



Nevada State Board of Massage Therapy

NOTICE OF INTENT TO ACT UPON A TEMPORARY REGULATION

DATE: January 8, 2025
TIME: 9:00AM

LOCATIONS VIA VIDEO CONFERENCE:

Join Zoom Meeting

<https://us06web.zoom.us/j/81140143759?pwd=jEcqL1bdrvuauo4AaSVmeZxGjet55t.1>

Meeting ID: 811 4014 3759

Passcode: 140912

One tap mobile

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Dial by your location

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- +1 346 248 7799 US (Houston)
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- +1 253 205 0468 US
- +1 564 217 2000 US
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
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- +1 309 205 3325 US
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- +1 360 209 5623 US
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Meeting ID: 811 4014 3759

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Join by SIP

• 81140143759@zoomcrc.com

Join by H.323

- 162.255.37.11 (US West)
- 162.255.36.11 (US East)
- 115.114.131.7 (India Mumbai)
- 115.114.115.7 (India Hyderabad)
- 213.19.144.110 (Amsterdam Netherlands)
- 213.244.140.110 (Germany)
- 103.122.166.55 (Australia Sydney)
- 103.122.167.55 (Australia Melbourne)
- 149.137.40.110 (Singapore)
- 64.211.144.160 (Brazil)
- 159.124.132.243 (Mexico)
- 159.124.168.213 (Canada Toronto)
- 65.39.152.160 (Canada Vancouver)
- 207.226.132.110 (Japan Tokyo)
- 149.137.24.110 (Japan Osaka)

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The Nevada State Board of Massage Therapy will hold a public hearing at 9:00 a.m. on January 8, 2025. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a temporary regulation that pertains to chapter 640C of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. Statement of need for and purpose of the regulation:

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C, regarding the draping of clients during the course of a massage and allowing for the undraped massage of the breast in certain circumstances.

2. This regulation is a temporary regulation.

3. This is a temporary regulation, and a copy of the regulation may be obtained by contacting Elisabeth Barnard at ebarnard@lmt.nv.gov or (775) 687-9951.

4. Estimated economic effects on businesses:

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates or on the public.

Beneficial effects: The changes will enable individuals who seek out massage therapists for certain types of massage will continue to receive the massages to assist in their continued healing.

Immediate effects: The immediate effects are to establish clear guidance on acceptable practices and allow businesses proposing to (continue) offering those services to remain compliant.

Long-term effects: Client will receive services and clear and distinct requirements are set forth for licensees to comply with to ensure safety of the public.

5. Statement of methods used to determine impact on small business)

The Board made a concerted effort to determine whether the regulation is likely to “[i]mpose a direct and significant economic burden upon a small business” or “[d]irectly restrict the formation, operation or expansion of a small business.” NRS 233B.0608(1). The Board concluded the regulation would not cause these negative impacts or effects, after consultation with the licensing community and massage, reflexology and structural integration establishments and other potentially affected parties, professional associations for massage, reflexology and structural integration and internal staff.

6. There are no estimated costs to the Board for the enforcement this regulation.
7. The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities. The regulations, even after these proposed regulation changes are adopted, will not overlap and duplicate parts of a federal regulation. The Board is not aware of any proposed provisions which are more stringent than a federal regulation that regulates the same activity.
8. This regulation is not required pursuant to a federal law.
9. This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.
10. The regulation does not increase fees.
11. Interested persons may provide their views regarding the regulation at the following locations or by submitted written comments to Elisabeth Barnard at ebarnard@lmt.nv.gov or (775) 687-9951.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Elisabeth Barnard at ebarnard@lmt.nv.gov or (775) 687-9951. Written submissions must be received by the Board on or before January 7, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the temporary regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public

during business hours. Additional copies of the notice and the regulation (to be adopted will be available at the Board's Offices: 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502, for inspection and copying by members of the public during business hours. This notice and the text of the proposed temporary regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.us/>. Copies of this notice and the proposed regulation also will be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

State Library and Archives, 100 Stewart Street, Carson City, Nevada 89701

The Department of Administration's website at www.notice.nv.gov

The Legislative Counsel Bureau's website at <https://leg.state.nv.us/App/Notice/A/>

The Board's website <https://massagetherapy.nv.gov/>

[The Board's office, 1755 East Plumb Lane, Suite 252, Reno, Nevada 89502](#)

Section 1. NAC 640C.340 is hereby amended to read as follows:

NAC 640C.340 ~~1A~~ *1. Except as otherwise provided in subsection (2), a* massage therapist shall drape a client, including, without limitation, a client who has signed a written consent form pursuant to paragraph (c) of subsection 4 of NRS 640C.700, by covering the client with a towel, sheet, blanket, linen or other covering in such a manner that:

~~1A~~ *(a)* The client's genitals, gluteal cleft and breasts are not exposed; and

~~2A~~ *(b)* Neither the massage nor the movement of the body expose the client's genitals, or gluteal cleft or breasts.

2. The breast of a client, which may not be exposed without first having obtained prior written consent on a form prescribed by the Board, may be treated under the following circumstances:

(a) The massage of the breasts is for therapeutic or medical purposes including, without limitation, the reduction of scar tissue following a surgery on the breast, release of myofascial binding, or improving lymphatic flow;

(b) The massage therapist or structural integration practitioner has received at least 48 hours of continuing education credits in person in any of the following:

(1) Breast anatomy and physiology;

(2) Pathology, indications, and contraindications;

(3) Therapeutic treatment of the breast;

(4) Client safety related to breast massage;

(5) Lymphatic massage, which must include education of lymphatic massage of the breast;

(6) Myofascial release massage, which must include education of myofascial release massage of the breast; or

(7) Oncology massage;

(c) There is a written request from the client, a valid prescription is presented, or there is a referral from a qualified medical professional;

(d) The massage therapist or structural integration practitioner conducts a consultation with the client not less than 24 hours before performing the massage which must include, a written description and explanation of the massage; and

(e) The massage therapist or structural integration practitioner obtains verbal permission from the client before uncovering the breast.

3. The Board shall revoke the license of a massage therapist or structural integration practitioner for a period of 3 years who the Board determines has violated the requirements set forth in subsection 2.

4. As used in this section “qualified medical professional” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) An advanced practice registered nurse licensed pursuant to chapter 632 of NRS;

(d) A physical therapist licensed pursuant to chapter 640 of NRS;

(e) An occupational therapist licensed pursuant to chapter 640A of NRS;

(f) A psychologist licensed pursuant to chapter 641 of NRS;

(g) A chiropractic physician licensed pursuant to chapter 634 of NRS;

(h) An athletic trainer licensed pursuant to chapter 640B of NRS; and

(i) A doctor of Oriental medicine licensed pursuant to chapter 634A of NRS.