

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Board of Massage Therapists OAR Chapter 334  
Agency and Division Administrative Rules Chapter Number

Diana Nott, Compliance Specialist 748 Hawthorne Ave NE, Salem, Oregon 97301 503-365-8657 ext. 1  
Rules Coordinator Address Telephone

**RULE CAPTION**

Amend budget, amend fees, implement Board Chair stipend  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

December 16, 2010 1:00 p.m. 748 Hawthorne Ave NE, Salem, Oregon 97301 Kathy Calise  
Hearing Date Time Location Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:** 334-001-0055, 334-001-0012, 334-010-0033

**REPEAL:**

Stat. Auth. : ORS 182.460 & 687.121

Other Auth.:

Stats. Implemented: ORS 182.460 & 687.121

**RULE SUMMARY**

The Oregon Board of Massage Therapists (Board) is permanently amending the 2009-2011 biennium budget in an effort to prevent revenue shortfall in the current biennia

The Board is permanently amending the stipend rule to address the extraordinary amount of additional work conducted specifically by the Board Chair.

The Board is permanently amending the fee schedule in an effort to prevent revenue shortfall in the current and future biennia. The fee changes are as follows:

	Current Fee	New Fee
Active License Renewal (for two years)	\$100	\$150
License Reprint (each)	\$5	\$10
License Verification (each)	\$5	\$10

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

December 16, 2010

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Diana Nott , Compliance Specialist 10/26/2010  
Signature Printed name Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State  
**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

Amend budget, amend fees, implement Board Chair stipend

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

In the Matter of:

**ADOPT:**

**AMEND:** 334-001-0055, 334-001-0012, 334-010-0033

**REPEAL:**

**Statutory Authority:** ORS 182.460 & 687.121

**Other Authority:**

**Stats. Implemented:** ORS 182.460 & 687.121

**Need for the Rule(s):**

Amend the 2009-2011 biennial budget.

Cost adjustments are necessary to recoup actual and necessary expenses and better align the budget with overall consumption of agency resources.

**Documents Relied Upon, and where they are available:**

OAR 334, Minutes from the June 7, 2010, July 12, 2010 and October 4, 2010 Board Meetings. All are available on the Board web site at <http://www.oregon.gov/obmt>.

**Fiscal and Economic Impact:**

The changes to active license renewals will impact approximately 6,100 licensees per biennium. The change to license reprints and license verifications will impact approximately 50 individuals per biennium

**Statement of Cost of Compliance:**

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

These changes have no expected impact on other local government. However, the changes will allow the Board to address the growing compliance needs and continue to serve the legislative mandate of public protection.

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:**

The change to the active renewal fee is expected to impact approximately 6,100 active licensees. There is no expected impact on inactive licensees, other small businesses or industry in general.

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

No additional charges.

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

Assists in funding additional compliance efforts through investigation and education.

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

Each licensee may be considered a small business. Licensees and stakeholders have been notified through meeting minutes of pending changes.

In addition, the Board has begun and will continue to conduct town hall meetings throughout the state to gather stakeholder input.

**Administrative Rule Advisory Committee consulted?: Yes**

If not, why?:

---

	Diana Nott, Compliance Specialist	10/26/2010
Signature	Printed name	Date

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



# Oregon

Theodore R. Kulongoski, Governor

## Board of Massage Therapists

748 Hawthorne Ave NE  
Salem, OR 97301  
Phone: (503) 365-8657  
Fax: (503) 385-4465  
www.oregon.gov/OBMT

### IMPORTANT

The Oregon Board of Massage Therapists will hold a public hearing on Thursday, December 16, 2010 at 1:00 p.m. This Proposed Rulemaking Hearing provides interested parties a final opportunity to address any questions or concerns they may have prior to the rules becoming effective. Testimony may be provided in oral or written format. Written testimony must be received prior to the close of hearing on December 16, 2010. Those wishing to provide oral testimony should arrive prior to the hearings designated start time and provide 15 copies of any written testimony being submitted. For further information please review the Notice of Proposed Rulemaking Hearing to be published in the Oregon Bulletin dated December 1, 2010.

#### Board of Massage Therapists Chapter 334

**Rule Caption:** 2009–2011 budget amendment, Board Chair stipend and fee increase.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-16-10	1 p.m.	OBMT Board Rm. 748 Hawthorne Ave. NE Salem, OR

**Hearing Officer:** Kathy Calise, Board Chair

**Stat. Auth.:** ORS 182.460 & 687.121

**Stats. Implemented:** ORS182.460 & 687.121

**Proposed Amendments:** Rules in OAR 334, 334-001-0012, 334-001-0055, 334-010-0033

**Last Date for Comment:** 12-16-10, Close of Hearing

**Summary:** 334-001-0012 amends the 2009–2011 Biennial budget to \$1,500,000.

334-001-0055 (2) adds a \$375 per month additional stipend for the Board Chair.

334-010-0033(1)(a) specifies \$100 per biennial renewal for initial license and begins amending the numbering of the fee structure.

334-010-0033(1)(b) amend numbering and changes the Active renewal fee from \$100 to \$150 per biennial renewal

334-010-0033(1)(c) amend numbering

334-010-0033(1)(d) amend numbering

334-010-0033(1)(e) amend numbering

334-010-0033(1)(f) amend numbering

334-010-0033(1)(g) amend numbering

334-010-0033(1)(h) amend numbering and changes the license reprint fee from \$5 to \$10

334-010-0033(1)(i) amend numbering and changes the license verification fee from \$5 to \$10

334-010-0033(1)(j) amend numbering

**Rules Coordinator:** Diana Nott

**Address:** 748 Hawthorne Avenue NE, Salem OR 97301

**Telephone:** (503) 365-8657

### Proposed rules changes effective January 1, 2011

334-001-0012

Budget

The Oregon Board of Massage Therapists hereby adopts, and fully incorporates herein, the Oregon Board of Massage Therapists' 2009-2011 Biennium budget of ~~\$1,300,000~~ **\$1,500,000**.

334-001-0055

Board Member Stipend

- 1) The Oregon Board of Massage Therapists hereby adopts a board member stipend of \$100.00 per month for each month a board member serves in their appointment
- 2) **The Oregon Board of Massage Therapists hereby adopts an additional board chair stipend of \$375.00 per month for each month that a member serves as board chair.**

334-010-0033

Fees

- (1) The fees are:
- (a) **\$100 per biennial renewal for initial license;**
  - (a) ~~(a)~~ **(b) \$100 \$150** per biennial renewal for active license;
  - (b) ~~(b)~~ **(c) \$50** per biennial renewal for inactive license;
  - (c) ~~(c)~~ **(d) \$25** per week, up to a maximum of \$250, for any late renewal;
  - (d) ~~(d)~~ **(e) \$50** for exam/endorsement application processing;
  - (e) ~~(e)~~ **(f) \$150** for each practical examination;
  - (f) ~~(f)~~ **(g) \$100** for mailing list;
  - (g) ~~(g)~~ **(h) \$5 \$10** for license reprint;
  - (h) ~~(h)~~ **(i) \$5 \$10** for license verification; and
  - (i) ~~(i)~~ **(j)** other administrative fees as allowed by law.