

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 42:020

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets the fees associated with licensure for massage therapy.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to update the fee structure for massage therapy. The fee structure was originally set in 2003. The current revenues of the Board of Licensure for Massage Therapy do not cover their expenditures and they have several significant unpaid bills. In the last legislative session, the legislature recognized this problem and removed the fee cap.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is required by KRS 309.355(1) to regulate the practice of massage therapy. KRS 309.355(3) also authorizes the Board to promulgate administrative regulations regarding the practice of massage therapy. KRS 309.357 requires the Board to set reasonable fees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation sets the fees for licensure, renewal, reinstatement, inactive status, and Certificates of Good Standing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amended regulation increases the fees. The Board was operating at a deficient and needed an increase in fees to be financially stable. The statute was amended in the last session to increase the fee cap, so that fees could be raised.

(b) The necessity of the amendment to this administrative regulation: See above.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2,665 individuals licensed by the Board, the 27 holders of a Certificate of Good Standing, anyone interested in obtaining a license or a Certificate of Good Standing from the Board, and the Board of Licensure for Massage Therapy.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Pay the increased fee on application or renewal.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

Application Fee	\$ 200.00
Renewals	\$ 200.00
Late Renewals 0-60 days	\$ 225.00
Late Renewals 61 - 90 days	\$ 250.00
Inactive Renewal	\$ 50.00
Inactive 0-60 days	\$ 70.00
Inactive 61-90 days	\$ 85.00
Inactive to Active	\$ 50.00
Certificate of Good Standing	\$ 125.00

One-time Certificate of Good Standing	\$ 50.00
Certificate of Good Standing	\$ 75.00
Reinstate 90 days to 1 year	\$ 350.00
Reinstate 1 year to 2 years	\$ 400.00
Reinstate 2 years to 3 years	\$ 450.00
Reinstate 3 years to 4 years	\$ 500.00
Reinstate 4 years to 5 years	\$ 550.00

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Board will receive enough review to become financially stable. The individuals and businesses, which are licensed and those seeking licensure can become licensed upon paying the increased fee.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board is funded through license fees in a restricted fund. However, there is no cost to the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This regulation increases the fees charged licensees and prospective licensees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation establishes fees.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applicable as the proposed language will be applied equally to all entities impacted by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Board of Licensure for Massage Therapy.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.355(1), 309.355(3)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fires, or school districts) for the first year? \$140,000

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? \$140,000

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): +\$140,000

Expenditures (+/-):

Other Explanation:

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

Regulation No. 201 KAR 42:035

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“Application for Inactive Status, Renewal of Inactive Status, or Return to Active Status,” June 2021, is a two (2) page form used by applicants seeking inactive status, to renew their inactive status, or to return from inactive status. It amends the “Application for Inactive or Return to Active Status,” October 2016. The proposed amendments to this form make the following changes: (1) updates and clarified the instructions; (2) updates the fee information; (3) updates the information regarding a criminal history; (4) adds a question regarding the last date worked as a massage therapist; (5) deletes question about payment of student loans; (6) requires signature under penalty of perjury; (7) updates the contact information for the Board; and (8) changes the revision date.