

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

Board of Massage Therapists
Agency and Division

334
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 and 10

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 for 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)):

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

334-001-0060 Definitions, No projected fiscal impact

334-010-0015 Licensure, No projected fiscal impact

334-010-0017 Lapsed License, No projected fiscal impact

334-010-0033 Fees, There will be a reduction in maximum for 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.

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:

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

334-001-0060 Definitions, No projected fiscal impact

334-010-0015 Licensure, No projected fiscal impact

334-010-0017 Lapsed License, No projected fiscal impact

334-010-0033 Fees, There will be a reduction in maximum for 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.

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

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

334-001-0060 Definitions, No projected fiscal impact

334-010-0015 Licensure, No projected fiscal impact

334-010-0017 Lapsed License, No projected fiscal impact

334-010-0033 Fees, There will be a reduction in maximum for 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.

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

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

334-001-0060 Definitions, No projected fiscal impact

334-010-0015 Licensure, No projected fiscal impact

334-010-0017 Lapsed License, No projected fiscal impact

334-010-0033 Fees, There will be a reduction in maximum for 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.

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 rules committee meetings.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

<u>05-15-2014 Close of Business</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

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