



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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www.oregon.gov/OBMT

RULES COMMITTEE MEETING

August 19, 2013

OBMT Office

Attendance

Committee Members:

Michael Jordan, LMT, Chair

Tina West, LMT

Eric Polgar, LMT

Todd Pennington, LMT

Steve Davis, LMT

Barb Pickle, LMT

Carol Gray, LMT

Board Members & Staff:

Craig McMillin, Board Liaison

Kate Coffey, Executive Director

Christine West, Policy Analyst

Absent: Carol Gray, LMT and Craig McMillin, Board Liaison.

Public: None present

Call to Order - Jordan called the meeting to order at 9:04 am.

Introductions – Present today are Michael Jordan, Tina West, Todd Pennington, Eric Polgar, and Steve Davis; Board staff Christine West; Barb Pickle arrived late.

Rule Assignments: Review Examination, Continuing Education, and Facility Permit Rules.

The committee reviewed the proposed rules and drafted the fiscal impact statement. The following version of the rules will be sent to the September Board meeting and the November Rules Hearing for adoption.

(~~strike through~~ represents deletions, **bold** represent new additions):

334-010-0005

Applications

- (1) All applications for examinations, licensure, inactive status, renewal, ~~or~~ temporary permit, **or a facility permit** must be made on forms provided by the Board. Only applications that are completed and on Board approved forms, without alterations, must be accepted for filing and review by the Board.
- (2) All applications made to the Board must be accompanied by the required fee.
- (3) Applicants for examination must submit the following with their application:
 - (a) A copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;
 - (b) An official certificate or transcript from the administering institutions, instructors, or programs showing successful completion of study and practice in the required subject matter and hours required by the Board.
 - (A) Official copies of transcripts or certificates presented to the Board in an envelope sealed by the program or institution and verified as sealed may be accepted directly from the applicant.
 - (B) If a program or institution granting credit is no longer in business, the Board must accept for review a copy of a certificate of completion, transcript or diploma in the required subject matter and hours. The Board may require additional information to verify the authenticity of such documents.
 - (c) A current photograph of the applicant.
- (4) Transcripts must include a minimum of 500 hours of certified classes. The 500 hours must include the knowledge and skills identified in OAR 334-010-0047 competencies and must be comprised of:
 - (a) A minimum of 200 hours of Anatomy & Physiology, Pathology, and Kinesiology; and

- (b) A minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation. Hydrotherapy may be included as part of the 300 hours.
 - (c) Hours can be calculated in clock hours or equivalent credit hours from an institution that substantially complies with the definition of credit hours in 34 CFR 600.2.
- (5) If for any reason an applicant does not appear to be qualified for admission to take the examination, the applicant must be so notified and invited to submit additional evidence that he/she is entitled to have his/her case considered or to be admitted to examination.
- (a) Applicants who are or have legally practiced massage and/or bodywork outside of the State of Oregon may be eligible to apply for the Credentialing Review Process.
- (6) All application documents for examination and licensure submitted in a language other than English must be accompanied by:
- (a) An accurate translation of those documents into English;
 - (b) A notarized affidavit certifying that the translator is competent in both the language of the document and the English language; and
 - (c) A notarized affidavit certifying that the translation is a true and complete translation of the foreign language original.
- (7) Any costs of translation of all documents required by the Board must be at the expense of the applicant.
- (8) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, then the application is considered incomplete.
- (9) Applicants for Facility Permit must submit the following with their application:
- (a) if a natural person a copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;
 - (b) if not a natural person:
 - (A) Copy of the Oregon Secretary of State Business registration, listing all owners and/or shareholders and
 - (B) Articles of Incorporation or shareholder agreements showing all percentages of ownership with appropriate owners identification including name and address.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0002; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1985, f. & ef. 1-23-85; MB 3-1985(Temp), f. & ef. 9-20-85; MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Section (7)(d) Renumbered from 334-010-0036; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2011(Temp), f. & cert. ef. 8-10-11 thru 2-6-12; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

Facility Permits (New Rule)

334-010-0006

Applicants for facility permits may be denied for reasons listed in ORS 687.081. Applicants may also be denied for a permit due to prior discipline by the Board for the unlicensed practice of massage. The Board should consider the circumstances of the violations, the duration of the conduct, if the applicant is currently in compliance with the law and orders of the Board and whether the conduct demonstrably related to the Applicants holding a facility license.

Stat. Auth.: Senate Bill 387

334-010-0010

Examination

- (1) The LMT examination must be held at least twice annually.
- (2) The applicant ~~must~~ **will** be notified by **electronic mail and/or U.S. mail, postmarked** at least two weeks before the scheduled exam, unless otherwise waived by the applicant, of the time and place.
- (3) Applicants who have a documented and verifiable emergency may request to have their exam fee apply to a subsequent examination: ~~so long as the applicant sits for the examination within a one year of the original date of examination. Only one extension shall be permitted.~~
 - (a) Applicant has 14 days to submit written documentation of the emergency;
 - (b) applicant must sit for the examination within one year of the original date of examination; and
 - (c) only one request will be allowed.
- (4) Refund of the examination fee may be granted upon written request should the applicant not qualify for the examination. Refunds may also be made for individuals who have a documented and verifiable emergency and are unable to sit for the exam provided the written request and associated documentation are received by the board at least 7 days prior to the exam.
- (5) Applicants are required to take and pass a Board approved written exam and the Oregon practical examination, which includes a written test on Oregon statutes and administrative rules.
- (6) Failure to Pass: An applicant must pass the practical examination within 24 months of the initial date of application. The Board may require an applicant with 3 or more examination failures to undertake and satisfactorily complete a Board approved remediation plan prior to reapplying for the examination.

- (7) Examinee Conduct: An examinee, whose conduct interferes with the testing process or whose behavior violates ethical practices or jeopardizes the safety of another may be dismissed and disqualified from examination. Such conduct includes but is not limited to the following behaviors:
- (a) Giving or receiving examination data, either directly or indirectly,
 - (b) Failure to follow written or oral instructions relative to conducting the examination, including termination times and procedures;
 - (c) Endangering the life or health of others present
 - (d) Introducing unauthorized materials during any portion of the examination;
 - (e) Attempting to remove examination materials or notations from the testing site; or
 - (f) Violating the credentialing process such as falsifying or misrepresenting educational credentials or other information required for admission to the examination, impersonating an examinee, or having an impersonator take the licensing examination on one's behalf.
- (8) Test questions, scoring keys, and other examination data used to administer the qualifying examination are exempt from disclosure under ORS 192.410 to 192.505 as amended.
- (9) The Board may release statistical information regarding examination pass/fail rates by group, type of examination, school, year, and subject area to any interested party.
- (10) All examinations are given in the English language.
- (11) Applicants with Special Needs: An applicant is presumed to possess sufficient sensory, visual, hearing and psychomotor capabilities to independently perform massage and bodywork skills. An applicant with special needs may apply to the Board for the provision of special conditions to complete the examination:
- (a) The Board may require proof, provided by a qualified professional on letterhead, of the nature of the special need and type of special conditions recommended to complete the exam.
 - (b) A request for special conditions must be made to the Board in writing at the time of application.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0004; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1982, f. & ef. 7-21-82; MTB 2-1985, f. & ef. 1-23-85; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98, Renumbered from 334-010-0021 [Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Sections (6) - (20)(h) Renumbered from 334-030-0020]; BMT 1-1999(Temp), f. 6-14-99, cert. ef. 7-4-99 thru 12-31-99; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2000, f. & cert. ef. 8-3-00; BMT 1-2002(Temp), f. & cert. ef. 1-9-02 thru 7-5-02; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 4-2005(Temp), f. & cert. ef. 9-19-05 thru 3-12-06; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2007, f. & cert. ef. 6-29-07; BMT 1-2007, f. & cert. ef. 6-29-07; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0033

Fees

- (1) The fees are:
- (a) \$100 per biennial renewal for initial license;
 - (b) \$50 per biennial renewal for initial license under 12 months;
 - (c) \$150 per biennial renewal for active license;
 - (d) \$50 per biennial renewal for inactive license;
 - (e) \$25 per week, up to a maximum of \$250, for any late renewal;
 - (f) \$50 for exam/endorsement application processing;
 - (g) \$150 for each practical examination;
 - (h) \$100 for mailing list;
 - (i) \$10 for license reprint;
 - (j) \$10 for license verification;
 - (k) \$250 Credentialing Review;
 - (l) Current Oregon State Police Criminal Background Check Fee;
 - (m) \$50 initial facility permit;**
 - (n) \$250 facility permit transfer;**
 - (o) \$10 facility permit reprint and**
 - (p) ~~(m)~~ other administrative fees as allowed by law.**
- (2) Application and licensure fees are not refundable
- (3) Examination fees are refunded only when requested in writing and either:
- (a) the applicant is unqualified by Oregon statutes, or
 - (b) applicant requests refund postmarked at least 7 days prior to the exam.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1986, f. & ef. 1-29-86; MTB 1-1989(Temp), f. & cert. ef. 7-27-89; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92 (and corrected 8-6-92); BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 4-2004, f. 10-22-04, cert. ef. 1-1-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2010, f. 12-22-10, cert. ef. 1-1-11; BMT 1-2011, f. & cert. ef. 4-21-11; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0050

Continuing Education

The intent of Continuing Education is to protect the public by maintaining and enhancing competencies as defined in OAR 334-010-0047.

- (1) Each licensee must complete 25 hours of continuing education in the competencies each renewal period. At renewal time, each licensee must sign and submit a Board supplied CE form indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.
 - (a) At least 12 ~~hours must be contact hours.~~ **contact hours of continuing education training or Board approved activities (Board or Committee meeting/Peer Supervisor/Examiner of Practical Exam).**
 - (b) The remaining 13 hours may be contact hours or in areas as defined on the Board supplied CE form.
- (2) The continuing education requirement ~~must~~ **does not** apply to a licensee's first license renewal.
- (3) Continuing education must be completed within the renewal period. Contact hours taken **and submitted during renewal** in excess of the total number required may only be carried over to the next subsequent renewal period.
 - (a) **First renewal CE are not required to be submitted at the time of renewal, CE may be submitted with second renewal.**
- (4) Continuing education records must be maintained by each licensee for a minimum of five years.
- (5) If the Board finds indications of fraud or falsification of records, investigative action must be instituted. Findings may result in disciplinary action up to and including revocation of the licensee's license.
- (6) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.
- (7) Continuing education must be in areas related to the practice of massage or bodywork including theory, research, technique or business development.

Stat. Auth.: ORS 687.081, 687.121 & 687.122

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 1-1998(Temp), f. & cert. ef. 2-3-98 thru 7-31-98; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 2-2004(Temp), f. & cert. ef. 3-16-04 thru 9-7-04; Administrative correction, 9-28-04; BMT 3-2004(Temp), f. & cert. ef. 10-22-04 thru 4-19-05; BMT 1-2005, f. & cert. ef. 2-23-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-020-0005

Facilities and sanitation

(1) Permanent and Mobile structures:

- (a) All permanent structures and mobile facilities where a LMT routinely conducts massage and bodywork must:
 - (A) Be established and maintained in accordance with all local, state and federal laws, rules & regulations;
 - (B) **Obtain a facility permit to operate;**
 - (i) **notify the board office in writing, within 30 days of relocating the facility;**
 - (ii) **keep posted and visible to the public, the facility permit with the correct location address;**
 - (C) **Facilities exempted from the permit process:**
 - (i) **clinic or facility owned or operated by a person authorized to practice a profession by a health professional regulatory board, as defined in ORS 676.160;**
 - (ii) **a career school licensed under ORS 345.010 to 345.450; and**
 - (iii) **clinics of a board approved massage therapy program.**
 - (D) ~~(B)~~ **Provide a finished lavatory that**
 - (i) **Is well maintained,**
 - (ii) **Provides a system for sanitary disposal of waste products,**
 - (iii) **Is capable of being fully closed and locked from the inside,**
 - (iv) **Supplies hot and cold running water,**
 - (v) **Is supplied with liquid soap and single use towels,**
 - (vi) **Is supplied with toilet paper at each toilet, and**
 - (vii) **Has a poster sign prominently displayed encouraging handwashing;**
 - (E) ~~(C)~~ **Dispose of refuse sewage in a manner described by local and state law; and**
 - (F) ~~(D)~~ **Follow applicable laws pertaining to public spas, pools, baths and showers.**
- (b) All treatment spaces must:
 - (A) **Provide for client privacy, both in-house and on-site;**
 - (B) **Be designated as used only for massage at the time of services;**
 - (C) **Provide for sufficient heating, cooling and ventilation for client comfort; and**
 - (D) **Provide illumination during cleaning.**
- (c) The facility and treatment space must be:
 - (A) **Cleaned regularly and kept free of clutter, garbage or rubbish;**
 - (B) **Maintained in a sanitary manner; and**

- (C) Maintained free from flies, insects, rodents and all other types of pests.
- (2) Outcall/On-site
 - (a) Any temporary location where the LMT conducts massage and bodywork, the LMT must provide and utilize:
 - (A) Safe, sanitized and well-maintained equipment, tools and preparations;
 - (B) Sanitary linen practices; and
 - (C) Client privacy practices.

Stat. Auth.: ORS 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0012; MTB 2-1985, f. & ef. 1-23-85; MTB 1-1986, f. & ef. 1-29-86; Renumbered from 334-010-0030; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-040-0010

Discipline

The Board may deny, conditionally grant, restrict, suspend or revoke a license **or permit**, impose probation, reprimand, censure, impose remedial education or corrective actions, and/or impose a civil penalty for any of the following reasons:

- (1) Practicing massage or representing one's self as a massage therapist without a current active license issued by the Board;
- (2) Knowingly or recklessly making any false statement to the Board;
- (3) Has been the subject of disciplinary action as a licensed healthcare professional by this or any other state or territory of the United States or by a foreign country and the Board determines that the cause of the disciplinary action would be a violation under ORS 687.011 to 687.250, 687.895 and 687.991 or OAR Chapter 334;
- (4) Suspension or revocation of a license to practice massage in another jurisdiction based upon acts by the licensee similar to acts described in this section;
- (5) Knowingly or recklessly falsifying an application or continuing education statement or documentation;
- (6) Conviction of a crime in any state or jurisdiction;
- (7) The use of false, deceptive, or misleading advertising, which includes but is not limited to, advertising massage using the term "massage" or any other term that implies a massage technique or method in any private or public communication or publication by a person licensed or not licensed by the Board as a massage therapist;
- (8) Allowing the use of a license by an unlicensed person;
- (9) Presenting as one's own license, the license of another;
- (10) Practicing massage under a false or assumed name without notification to the Board;
- (11) Impersonating another massage therapist;
- (12) Assisting, employing, or permitting an unlicensed person to practice massage;
- (13) Practicing or purporting to practice massage when the license has been revoked or suspended, lapsed or inactive;
- (14) Practicing or offering to practice massage beyond the scope permitted by law;
- (15) The use of intoxicants, drugs, controlled substances, or mind altering substances to such an extent as to impair or potentially impair the licensee's abilities to perform professional duties in a safe manner;
- (16) Practicing massage with a physical or mental impairment that renders the therapist unable or potentially unable to safely conduct the practice of massage;
- (17) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition as required by rules of the Board;
- (18) Refusing to permit the Board or its representatives to inspect the business premises of the licensee during regular business hours;
- (19) Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to:
 - (a) Failure to furnish any requested papers or documents,
 - (b) Failure to provide in writing a full and complete explanation covering the matter contained in the complaint filed with the Board,
 - (c) Failure to respond to subpoenas issued by the Board whether or not the recipient is accused in the proceeding;
- (20) Failing to comply with an order issued by the Board;
- (21) **Failure to obtain the required permits for facilities or in violation of OAR 334-010-0010.**
- (22) **Failure to report to the Board information that a licensee has engaged in prohibited or unprofessional conduct as required in ORS 676.150.**
- ~~(21)~~(23) Unprofessional or dishonorable conduct which includes but is not limited to:
 - (a) Any conduct involving inappropriate physical contact or sexual misconduct which includes:
 - (A) Sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465;
 - (B) Sexual violation which is sex between the LMT and the client, whether initiated by the client or not, engaging in any conduct with a client that is sexual, or may be reasonably interpreted as sexual, including, but not limited to:
 - (i) Sexual intercourse;
 - (ii) Genital to genital contact;
 - (iii) Oral to genital contact; oral to anal contact;

- (iv) Oral to oral contact except cardiopulmonary resuscitation; touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment or where the client has refused or withdrawn consent; or
 - (v) Encouraging the client to masturbate in the presence of the LMT or masturbation by the LMT while the client is present.
- (C) Sexual impropriety which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including, but not limited to,
- (i) Disrobing or draping practices that reflect a lack of respect for the client's privacy, deliberately watching a client dress or undress instead of providing privacy for disrobing;
 - (ii) Subjecting a client to an examination in the presence of students, assistants, or other parties without the explicit consent of the client or when consent has been withdrawn;
 - (iii) An examination or touching of genitals;
 - (iv) Inappropriate comments about or to the client, including but not limited to, making sexual comments about a client's body or clothing, making sexualized or sexually-demeaning comments to a client, comments on the client's or LMT's sexual orientation and making a request to date;
 - (v) Initiation by the LMT of conversation regarding the sexual problems, preferences or fantasies of the LMT; or
 - (vi) Kissing.
- (b) Violating the client's rights of privacy, and confidentiality.
 - (c) Failure to disclose or release information about a client if required by law or on written consent of client.
 - (d) Intentionally harassing, abusing, or intimidating a client either physically or verbally.
 - (e) Any conduct or practice which could endanger the health or safety of a client or the public.
 - (f) Any conduct or practice which impairs the massage therapist's ability to safely and skillfully practice massage.
 - (g) Exercising undue influence on a client, including promotion or sale of services, goods, or appliances in such a manner as to exploit the client for the financial gain or self-gratification of the massage therapist.
 - (h) Routinely practicing in an incompetent manner.
 - (i) Conduct which would also constitute a violation of the Oregon Unlawful Trade Practices Act.
 - (j) Practicing a modality or technique without adequate training or licensure.

Stat. Auth.: ORS 687.081 & 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; Sections (6) - (20)(h) Renumbered from 334-030-0020; BMT 2-1998, f. & cert. ef. 7-22-98; Renumbered from 334-030-0025 by BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

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

334

Agency and Division
Number

Administrative Rules Chapter

Facility permit rules per SB 387, clarifying examination and continuing education rules

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:

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:

1. 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
334-010-0006 Facility Permits - No projected fiscal impact
334-010-0010 Examination - No projected fiscal impact
334-010-0033 Fees - No projected fiscal impact
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?:

Adjournment - The meeting adjourned at 10:00 a.m.

Rules Hearing - November 18, 2013 at 9:00 a.m.