

**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

334

Agency and Division

Administrative Rules Chapter Number

Implement SB387 Facility Permits, adopt new rule; clarify examination and continuing education rule

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

In the Matter of: Amendments of rules in OAR Chapter 334, Divisions 10, 20 and 40, Creation of a new rule in Chapter 10

Statutory Authority: ORS 687

Other Authority: SB 387

Stats. Implemented: ORS 687.121

Need for the Rule(s): To clarify verbiage and adopt new facility rules

Documents Relied Upon, and where they are available: Senate Bill 387, OAR 334, 2013 Board meeting minutes and Rules committee meeting minutes. These documents are available on the Web site at <http://www.oregon.gov/obmt>

**Fiscal and Economic Impact:**

Implementing Senate Bill 387 creates an approximate fiscal impact of \$3500 for database modifications and DOJ fees, this will be offset by the revenue increase of facility permits. .

**Statement of Cost of Compliance:**

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

- 334-010-0005 Applications - No projected fiscal impact
- 334-010-0006 Facility Permits - No projected fiscal impact
- 334-010-0010 Examination - No projected fiscal impact
- 334-010-0033 Fees - \$2500 for database modifications
- 334-010-0050 Continuing Education - No projected fiscal impact
- 334-020-0005 Facilities and sanitation - No projected fiscal impact
- 334-040-0010 Discipline - \$1000 DOJ fees

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:

Approximately 250 small businesses

Owners of massage businesses that are not health care practitioners; such as spas, gyms, cooperate owned massage facilities.

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

- 334-010-0005 Applications - No projected fiscal impact
- 334-010-0006 Facility Permits - No projected fiscal impact
- 334-010-0010 Examination - No projected fiscal impact
- 334-010-0033 Fees – approximately \$12,500; 250 small businesses x \$50 facility permit fee
- 334-010-0050 Continuing Education - No projected fiscal impact
- 334-020-0005 Facilities and sanitation - No projected fiscal impact
- 334-040-0010 Discipline - No projected fiscal impact

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

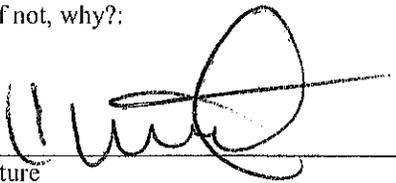
- 334-010-0005 Applications - No projected fiscal impact
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- 334-010-0050 Continuing Education - No projected fiscal impact
- 334-020-0005 Facilities and sanitation - No projected fiscal impact
- 334-040-0010 Discipline - No projected fiscal impact

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?:



Christine West

9/12/13

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007