

## Notice of Proposed Rule

### DEPARTMENT OF HEALTH

#### Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-32.001 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to further clarify the definitions.

SUMMARY: Further clarify the definitions.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 480.035(7), FS.

LAW IMPLEMENTED: 480.033, 480.041, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danielle Terrell, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Danielle.Terrell@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### **64B7-32.001 Definitions.**

(1) through (3) No Change.

(4) "Classroom hour" means no less than 50 minutes of any one clock hour during which a student participates in a class, or portion of a class offered as part of an approved course of study. Classroom hours may be either didactic or clinical study, and must be completed at an approved campus or facility of the board approved massage therapy school while in the physical presence of a faculty member.

(5) "Physical presence" is the attendance of a faculty member who is responsible for classroom hour instruction at an approved campus or facility of a board approved massage therapy school, who:

(a) has physical access to all portions of the campus or facility in which classroom hours are offered as a part of the course of study;

(b) is physically onsite at the campus, facility, or portion thereof where classroom hours are conducted while they are being offered to students;

(c) observes students completing classroom hours while physically onsite at the campus, facility, or portion thereof where classroom hours in clinical practicum are conducted; and,

(d) is proximate to students engaged in classroom hours for clinical practicum to the extent that the faculty member has access to an unobstructed view of student and patient clinicals without the intervention of closed doors, closed curtains, or auditory obstructions. The faculty must be able to provide immediate physical direction,

redirection or intervention for student and patient safety.

(5) through (8) renumbered (6) through (9) No Change.

*Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.001, 61G11-32.001, Amended 9-3-12, 12-31-17, 8-31-20, 10-10-21, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2022