
TITLE 847 STATE BOARD OF MASSAGE THERAPY

Economic Impact Statement

LSA Document #08-351

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Senate Enrolled Act 320-2007 (P.L.200-2007) mandates the Board to adopt rules establishing definitions, education, examination, and certification requirements; certification renewal requirements; and standards of competent practice of massage therapy. The Board was appointed by the Governor early in 2008. The board has been working diligently since its establishment to meet its legislative mandate.

Impact on Small Businesses**1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule:**

NAICS CODE 812199	Massage Parlors
NAICS CODE 621399	Massage Therapists' offices

[IC 4-22-2.1-4](#) provides that "small business" means any person, firm, corporation, limited liability company, partnership, or association that:

- (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;
- (2) is independently owned and operated;
- (3) employs one hundred (100) or fewer full-time employees; and
- (4) has gross annual receipts of five million dollars (\$5,000,000) or less.

The types of small businesses most likely to be affected by this proposed rule are those independent massage businesses, spas, beauty salons, occupational therapy and physical therapy clinics, long term care facilities, hospice or home care agencies, hospital based clinics, chiropractic offices, dental offices, hotels, and athletic departments of some schools that provide massage therapy services.

2. Estimate of the average annual reporting, record keeping, and other administrative costs that small business will incur to comply with the proposed rule:

While the rule establishes a record keeping requirement for small businesses, the cost is expected to be insignificant. [847 IAC 1-2](#) requires certificate holders to maintain client files and business records for at least four years from the date of service. If any massage therapists work in health service settings, they are already required to maintain records for a minimum of seven years under [IC 16-39](#).

3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule:

The Indiana Professional Licensing Agency has determined, based on the information available at the time of the rule promulgation, that the proposed rules will have an insignificant economic impact on small businesses subject to the proposed rule.

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The purpose of the record keeping requirements is to provide a level of protection to consumers of massage therapy services. Consumers would be able to acquire copies of their records, if needed.

4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; or any other state or federal law:

Enacted in 2007, Senate Enrolled Act 320-2007 (P.L.200-2007) requires the Board to adopt rules establishing definitions, education, examination, and certification requirements; certification renewal requirements; and standards of competent practice of massage therapy.

5. Regulatory flexibility analysis:**Consideration of alternative methods of achieving the purpose of the proposed rule:**

The Board did not consider alternatives as it is required by statute to establish the rule and because there will be an insignificant fiscal impact under the rule as proposed.

6. Conclusion:

Enacted in 2007, Senate Enrolled Act 320-2007 (P.L.200-2007) requires the Board to adopt rules

establishing definitions, education, examination, and certification requirements; certification renewal requirements; and standards of competent practice of massage therapy. This proposed rule fulfills these requirements of SEA 320-2007.

7. Supporting Data, Studies, or Analyses:

The agency considered data obtained from IPLA for the cost of the operation of the Board. The agency also considered data gathered from the American Massage Therapy Association (AMTA), the American Medical Massage Association (AMMA), the Associated Bodywork and Massage Professionals (ABMP), as well as the massage therapy regulatory bodies in the states of Illinois, Kentucky, Ohio, and Tennessee.

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