
Emergency Rules

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2197—Board of Therapeutic Massage
Chapter 1—General Rules**

EMERGENCY AMENDMENT

20 CSR 2197-1.040 Fees. The board is proposing to add section (5).

PURPOSE: The Board of Therapeutic Massage is statutorily obligated to enforce and administer the provisions of sections 324.240 to 324.275, RSMo. Pursuant to section 324.245.1(5), RSMo, the board shall, by rule and regulation, set the amount of fees authorized by sections 324.240 to 324.275, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.240 to 324.275, RSMo.

EMERGENCY STATEMENT: This emergency amendment is necessary to preserve a compelling governmental interest requiring an early effective date of the rule by informing the public of a change in the fee required for the renewal of a license. The board is proposing to decrease the business license renewal fee from seventy-five dollars (\$75) to thirty-five dollars (\$35) and the massage therapist renewal fee from one hundred dollars (\$100) to fifty dollars (\$50). The emergency amendment is necessary to allow the board to collect the decreased fee. Massage therapy businesses and massage therapists with a license expiration date of January 31, 2017 will be mailed renewal information on or around November 1, 2016 and the decreased fee needs to be reflected in this information.

Without this emergency amendment the decreased fee requirement will not be effective in time for the renewal notice, and the board will collect more revenue than it is statutorily authorized to collect.

*The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. In developing this emergency amendment, the board has determined that the fee decreases are necessary to prevent funds from exceeding the maximum fund balance, thereby resulting in a transfer from the fund to general revenue as set forth in section 324.245.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for license fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 2, 2016, becomes effective June 12, 2016, and expires February 23, 2017.*

(5) To ensure compliance with section 324.273, RSMo, the following renewal fees shall be effective from October 13, 2016 to February 23, 2017:

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| (A) Business License Renewal Fee | \$ 35 |
| (B) Massage Therapist Renewal Fee | \$ 50 |

*AUTHORITY: sections 324.245, 324.247, and 324.265, RSMo Supp. [2011] 2013, and sections 324.250, 324.252, and 324.267, RSMo 2000. This rule originally filed as 4 CSR 197-1.040. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 2, 2016, effective June 12, 2016, expires Feb. 23, 2017. An emergency amendment covering this same material will be published in the July 1, 2016, issue of the **Missouri Register**.*