

BILL NO. 2000-5

ORDINANCE NO. 5197

AN ORDINANCE TO AMEND THE CERTIFICATION REQUIREMENTS FOR PERSONS WHO PRACTICE MASSAGE THERAPY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director
Finance and Business Services

Summary: Amends the certification requirements for persons who practice massage therapy.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6, Chapter 52, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.020: Unless the context otherwise requires, the following words, as they appear in this Chapter, shall have the meanings ascribed to them in this Section:

"Acupressure" means a method of stimulating acupuncture points by use of the hands or other instrument without piercing the skin.

"Certificate of graduation" means a certificate issued by a recognized school of massage attesting that a person has successfully completed at least five hundred hours of training in massage or physical therapy.

"Chair massage" means a massage administered by a massage therapist to the neck, shoulders, back, arms, hands and feet of a fully clothed client utilizing a massage chair.

"Certification" means certification by the National Certification Board for Therapeutic Massage and Bodywork or by a board of equivalent stature which is accredited by the National Commission for Certifying Agencies for massage and bodywork.

"Department" means the Department of Finance and Business Services.

"Director" means the Director of the Department of Finance and Business Services and those persons authorized by him or her to act in his or her behalf.

"Employee" means any massage therapist who is a bona fide employee of a massage establishment.

"Independent massage therapist" means a massage therapist who is not an employee

1 of a massage establishment, is a sole practitioner, and hires no employees.

2 "Massage" means any method of treating any of the external parts of a person
3 including, but not limited to, rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating
4 with the hands, feet, elbows or any other part of the body. Acupressure, when performed on a fully
5 clothed client, and reflexology are excluded from this definition.

6 "Massage establishment" means any premises occupied and used for the purpose of
7 practicing massage therapy.

8 "Massage therapist" means any person who performs any massage as defined in this
9 Section and has met all of the requirements of this Chapter.

10 "Outcall massage" means any massage given or provided off the premises of a licensed
11 massage establishment by a licensed massage therapist.

12 "Recognized school of massage" means a school or educational institution [licensed]
13 which has a license (other than a temporary or provisional license) to do business as a school or
14 educational institution in the state in which it is located, and which has for its purpose, the teaching
15 of anatomy, physiology, hands on training and related courses in the theory, method, profession, or
16 work of massage, and which requires the successful completion of a course of study of not less than
17 five hundred hours before a student will be eligible to receive a certificate of graduation.

18 "Reflexology" means a method of stimulation of particular points on the surface of the
19 feet and hands.

20 SECTION 2: Title 6, Chapter 52, Section 150, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.52.150:** Any person who is required by this Chapter to have a work card for massage therapy shall
23 apply for the work card in accordance with LVMC Chapter 6.86. The applicant shall pay an
24 investigation fee of seventy-five dollars. The application must be made upon forms provided by
25 Metro and shall include the following, in addition to any information otherwise required in connection
26 with a work card application:

27 (A) The applicant's personal description, history, education, experience and
28 background.

- 1 (B) The applicant's criminal history, and civil and administrative litigation history.
- 2 (C) The address and telephone number of the massage establishment at which the
- 3 applicant intends to work.
- 4 (D) Proof that the applicant has a currently valid health card issued by the Clark
- 5 County Health District.
- 6 (E) A recent two-inch by two-inch photograph showing the applicant's head and
- 7 shoulders.
- 8 (F) A certificate of graduation from a recognized school of massage.
- 9 (G) Proof of current certification, [by the National Certification Board for
- 10 Therapeutic Massage and Bodywork.]
- 11 (H) Such other information as Metro may require that reasonably relates to the
- 12 applicant's fitness for a work card or the nature of the service to be provided.

13 SECTION 3: Title 6, Chapter 52, Section 160, of the Municipal Code of the City of

14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.52.160:** In addition to the information required by Chapter 6.06 in connection with a license

16 application, an applicant for a massage establishment license who will perform massage, or for an

17 independent massage therapist license, shall provide to the Department, on forms provided by the

18 Department, the following:

- 19 (A) Proof that the applicant has a currently valid health card issued by the Clark
- 20 County Health District.
- 21 (B) A certificate of graduation from a recognized school of massage or a valid,
- 22 unexpired massage permit or license issued by the Clark County Department of Business Licensing
- 23 with proof of having held that permit or license a minimum of twenty-four consecutive months
- 24 immediately prior to making application with the Department.
- 25 (C) Proof of current certification, [by the National Certification Board for
- 26 Therapeutic Massage and Bodywork.]
- 27 (D) Such other information as the Director may require that reasonably relates to
- 28 the applicant's fitness for a license or the nature of the service to be provided.

SECTION 4: Title 6, Chapter 52, Section 180, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.180: [Any person who holds a valid unexpired license or permit to perform massage, issued under the provisions of this Chapter, shall have 120 days from the effective date of the 1999 amendatory ordinance codified in this Chapter to obtain and provide evidence of current certification by the National Certification Board for Therapeutic Massage and Bodywork.]

(A) The initial requirement of current certification, as set forth in Sections 6.52.150 and 6.52.160, and the continuing requirement of current certification, as set forth in Section 6.52.190, shall apply to all applicants for a license or work card who intend to perform massage and to all other persons who perform massage, except for any person who, as of January 1, 2000:

(1) Possesses a valid unexpired license or work card authorizing the performance of massage and who continuously, and without interruption, has maintained the license or work card in active status;

(2) Has submitted a complete application for a license or work card authorizing the performance of massage, and whose application is ultimately approved;

(3) Is a student who is enrolled in a recognized school of massage, whose enrollment can be certified by an administrator of that school to the satisfaction of the Director, and who maintains enrollment until satisfactory graduation; or

(4) Is a student who graduated from a recognized school of massage during the calendar year 1999 after a period of continuous attendance, and whose attendance and graduation can be certified by an administrator of that school to the satisfaction of the Director.

(B) After January 1, 2000, any person who has qualified for an exemption under Subsection (A) of this Section and whose basis for exemption ceases to exist shall lose the exemption and, thereafter, shall comply with all requirements of current certification.

SECTION 5: Title 6, Chapter 52, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 190, reading as follows:

6.52.190: (A) All licensees and massage therapists who provide evidence of certification or

1 who are required by this Chapter to obtain current certification shall maintain current certification as
2 a condition of continuing licensure or work card approval under this Chapter.

3 (B) All licensees and massage therapists who are exempt under Section 6.52.180
4 from the requirement of current certification must, on an ongoing basis, complete the minimum
5 continuing education requirements that would be necessary to obtain certification, either from:

6 (1) The National Certification Board for Therapeutic Massage and
7 Bodywork; or

8 (2) A board of equivalent stature which is accredited by the National
9 Commission for Certifying Agencies for massage and bodywork, if certification from that board
10 would require a minimum of fifty continuing education units during the four-year certification period.

11 (C) All licenses and massage therapists shall demonstrate evidence of compliance
12 with this Section to the Department upon request, whether in connection with an inspection or as part
13 of the process of renewing a license or work card. Failure to demonstrate such compliance shall be
14 grounds for revocation, suspension or other disciplinary action against a license or work card.

15 SECTION 6: Following the adoption of this Ordinance, the Director of Finance and
16 Business Services is authorized to issue final approval of any license under LVMC Chapter 6.52
17 which the City Council has granted on a temporary basis if:

18 (A) There are no unfulfilled conditions of the temporary approval;

19 (B) The applicant demonstrates compliance with or exemption from the certification
20 requirement contained in LVMC 6.52.160(C); and

21 (C) Final approval is otherwise appropriate.

22 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
23 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
24 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
25 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
26 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
27 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
28 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

1 invalid or ineffective.

2 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this 2nd day of February, 2000.

6 APPROVED:

7
8 By 
OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 
11 BARBARA JO RONEMUS, City Clerk

12
13 APPROVED AS TO FORM:

14  1-10-2000
15 Date

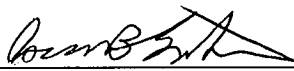
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 19th day of January, 2000 and referred to the following committee composed of the Full
3 Council for recommendation; thereafter the said committee reported favorably on said
4 ordinance on the 2nd day of February, 2000 which was a regular meeting of said Council;
5 that at said regular meeting, the proposed ordinance was read by title to the City Council as
6 introduced and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers M. McDonald, Reese, Brown, L.
8 McDonald, Weekly and Mack

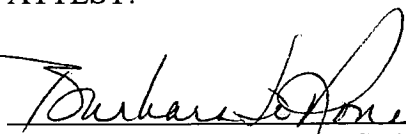
9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 APPROVED:

12
13 
14 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 
18 _____
19 BARBARA JO RONEMUS, City Clerk
20
21
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26

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

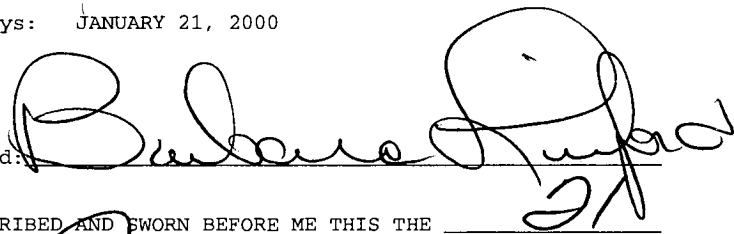
Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1080829

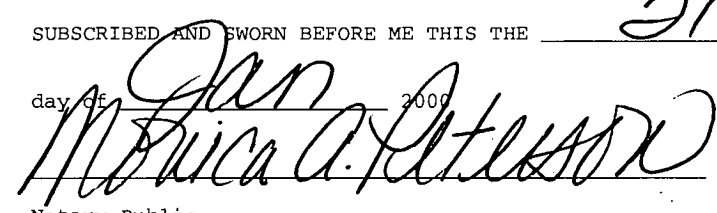
2296311LV

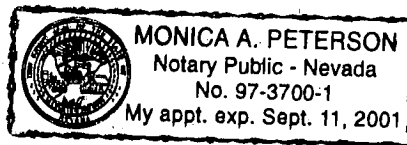
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/21/00 to 01/21/2000, on the following days: JANUARY 21, 2000

Signed: 

SUBSCRIBED AND SWORN BEFORE ME THIS THE 21

day of Jan 2000


Notary Public



RECEIVED
CITY CLERK

2000 JAN 28 A 10:56

BILL NO. 2000-5

AN ORDINANCE TO AMEND THE CERTIFICATION REQUIREMENTS FOR PERSON WHO PRACTICE MASSAGE THERAPY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director, Finance and Business Services
Summary: Amends the certification requirements for persons who practice massage therapy.

At a City Council meeting
JANUARY 19, 2000
BILL NO. 2000-5 WAS READ BY TITLE
AND REFERRED TO RECOMMENDING
COMMITTEE:
Councilmen Weekly and Mack

COPIES OF THE COMPLETE BILL ARE
AVAILABLE FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY CLERK,
1ST FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS, NEVA-
DA.
PUB: January 21, 2000
Las Vegas Review-Journal

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1099873

2296311LV

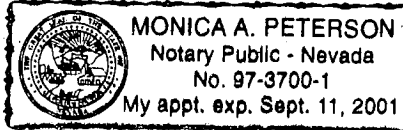
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/04/00 to 02/04/2000, on the following days: FEBRUARY 4, 2000

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 4

day of Feb 2000

Monica A. Peterson
Notary Public



BILL NO. 2000-5
ORDINANCE NO. 5197

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Summary: Amends the certification requirements for persons who practice massage therapy.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of January, 2000, and referred to the following committee composed of Councilmen Weekly and Mack for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of February, 2000, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and adopted by the following vote:

VOTING "AYE": Mayor Gnodman and Councilmembers M. McDonald, Reese, Brown, L. McDonald, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: February 4, 2000
Las Vegas Review-Journal

RECEIVED
CITY CLERK

2000 FEB 11 A 11:07