, on the form prescribed by the Board, which states that the licensee's original license was destroyed, misplaced or mutilated or that his or her name or address as printed on the original license has changed; and

(b) Pay the fee prescribed by the Board pursuant to NRS 640C.520.

Sec. 26. NRS 640C.500 is hereby amended to read as follows:

640C.500 1. Each license ~~expires on the last day of the month in which it was issued in the next succeeding calendar year~~ *is valid for 2 years after the first day of the first calendar month immediately following the date of issuance* and may be renewed if, before the license expires, the holder of the license submits to the Board:

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

(b) Proof of completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under NRS 640C.320; and

(c) The fee for renewal of the license prescribed by the Board pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be restored if, within 2 years after the expiration of the license, the applicant:

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

(b) Submits to the Board the fees prescribed by the Board pursuant to NRS 640C.520:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice



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1 must include a statement setting forth the provisions of this section
2 and the amount of the fee for renewal of the license.

3 **Sec. 27.** NRS 640C.510 is hereby amended to read as follows:

4 640C.510 1. Upon written request to the Board, a holder of a
5 license in good standing may cause his or her name and license to be
6 transferred to an inactive list. The holder of the license may not
7 practice massage therapy , *reflexology or structural integration*
8 during the time the license is inactive, and no renewal fee accrues.

9 2. If an inactive holder of a license desires to resume the
10 practice of massage therapy , *reflexology or structural integration*
11 within 2 years after the license was made inactive, the Board shall
12 renew the license upon:

13 (a) Demonstration, if deemed necessary by the Board, that the
14 holder of the license is then qualified and competent to practice;

15 (b) Completion and submission of an application; and

16 (c) Payment of the current fee for renewal of the license.

17 **Sec. 28.** NRS 640C.520 is hereby amended to read as follows:

18 640C.520 1. The Board shall establish a schedule of fees and
19 charges. The fees for the following items must not exceed the
20 following amounts:

21	
22	An examination established by the Board pursuant
23	to this chapter \$600
24	An application for a license 300
25	An application for a license without an examination 300
26	A background check of an applicant 600
27	The issuance of a license 400
28	The renewal of a license 1200 350
29	The restoration of an expired license 500
30	The reinstatement of a suspended or revoked license 500
31	The issuance of a replacement license 75
32	The restoration of an inactive license 300
33	<i>The issuance of a certification of a massage,</i>
34	<i>reflexology and structural integration</i>
35	<i>establishment as defined in section 11 of this</i>
36	<i>act..... 50</i>
37	<i>The renewal of a certification of a massage,</i>
38	<i>reflexology and structural integration</i>
39	<i>establishment as defined in section 11 of this</i>
40	<i>act..... 50</i>

41
42 2. If an applicant submits an application for a license by
43 endorsement pursuant to NRS 640C.426, the Board shall collect not
44 more than one-half of the fee specified in subsection 1 for the initial
45 issuance of the license.



3. 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.

Sec. 29. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy , *reflexology or structural integration* or a substantially similar business, or a crime involving moral turpitude;

4. Has engaged in or solicited sexual activity during the course of practicing massage , *reflexology or structural integration* on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy ~~††~~ , *reflexology or structural integration*;

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy ~~††~~ , *reflexology or structural integration*;

8. Has failed to provide information requested by the Board within 60 days after receiving the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct ; ~~{as it relates to the practice of massage therapy;}~~

10. Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage




1 therapy , *reflexology or structural integration* within 30 days after
2 becoming aware of that conduct;

3 11. Has been disciplined in another state, a territory or
4 possession of the United States or the District of Columbia for
5 conduct that would be a violation of the provisions of this chapter or
6 any regulations adopted pursuant thereto if the conduct were
7 committed in this State;

8 12. Has solicited or received compensation for services relating
9 to the practice of massage therapy , *reflexology or structural*
10 *integration* that he or she did not provide;

11 13. If the holder of the license is on probation, has violated the
12 terms of the probation;

13 14. Has engaged in false, deceptive or misleading advertising,
14 including, without limitation, falsely, deceptively or misleadingly
15 advertising that he or she has received training in a specialty
16 technique of massage , *reflexology or structural integration* for
17 which he or she has not received training, practicing massage
18 therapy , *reflexology or structural integration* under an assumed
19 name and impersonating a licensed massage therapist  ,
20 *reflexologist or structural integration practitioner*;

21 15. Has operated a medical facility, as defined in NRS
22 449.0151, at any time during which:

23 (a) The license of the facility was suspended or revoked; or

24 (b) An act or omission occurred which resulted in the
25 suspension or revocation of the license pursuant to NRS 449.160.

26 ➤ This subsection applies to an owner or other principal responsible
27 for the operation of the facility.

28 16. Has failed to comply with a written administrative citation
29 issued pursuant to NRS 640C.755 within the time permitted for
30 compliance set forth in the citation or, if a hearing is held pursuant
31 to NRS 640C.757, within 15 business days after the hearing; or

32 17. Except as otherwise provided in subsection 16, has failed to
33 pay or make arrangements to pay, as approved by the Board, an
34 administrative fine imposed pursuant to this chapter within 60 days
35 after:

36 (a) Receiving notice of the imposition of the fine; or

37 (b) The final administrative or judicial decision affirming the
38 imposition of the fine,

39 ➤ whichever occurs later.

40 **Sec. 30.** NRS 640C.712 is hereby amended to read as follows:

41 640C.712 1. In addition to any other actions authorized by
42 NRS 640C.710, if, after notice and a hearing as required by law, the
43 Board determines that a licensee has engaged in or solicited sexual
44 activity during the course of practicing massage , *reflexology or*
45 *structural integration* on a person, as set forth in subsection 4 of



1 NRS 640C.700, or has been convicted of prostitution or any other
2 sexual offense that occurred during the course of practicing massage
3 , *reflexology or structural integration* on a person, the Board
4 ~~shall~~ *may*:

5 (a) For a first violation, impose an administrative fine of not less
6 than \$100 and not more than \$1,000;

7 (b) For a second violation, impose an administrative fine of not
8 less than \$250 and not more than \$5,000; and

9 (c) For a third violation and for each additional violation,
10 impose an administrative fine of not less than \$500 and not more
11 than \$10,000.

12 2. The Board shall, by regulation, establish standards for use
13 by the Board in determining the amount of an administrative fine
14 imposed pursuant to this section. The standards must include,
15 without limitation, provisions requiring the Board to consider:

16 (a) The gravity of the violation;

17 (b) The good faith of the licensee; and

18 (c) Any history of previous violations of the provisions of this
19 chapter committed by the licensee.

20 **Sec. 31.** NRS 640C.720 is hereby amended to read as follows:

21 640C.720 Notwithstanding any other statute to the contrary:

22 1. If the Board finds, based upon evidence in its possession,
23 that immediate action is necessary to protect the health, safety or
24 welfare of the public, the Board may, upon providing notice to the
25 massage therapist, *reflexologist or structural integration*
26 *practitioner*, temporarily suspend his or her license without a prior
27 hearing for a period not to exceed 15 business days. The massage
28 therapist , *reflexologist or structural integration practitioner* may
29 file a written request for a hearing to challenge the necessity of the
30 temporary suspension. The written request must be filed not later
31 than 10 business days after the date on which the massage therapist ,
32 *reflexologist or structural integration practitioner* receives notice
33 of the temporary suspension. If the massage therapist ~~or~~ ,
34 *reflexologist or structural integration practitioner*:

35 (a) Files a timely written request for a hearing, the Board shall
36 extend the temporary suspension until a hearing is held. The Board
37 shall hold a hearing and render a final decision regarding the
38 necessity of the temporary suspension as promptly as is practicable
39 but not later than 15 business days after the date on which the Board
40 receives the written request. After holding such a hearing, the
41 Board may extend the period of the temporary suspension if the
42 Board finds, for good cause shown, that such action is necessary to
43 protect the health, safety or welfare of the public pending
44 proceedings for disciplinary action.



(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist , *reflexologist or structural integration practitioner* immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 30 days after the date on which the Board provides notice of the initial temporary suspension. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. If a massage therapist , *reflexologist or structural integration practitioner* is charged with or cited for prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately issue by certified mail to the massage therapist , *reflexologist or structural integration practitioner* a cease and desist order temporarily suspending the license of the massage therapist , *reflexologist or structural integration practitioner* without a prior hearing. The temporary suspension of the license is effective immediately after the massage therapist , *reflexologist or structural integration practitioner* receives notice of the cease and desist order and must not exceed 15 business days. The massage therapist , *reflexologist or structural integration practitioner* may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the massage therapist ~~†~~ , *reflexologist or structural integration practitioner*:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the



1 massage therapist , *reflexologist or structural integration*
2 *practitioner* immediately by certified mail of the date of the hearing.
3 The hearing must be held and a final decision rendered regarding
4 whether to extend the period of the temporary suspension as
5 promptly as is practicable but not later than 15 business days after
6 the date on which the Executive Director mails the cease and desist
7 order. After holding such a hearing, the Board may extend the
8 period of the temporary suspension if the Board finds, for good
9 cause shown, that such action is necessary to protect the health,
10 safety or welfare of the public pending proceedings for disciplinary
11 action.

12 3. If the Board or the Executive Director issues an order
13 temporarily suspending the license of a massage therapist ,
14 *reflexologist or structural integration practitioner* pending
15 proceedings for disciplinary action, a court shall not stay that order.

16 4. For purposes of this section, a person is deemed to have
17 notice of a temporary suspension of his or her license:

18 (a) On the date on which the notice is personally delivered to the
19 person; or

20 (b) If the notice is mailed, 3 days after the date on which the
21 notice is mailed by certified mail to the last known business or
22 residential address of the person.

23 **Sec. 32.** NRS 640C.745 is hereby amended to read as follows:

24 640C.745 1. When conducting an investigation of a massage
25 therapist , *reflexologist or structural integration practitioner*
26 pursuant to this chapter, the Board or the Executive Director may
27 request from the appropriate governmental agency or court of
28 competent jurisdiction records relating to any conviction of the
29 massage therapist , *reflexologist or structural integration*
30 *practitioner* for a crime involving violence, prostitution or any other
31 sexual offense. Such records include, without limitation, a record of
32 criminal history as defined in NRS 179A.070.

33 2. Upon receiving a request from the Board or the Executive
34 Director pursuant to subsection 1, the governmental agency or court
35 of competent jurisdiction shall provide the requested records to the
36 Board or the Executive Director as soon as reasonably practicable.
37 The governmental agency or court of competent jurisdiction may
38 redact from the records produced pursuant to this subsection any
39 information relating to the agency or court that is deemed
40 confidential by the agency or court. Upon receiving the records from
41 the governmental agency or court, the Board and the Executive
42 Director:

43 (a) Shall maintain the confidentiality of the records if such
44 confidentiality is required by federal or state law; and



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(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist , *reflexologist or structural integration practitioner* pursuant to this chapter.

Sec. 33. NRS 640C.910 is hereby amended to read as follows:

640C.910 1. If a person is not licensed to practice massage therapy , *reflexology or structural integration* pursuant to this chapter, the person shall not:

(a) Engage in the practice of massage therapy ~~⌚~~ , *reflexology or structural integration*;

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician , " ~~⌚~~ ~~or~~ "massage therapist," "*licensed reflexologist*," "*reflexologist*," "*licensed structural integration practitioner*" or "*structural integration practitioner*," or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, *reflexology or structural integration*, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage ~~⌚~~ ," "*reflexology*," "*structural integration*" or represent himself or herself as licensed or qualified to engage in the practice of massage therapy ~~⌚~~ , *reflexology or structural integration*; or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "massage," "massage therapy," "massage therapist," "massage technician ~~⌚~~ ," "*reflexologist*," "*structural integration practitioner*" or any other term that indicates or implies that he or she is licensed or qualified to practice massage therapy ~~⌚~~ , *reflexology or structural integration*.

2. If a person's license to practice massage therapy , *reflexology or structural integration* 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 ~~⌚~~ , *reflexology or structural integration*;

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician , " ~~⌚~~ ~~or~~ "massage therapist," "*licensed reflexologist*," "*reflexologist*," "*licensed structural integration practitioner*" or "*structural integration practitioner*," or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, *reflexology or structural integration*, or in any other way, orally, or



1 in writing or print, or by sign, directly or by implication, use the
2 word "massage ~~HT~~," "*reflexology*" or "*structural integration*," or
3 represent himself or herself as licensed or qualified to engage in the
4 practice of massage therapy ~~HT~~ , *reflexology or structural*
5 *integration*; or

6 (c) List or cause to have listed in any directory, including,
7 without limitation, a telephone directory, his or her name or the
8 name of his or her company under the heading "massage," "massage
9 therapy," "massage therapist," "massage technician ~~HT~~ ,"
10 "*reflexologist*" or "*structural integration practitioner*," or any
11 other term that indicates or implies that he or she is licensed or
12 qualified to practice massage therapy ~~HT~~ , *reflexology or structural*
13 *integration*.

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

16 **Sec. 34.** NRS 640C.920 is hereby amended to read as follows:

17 640C.920 1. A person shall not:

18 (a) Counterfeit or forge or attempt to counterfeit or forge a
19 license to practice massage therapy ~~HT~~ , *reflexology or structural*
20 *integration*; or

21 (b) For the purpose of aiding or abetting an unlawful act:

22 (1) Alter or attempt to alter a license to practice massage
23 therapy ~~HT~~ , *reflexology or structural integration*; or

24 (2) Make or attempt to make any photocopy print, photostat
25 or other replica of a license to practice massage therapy ~~HT~~ ,
26 *reflexology or structural integration*.

27 2. A person shall not use or display a license to practice
28 massage therapy , *reflexology or structural integration* that:

29 (a) Is not the original license issued to the person;

30 (b) Has been counterfeited or forged;

31 (c) Has been altered, copied or replicated for the purpose of
32 aiding or abetting an unlawful act; or

33 (d) Has been issued to another person.

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

36 **Sec. 35.** NRS 640C.930 is hereby amended to read as follows:

37 640C.930 1. A person shall not advertise as a massage
38 therapist , *reflexologist or structural integration practitioner* in this
39 State unless the person is licensed to practice massage therapy ,
40 *reflexology or structural integration* pursuant to this chapter.

41 2. A person licensed to practice massage therapy , *reflexology*
42 *or structural integration* pursuant to this chapter shall not
43 disseminate, as part of any advertising by the massage therapist,
44 *reflexologist or structural integration practitioner*, any false or
45 misleading statement or representation of material fact that is



intended, directly or indirectly, to induce another person to use the services of the massage therapist **H**, *reflexologist or structural integration practitioner*.

3. All advertising by a licensed massage therapist, *reflexologist or structural integration practitioner* must include his or her name and the name of his or her company, if applicable. All advertising in a telephone directory or a newspaper must also include the number of the license.

4. A person who violates any provision of subsection 1 or 2 is guilty of a misdemeanor.

5. If, after notice and a hearing as required by law, the Board determines that a person has willfully engaged in advertising in a manner that violates the provisions of this section or NRS 640C.910, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, order the person to cease and desist the unlawful advertising. The provisions of this subsection do not apply to any person whose license has been expired for less than 90 days or is temporarily suspended.

6. The Board may order any person convicted of a crime involving violence, prostitution or any other sexual offense to cause any telephone number included in the advertising to be disconnected from service. If the Board orders the person to cause any telephone number to be disconnected from service and the person fails to comply within 5 days after the date on which the person is served with the order, the Board may:

(a) If the provider is regulated by the Public Utilities Commission of Nevada, request the Commission to order the provider to disconnect the telephone number from service pursuant to NRS 703.175 and 707.355; or

(b) If the provider is not regulated by the Public Utilities Commission of Nevada, request the provider to disconnect the telephone number from service and inform the provider that the request is made pursuant to this section. Upon receiving such a request, the provider shall take such action as is necessary to disconnect the telephone number from service.

7. A provider shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to this section; or

(b) Provide or offer to provide a message that includes a new telephone number for the person whose telephone number was disconnected from service pursuant to this section.

8. If a provider complies in good faith with a request to disconnect a telephone number from service pursuant to this section,



1 such good-faith compliance shall constitute a complete defense to
2 any civil or criminal action brought against the provider arising
3 from the disconnection or termination of service.

4 9. As used in this section:

5 (a) "Advertising" means the intentional placement or issuance of
6 any sign, card or device, or the permitting or allowing of any sign or
7 marking on a motor vehicle, in any building, structure, newspaper,
8 magazine or airway transmission, on the Internet or in any directory
9 under the listing of "massage therapist" ~~for~~ "massage ~~therapist~~,"
10 *"reflexologist," "reflexology," "structural integration*
11 *practitioner" or "structural integration."*

12 (b) "Provider" means a provider of any type of telephone,
13 messaging or paging service.

14 (c) "Provider of messaging or paging service" means an entity
15 that provides any type of messaging or paging service to any type of
16 communication device.

17 (d) "Provider of telephone service" has the meaning ascribed to
18 it in NRS 707.355.

19 (e) "Telephone number" means any sequence of numbers or
20 characters, or both, used by a provider to provide any type of
21 telephone, messaging or paging service.

22 **Sec. 36.** NRS 640E.090 is hereby amended to read as follows:

23 640E.090 1. The provisions of this chapter do not apply to:

24 (a) Any person who is licensed or registered in this State as a
25 physician pursuant to chapter 630, 630A or 633 of NRS, dentist,
26 nurse, dispensing optician, optometrist, occupational therapist,
27 practitioner of respiratory care, physical therapist, podiatric
28 physician, psychologist, marriage and family therapist, chiropractor,
29 athletic trainer, massage therapist, *reflexologist, structural*
30 *integration practitioner*, perfusionist, doctor of Oriental medicine in
31 any form, medical laboratory director or technician or pharmacist
32 who:

33 (1) Practices within the scope of that license or registration;

34 (2) Does not represent that he or she is a licensed dietitian or
35 registered dietitian; and

36 (3) Provides nutrition information incidental to the practice
37 for which he or she is licensed or registered.

38 (b) A student enrolled in an educational program accredited by
39 the Commission on Accreditation for Dietetics Education of the
40 Academy of Nutrition and Dietetics, if the student engages in the
41 practice of dietetics under the supervision of a licensed dietitian or
42 registered dietitian as part of that educational program.

43 (c) A registered dietitian employed by the Armed Forces of the
44 United States, the United States Department of Veterans Affairs or
45 any division or department of the Federal Government in the



1 discharge of his or her official duties, including, without limitation,
2 the practice of dietetics or providing nutrition services.

3 (d) A person who furnishes nutrition information, provides
4 recommendations or advice concerning nutrition, or markets food,
5 food materials or dietary supplements and provides nutrition
6 information, recommendations or advice related to that marketing, if
7 the person does not represent that he or she is a licensed dietitian or
8 registered dietitian. While performing acts described in this
9 paragraph, a person shall be deemed not to be engaged in the
10 practice of dietetics or the providing of nutrition services.

11 (e) A person who provides services relating to weight loss or
12 weight control through a program reviewed by and in consultation
13 with a licensed dietitian or physician or a dietitian licensed or
14 registered in another state which has equivalent licensure
15 requirements as this State, as long as the person does not change the
16 services or program without the approval of the person with whom
17 he or she is consulting.

18 2. As used in this section, "nutrition information" means
19 information relating to the principles of nutrition and the effect of
20 nutrition on the human body, including, without limitation:

21 (a) Food preparation;

22 (b) Food included in a normal daily diet;

23 (c) Essential nutrients required by the human body and
24 recommended amounts of essential nutrients, based on nationally
25 established standards;

26 (d) The effect of nutrients on the human body and the effect of
27 deficiencies in or excess amounts of nutrients in the human body;
28 and

29 (e) Specific foods or supplements that are sources of essential
30 nutrients.

31 **Sec. 37.** NRS 644.191 is hereby amended to read as follows:

32 644.191 1. The State Board of Cosmetology and the Board of
33 Massage ~~{Therapists}~~ **Therapy** shall, to the extent practicable,
34 reduce duplication in the licensing procedure for a qualified
35 applicant who is applying to the State Board of Cosmetology for a
36 license to practice pursuant to this chapter and who is also applying
37 to the Board of Massage ~~{Therapists}~~ **Therapy** for a license to
38 practice pursuant to chapter 640C of NRS, if both applications are
39 filed not more than 60 days apart.

40 2. If a qualified applicant submits an application to the Board
41 of Massage ~~{Therapists}~~ **Therapy** for a license to practice pursuant
42 to chapter 640C of NRS and, not later than 60 days after that
43 application, the applicant also submits an application to the State
44 Board of Cosmetology for a license to practice pursuant to this
45 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 or her application to the Board of Massage ~~Therapists;~~ *Therapy*;

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

(c) Upon receiving such a request, the Board of Massage ~~Therapists~~ *Therapy* 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~~ *Therapy* in reviewing the application for a license to practice pursuant to this chapter.

Sec. 38. NRS 644.192 is hereby amended to read as follows:

644.192 1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, *reflexology or structural integration*, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy , *reflexology or structural integration* and, not later than 60 days after that application, the applicant also submits an application to the Board for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy ~~H~~, *reflexology or structural integration*:



(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, *reflexology or structural integration*, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 39. NRS 644.400 is hereby amended to read as follows:

644.400 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor who has had practical experience in an established place of business for at least 1 year in the practice of a majority of the branches of cosmetology taught at the school of cosmetology.

2. A school of cosmetology shall:

(a) Except as otherwise provided in subsection 6, maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in each branch of cosmetology taught at the school of cosmetology.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) Conduct at least 5 hours of instruction in theory in each 40-hour week or 6 hours of instruction in theory in each 48-hour week, which must be attended by all registered students.



(h) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure or registration in each branch of cosmetology taught at the school of cosmetology, any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy , *reflexology or structural integration* if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy ~~+~~, *reflexology or structural integration*:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

Sec. 40. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and



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(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.



5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating



1 to the administration of criminal justice, if authorized by the
2 contract, and if the contract also specifies that the information will
3 be used only for stated purposes and that it will be otherwise
4 confidential in accordance with state and federal law and regulation.

5 (l) Any reporter for the electronic or printed media in a
6 professional capacity for communication to the public.

7 (m) Prospective employers if the person who is the subject of
8 the information has given written consent to the release of that
9 information by the agency which maintains it.

10 (n) For the express purpose of research, evaluative or statistical
11 programs pursuant to an agreement with an agency of criminal
12 justice.

13 (o) An agency which provides child welfare services, as defined
14 in NRS 432B.030.

15 (p) The Division of Welfare and Supportive Services of the
16 Department of Health and Human Services or its designated
17 representative, as needed to ensure the safety of investigators and
18 caseworkers.

19 (q) The Aging and Disability Services Division of the
20 Department of Health and Human Services or its designated
21 representative, as needed to ensure the safety of investigators and
22 caseworkers.

23 (r) An agency of this or any other state or the Federal
24 Government that is conducting activities pursuant to Part D of
25 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,
26 42 U.S.C. §§ 651 et seq.

27 (s) The State Disaster Identification Team of the Division of
28 Emergency Management of the Department.

29 (t) The Commissioner of Insurance.

30 (u) The Board of Medical Examiners.

31 (v) The State Board of Osteopathic Medicine.

32 (w) The Board of Massage ~~Therapists~~ *Therapy* and its
33 Executive Director.

34 (x) The Board of Examiners for Social Workers.

35 (y) A multidisciplinary team to review the death of the victim of
36 a crime that constitutes domestic violence organized or sponsored
37 by the Attorney General pursuant to NRS 228.495.

38 8. Agencies of criminal justice in this State which receive
39 information from sources outside this State concerning transactions
40 involving criminal justice which occur outside Nevada shall treat the
41 information as confidentially as is required by the provisions of this
42 chapter.

43 **Sec. 41.** NRS 239.010 is hereby amended to read as follows:

44 239.010 1. Except as otherwise provided in this section and
45 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,



1 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
2 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
3 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
4 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
5 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
6 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
7 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
8 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
9 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
10 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
11 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
12 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
13 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
14 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
15 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
16 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
17 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
18 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
19 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
20 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
21 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
22 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
23 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
24 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
25 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
26 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
27 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
28 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
29 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
30 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
31 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
32 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
33 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
34 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
35 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
36 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
37 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
38 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
39 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
40 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
41 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
42 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
43 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
44 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
45 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,



1 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
2 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
3 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
4 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
5 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
6 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
7 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
8 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
9 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
10 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
11 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
12 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
13 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
14 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
15 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
16 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
17 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
18 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
19 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
20 710.159, 711.600, *and sections 7 and 9 of this act*, sections 35, 38
21 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
22 chapter 391, Statutes of Nevada 2013 and unless otherwise declared
23 by law to be confidential, all public books and public records of a
24 governmental entity must be open at all times during office hours to
25 inspection by any person, and may be fully copied or an abstract or
26 memorandum may be prepared from those public books and public
27 records. Any such copies, abstracts or memoranda may be used to
28 supply the general public with copies, abstracts or memoranda of the
29 records or may be used in any other way to the advantage of the
30 governmental entity or of the general public. This section does not
31 supersede or in any manner affect the federal laws governing
32 copyrights or enlarge, diminish or affect in any other manner the
33 rights of a person in any written book or record which is
34 copyrighted pursuant to federal law.

35 2. A governmental entity may not reject a book or record
36 which is copyrighted solely because it is copyrighted.

37 3. A governmental entity that has legal custody or control of a
38 public book or record shall not deny a request made pursuant to
39 subsection 1 to inspect or copy or receive a copy of a public book or
40 record on the basis that the requested public book or record contains
41 information that is confidential if the governmental entity can
42 redact, delete, conceal or separate the confidential information from
43 the information included in the public book or record that is not
44 otherwise confidential.



4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 42. NRS 703.175 is hereby amended to read as follows:

703.175 1. Upon receiving a request to disconnect a telephone number from the State Contractors' Board pursuant to NRS 624.720, the Board of Massage ~~Therapists~~ *Therapy* pursuant to NRS 640C.930 or the Nevada Transportation Authority pursuant to NRS 706.758, the Commission shall issue an order to the appropriate provider of telephone service to disconnect the telephone number.

2. Compliance in good faith by a provider of telephone service with an order of the Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the provider of telephone service arising from the termination of service.

3. As used in this section, "provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 43. NRS 707.355 is hereby amended to read as follows:

707.355 1. Each provider of telephone service in this State shall, when notified that:

(a) A court has ordered the disconnection of a telephone number pursuant to NRS 706.2855; or

(b) The Public Utilities Commission of Nevada has ordered the disconnection of a telephone number pursuant to NRS 703.175, after receiving a request to disconnect the telephone number from the State Contractors' Board pursuant to NRS 624.720, the Board of Massage ~~Therapists~~ *Therapy* pursuant to NRS 640C.930 or the Nevada Transportation Authority pursuant to NRS 706.758,

take such action as is necessary to carry out the order of the court or the Public Utilities Commission of Nevada.

2. A provider of telephone service shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to the provisions of this section; or



(b) Provide or offer to provide a recorded message that includes the new telephone number for a business whose telephone number was disconnected from service pursuant to the provisions of this section.

3. As used in this section, “provider of telephone service” includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 44. A soon as practicable on or after July 1, 2017, the Governor shall appoint to the Board of Massage Therapy the members required to be appointed pursuant to subsection 2 of NRS 640C.150, as amended by section 17 of this act.

Sec. 45. 1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

3. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 46. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 47. NRS 640C.425 is hereby repealed.

Sec. 48. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.



TEXT OF REPEALED SECTION

**640C.425 Expedited license by endorsement:
Requirements; procedure for issuance.**

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving the application; or



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(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, ➡ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

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