



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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RULES COMMITTEE MEETING

February 15, 2012

OBMT Office

Attendance

Committee Members:

Todd Pennington, LMT

Mike Blackmore, LMT

Steve Davis, LMT

Board Members & Staff:

Heather Bennouri, LMT, Board Liaison

Kate Coffey, Executive Director

Christine West, Policy Analyst

Absent: Michael Jordan, LMT, **Chair** and Barb Pickle, LMT

Public: No public Present

1. **Call to Order** - Blackmore called the meeting to order at 9:11 am.
2. **Introductions** – Present today are Todd Pennington, LMT, Steve Davis, LMT, and Mike Blackmore, LMT; Board Members and staff; Heather Bennouri, LMT & Board Liaison and Christine West, Policy Analyst.
Absent - Michael Jordan, LMT and Barb Pickle, LMT
3. **Public Input** – none present
4. **Considerations:** The Board rejected both versions of the fingerprinting rules; the Board approved all other rules.
5. **Fiscal Impact Statements:** Drafted Fiscal Impact Statement for the proposed Draft Rules

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Board of Massage Therapists
Agency and Division

OAR Chapter 334
Administrative Rules Chapter Number

Clarifying Rule Language, creating new rules; Breast Massage & Internal Cavity

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

In the Matter of: Adoption and amendments of rules in OAR Chapter 334, Divisions 10

Statutory Authority: ORS 687.121, 687.071, 687.041, 181.534

Other Authority:

Stats. Implemented: ORS 687.121, 687.071

Need for the Rule(s): To clarify verbiage and to adopt clarifying rules for breast and internal cavity massage.

Documents Relied Upon, and where they are available: OAR 334, 2011 Board meeting minutes, Rules committee meeting minutes, and current Board policies (breast massage & internal cavity). These documents are available on the Web site at <http://www.oregon.gov/obmt>

Fiscal and Economic Impact:

There is no measurable impact to the Board of Massage Therapists.

Statement of Cost of Compliance:

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

334-010-0029 Internal Cavity – No projected fiscal impact

334-010-0028 Breast Massage – No projected fiscal impact

334-010-0033 Fees – No projected fiscal impact; this is already the practice within the Massage Board, the rule change just clarifies this for Licensed Massage Therapists

334-010-0015 Licensure – No projected fiscal impact

334-010-0018 Criminal Background Checks, Fitness Determinations – No projected fiscal impact

334-010-0009 Credentialing Review – No projected fiscal impact

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

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

334-010-0029 Internal Cavity – less than 10% of Licensed Massage Therapists businesses, approximately 600

334-010-0028 Breast Massage – less than 5% of Licensed Massage Therapists businesses, approximately 300

334-010-0033 Fees – approximately 250 newly Licensed Massage Therapists, with their first renewal in less than 12 months of their initial licensure

334-010-0015 Licensure – All Licensed Massage Therapists approximately 6000

334-010-0018 Criminal Background Checks, Fitness Determinations – no projected impact

334-010-0009 Credentialing Review – approximately 1 a year

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

334-010-0029 Internal Cavity - approximately \$5 per biennium, the costs of storing/electronically storing signed paperwork.

334-010-0028 Breast Massage – approximately \$5 per biennium, the costs of storing/ electronically storing signed paperwork.

334-010-0033 Fees – no projected fiscal impact
334-010-0015 Licensure – no known impact
334-010-0018 Criminal Background Checks, Fitness Determinations - no known impact
334-010-0009 Credentialing Review – no projected fiscal impact

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

334-010-0029 Internal Cavity – approximately \$10 per biennium; for toner, paper and printing expense
334-010-0028 Breast Massage – approximately \$10 per biennium; for toner, paper and printing expense
334-010-0033 Fees – No projected fiscal impact, a fiscal savings of \$50 for newly Licensed Massage Therapists, with their first renewal in less than 12 months of their initial licensure
334-010-0015 Licensure – a costs savings; \$1.00 a biennium for postage
334-010-0018 Criminal Background Checks, Fitness Determinations - no known impact
334-010-0009 Credentialing Review – No projected fiscal impact

How were small businesses involved in the development of this rule? Each licensee may be considered a small business. Licensees and stakeholders are Rules committee members and Licensees and stakeholders were notified through Rules committee meetings minutes and invitations to attend the meetings.

Administrative Rule Advisory Committee consulted? yes
If not, why?

6. **Adjournment** – The meeting was adjourned at 10:23 am.

Rules Committee next meeting is March 12, 2012 meeting