

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

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ARCHIVES DIVISION
SECRETARY OF STATE

Board of Massage Therapists

334

Agency and Division

Administrative Rules Chapter Number

Clarify verbiage in existing rule; and modify late fees.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amendment of rules in OAR Chapter 334, Divisions 1, 10, 20 and 40

Statutory Authority:

ORS 687.001, 687.041, 687.051, 687.121, 687.071

Other Authority:

ORS 183, ORS 182.456-182.472

Statutes Implemented:

ORS 687.011, 687.121, 687.031, 687.041, 687.051, 687.071

Need for the Rule(s):

To clarify existing rule verbiage, move late fee maximum from \$250 to \$100; clarify contact and non-contact definition and clarify the verbiage for criminal background checks, fitness determinations; as well as lapsed and inactive licensure.

Documents Relied Upon, and where they are available:

OAR 334, 2014 Board meeting minutes and Rules committee meeting minutes. These documents are available at www.oregon.gov/obmt

Fiscal and Economic Impact:

There is no material fiscal impact to licensees or small business; there will be a reduction in maximum of late fee from \$250 to \$100 for licensees or small businesses who are late to renew licensure. The Board of Massage Therapists will see a reduction in revenue of about \$1800 a year.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

334-001-0012 Budget, the Oregon Board of Massage Therapists Budget for 2015-2017 Biennium is 1,850,000.00.

334-001-0055 Board Member Stipend, there will be an increase for Board Member Stipend from \$100.00 to \$200.00 and an additional stipend for Vice Chair of \$375.00 per month.

334-001-0060 Definitions, No projected fiscal impact

334-010-0018 Criminal Background Check, Fitness Determination, No projected fiscal impact

334-010-0033 Fees, There will be a reduction in maximum of late fees from \$250.00 to \$100.00 for licensees or small businesses who are late to renew licensure. The Board of Massage Therapists will see a reduction in revenue of about \$18,000.00 per biennium.

334-020-0005 Facilities and Sanitation, No projected fiscal impact

344-040-0010 Discipline

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

334-001-0012 Budget, No projected fiscal impact on small businesses and licensees.

334-001-0055 Board Member Stipend, No projected fiscal impact on small businesses and Licensees

334-001-0060 Definitions, No projected fiscal impact

334-010-0018 Criminal Background Check, Fitness Determination, No projected fiscal impact.

334-010-0033 Fees, There will be a reduction in maximum of late fees from \$250 to \$100 for licensees or small businesses who are late to renew licensure. Small businesses will see a savings of about \$18,000 per biennium.

334-020-0005 Facilities and Sanitation, No projected fiscal impact

344-040-0010 Discipline

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

334-001-0012 Budget, No projected cost of compliance to licensees and small business.
334-001-0055 Board Member Stipend, No projected cost of compliance to licensees and small business.
334-001-0060 Definitions, No projected cost of compliance to licensees and small business.
334-010-0018 Criminal Background Check, Fitness Determination, No projected cost of compliance to licensees and small business.
334-010-0033 Fees, No projected cost of compliance to licensees and small business.
334-020-0005 Facilities and Sanitation, No projected cost of compliance to licensees and small business.
344-040-0010 Discipline, No projected cost of compliance to licensees and small business.

c. Equipment, supplies, labor and increased administration required for compliance:

334-001-0012 Budget, No projected cost of compliance to licensees and small business.
334-001-0055 Board Member Stipend, No projected cost of compliance to licensees and small business.
334-001-0060 Definitions, No projected cost of compliance to licensees and small business.
334-010-0018 Criminal Background Check, Fitness Determination, No projected cost of compliance to licensees and small business.
334-010-0033 Fees, No projected cost of compliance to licensees and small business.
334-020-0005 Facilities and Sanitation, No projected cost of compliance to licensees and small business.
344-040-0010 Discipline, No projected cost of compliance to licensees and small business.

How were small businesses involved in the development of this rule?

Each licensee is considered a small business. Licensees, small businesses and stakeholders were members on the Rules committee. Licensees, small businesses and Stakeholders were notified through Rules committee meeting minutes and invitations to attend the rules committee hearing.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

<u>03-06-2015 Close of Hearing</u>	<u>Ekaette Udosenata</u>	<u>ekaette.udosenata@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address