

Proposed

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Tuesday, March 26, 2019, at 8:30 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed regulation related to the fees for Healing Arts licensees and Podiatrists.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the regulation. All interested parties may submit comments prior to the hearing to Tucker Poling, General Counsel, at the Board of Healing Arts at the address above, or via e-mail to KSBHA_HealingArts@ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the amended regulation during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentations to five minutes.

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulation may be obtained from the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas 66612; on the agency website at <http://www.ksbha.org/publicinformation/publicinformation.shtml>, by contacting Jenne Cook at (785) 296-2482, or by e-mailing the agency at KSBHA_HealingArts@ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Rice at (785) 296-8558 or at Sheila.Rice@ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations. Handicapped parking is located on 8th Street and in the building's parking garage. From the street, both the West entrance to the building on Jackson Street and the North entrance on 8th Street are accessible.

A summary of the proposed regulation and the economic impact follows:

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100-11-1. Amount. The following fees shall be collected by the board:

- (a) Application for license \$ 300.00
- (b)(1) Annual renewal of active or federally active license:
 - (A) Paper renewal ~~\$ 330.00~~ \$ 400.00
 - (B) On-line renewal ~~\$ 320.00~~ \$ 330.00
- (2) Annual renewal of inactive license:
 - (A) Paper renewal \$ 150.00
 - (B) On-line renewal \$ 150.00
- (3) Annual renewal of exempt license:
 - (A) Paper renewal \$ 150.00
 - (B) On-line renewal \$ 150.00
- (c)(1) Conversion from inactive to active license \$ 175.00
- (2) Conversion from exempt to active license \$ 175.00
- (d)(1) Additional fee for late renewal of active or federally active license:
 - (A) Paper late renewal ~~\$ 350.00~~ \$ 200.00
 - (B) On-line late renewal ~~\$ 339.00~~ \$ 70.00
- (2) Additional fee for late renewal of inactive license:
 - (A) Paper late renewal ~~\$ 175.00~~ \$ 50.00
 - (B) On-line late renewal ~~\$ 165.00~~ \$ 25.00
- (3) Additional fee for late renewal of exempt license:
 - (A) Paper late renewal ~~\$ 175.00~~ \$ 50.00
 - (B) On-line late renewal ~~\$ 165.00~~ \$ 25.00

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Aug. 21, 1989; amended June 24, 1991; amended, T-100-7-1-92, July 1, 1992; amended Aug.
10, 1992; amended Dec. 27, 1993; amended May 1, 1998; amended Aug. 4, 2000; amended, T-
100-6-27-02, Aug. 1, 2002; amended Nov. 15, 2002; amended, T-100-4-27-04, April 27, 2004;
amended July 23, 2004; amended Aug. 17, 2007; amended, T-100-10-16-08, Oct. 16, 2008;
amended Feb. 13, 2009; amended May 21, 2010; amended P-_____.)

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The agency is not aware of a basis to conclude that this regulation will meaningfully enhance or restrict business activities or growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Those renewing their license will be directly affected due to the fact that they will pay a different amount for renewal or late renewal, as specifically defined in the regulation. To the extent that these revisions promote online and on-time renewal, the licensees and businesses that employ them will avoid the additional costs, time, and other resources required for paper renewal.

C. Businesses that would be directly affected by the proposed rule and regulation;

Those renewing their licenses and business that employ them.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The updates to the fees for on time license renewal are, overall, below the rate of inflation. The updates also incentivize online and on-time renewal, as opposed to paper renewal, by creating additional relative cost savings to renewal applicants who renew online and on-time. The revisions to the regulation clarify the "additional fee" for late renewals required pursuant to K.S.A. 65-2809(d) by reducing the listed amount of the late fee and clarifying that this late fee is, pursuant to K.S.A. 65-2809(d), a fee that is additional to the underlying fee for license renewal. These revisions are consistent with the agency's overall efforts to move toward a paperless system. To the extent that these revisions promote online renewal, the licensees and businesses that employ them will avoid the additional costs, time, and other resources required for paper renewal. Further, promoting online and on time renewal is more efficient for the agency and is expected to increase the speed and efficiency of the entire renewal process.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The updates to the fees for on time license renewal are, overall, below the rate of inflation. To the extent that these revisions promote online and on-time renewal, the licensees and businesses that employ them will avoid the additional costs, time, and other resources required for paper renewal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

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Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The agency does not believe this revision will meaningfully impact the revenue of cities, counties, or school districts.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The Board of Healing Arts is comprised of medical practitioners, business owners, and members of the public. Further, the agency is in communication with the relevant professional organizations in Kansas and intends to comply with all public hearing requirements involved in the promulgation process.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

This is not an environmental regulation.

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