

**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING  
CHAPTER 20. MASSAGE THERAPY**

**RULEMAKING ACTION:**

Rule Impact Statement

**PROPOSED RULES:**

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Subchapter 3. Advisory Board on Massage Therapy

175:20-3-1. Composition, Powers and Duties of Advisory Board [AMENDED]

Subchapter 5. Licensure of Massage Therapists

175:20-5-1. Original Licensure [AMENDED]

175:20-5-6. Report of criminal plea or conviction [AMENDED]

Subchapter 7. Continuing Education

175:20-7-1. Continuing education requirement [AMENDED]

Subchapter 9. Standards of Professional Conduct

175:20-9-1. Professional conduct [AMENDED]

Subchapter 11. Grounds for Discipline

175:20-11-1. Grounds for discipline [AMENDED]

Subchapter 11. License Renewal, Fees and Penalties

175:20-15-1 Massage Therapy Practice Act license and penalty fees [AMENDED]

**BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULE:**

The proposed rules specify that Advisory Board officers shall be elected at the first meeting of the fiscal year; require licensure applicants to disclose misdemeanors involving acts of violence; modify standards of professional conduct; provide fee waiver for low-income individuals in compliance with 59 O.S. §4003A; and contain clean-up language.

**DESCRIPTION OF THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE, AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The general public; licensed massage therapists.

**DESCRIPTION OF THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

The general public; licensed massage therapists.

**DESCRIPTION OF THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDING A LISTING OF ALL FEE CHANGES AND, WHENEVER POSSIBLE, A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:**

There is no anticipated economic impact. The rules contain no fee changes.

**PROBABLE COSTS AND BENEFITS TO THE AGENCY AND TO ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE, THE SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE, AND ANY ANTICIPATED EFFECT ON**

**STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES IF IT CAN BE PROJECTED BY THE AGENCY:**

Implementation of the rule will be performed by existing Board personnel. No other agency will participate in implementing or enforcing the rules. There is no projected net loss or gain to state revenues.

**DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ECONOMIC IMPACT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**

The Board is a Title 59 agency and is exempt from the Oklahoma Small Business Regulatory Flexibility Act reporting requirement pursuant to 75 O.S. § 502(1).

**EXPLANATION OF THE MEASURES THE AGENCY HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULE:**

There are no compliance costs to minimize. There is no less costly, nonregulatory method or less intrusive method for achieving the purpose of the proposed rule.

**DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND, IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:**

The proposed rules affect public health and safety by providing standards of professional conduct for massage therapists.

**DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:**

If the proposed rules are not implemented, the Board will be limited in its ability to enforce the Massage Therapy Practice Act in protection of public health and safety. The Board will also not be able to provide fee waivers for low-income individuals.

**DATE THE RULE IMPACT STATEMENT WAS PREPARED AND IF MODIFIED, THE DATE MODIFIED:**

February 25, 2019.