

STATE OF KANSAS  
BOARD OF HEALING ARTS

**Notice of Public Hearing on Proposed Administrative Regulations**

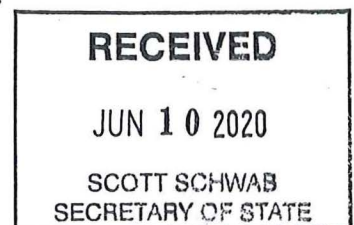
A public hearing will be conducted on Wednesday, August 19, 2020, at 9:30 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed regulation related to designated examinations for medicine and surgery and osteopathic medicine and a limit of attempts.

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](mailto:KSBHA_HealingArts@ks.gov). All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed 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 LeeAnn Hunter-Roach at (785) 296-4502, or by e-mailing the agency at [KSBHA\\_HealingArts@ks.gov](mailto:KSBHA_HealingArts@ks.gov).

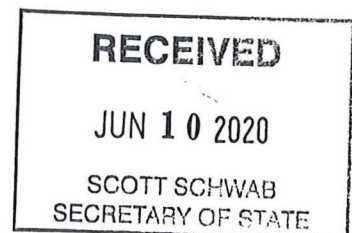
Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Rice at (785) 296-8558 or at [Sheila.Rice@ks.gov](mailto: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 8<sup>th</sup> 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 8<sup>th</sup> Street are accessible.

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



**K.A.R. 100-7-1. Designated examinations for medicine and surgery and osteopathic medicine and surgery; limitation on attempts.**

This regulation revision deals with examination requirements for the purpose of evaluating applicants for licensure in medicine and surgery. This revision, along with several others, has been the subject of communications over several years in regard to the need to update the healing arts regulations and bring them into more consistency with standard practices and educational programs in the industry. This process involved representatives from the University of Kansas School of Medicine, the Kansas Medical Association, and other stakeholders. Further, it should be noted that the Board of Healing Arts is comprised of medical practitioners, business owners, and members of the public. Further, the agency intends to comply with all public hearing requirements involved in the promulgation process.



**K.A.R. 100-7-1. Designated examinations for medicine and surgery and osteopathic medicine and surgery; passing grade limitation on attempts.** (a) Applications before July 1, 2000.

(1) Each applicant for licensure by examination in medicine and surgery who applies before July 1, 2000 shall, as a requirement for licensure, successfully complete one acceptable combination of sections of examinations identified below in table 1.

TABLE 1—Medicine and Surgery Examination Sequence

A. Examination titles		
National board of medical examiners (NBME): part I, part II, part III. Federation licensing exam (FLEX): component 1, component 2. United States medical licensing exam (USMLE): step 1, step 2, step 3.		
B. Acceptable combinations		
NBME part I + NBME part II + NBME part III	FLEX component 1 + FLEX component 2	USMLE step 1 + USMLE step 2 + USMLE step 3
NBME part I or USMLE step 1 + NBME part II or USMLE step 2 + NBME part III or USMLE step 3	FLEX component 1 + USMLE step 3	NBME part I or USMLE step 1 + NBME part II or USMLE step 2 + FLEX component 2

(2) Each applicant for licensure by examination in osteopathic medicine and surgery who applies before July 1, 2000 shall, as a requirement for licensure, successfully complete one acceptable combination of sections of examinations identified above in table 1, except that as an alternative to completing part I, part II, or part III of the NBME examination, the applicant may

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~~complete part I, part II, or part III, respectively, of the national board of osteopathic medical examiners (NBOME) examination, or level 1, level 2, or level 3, respectively, of the comprehensive osteopathic medical licensing examination (COMLEX), administered by the national board of osteopathic medical examiners. (1) Each applicant for licensure by examination in medicine and surgery shall be required to successfully complete either of the following:~~

~~(A) Step 1, step 2, and step 3 of the United States medical licensing examination (USMLE); or~~

~~(B) the substantial equivalent of the examination specified in paragraph (a)(1)(A) in the year the examination was completed, as determined by the board.~~

~~(2) Each applicant who does not complete all steps of the USMLE within seven total attempts shall be deemed ineligible for licensure by examination until the applicant has submitted evidence acceptable to the board of further professional study of the subject matter tested in each USMLE step not completed by the applicant and the board determines that the further professional study is sufficient to substantially improve the applicant's likelihood of completing each USMLE step not completed by the applicant.~~

~~(b) Applications on or after July 1, 2000.~~

~~(1) Each applicant for licensure by examination in medicine and surgery who applies on or after July 1, 2000 shall successfully complete step 1, step 2, and step 3 of the USMLE. To satisfy the requirements for licensure, the applicant shall complete all remaining portions of the USMLE within 10 years after passing step 1 of the examination.~~

~~(2) Each applicant for licensure by examination in osteopathic medicine and surgery who applies on or after July 1, 2000 either shall successfully complete step 1, step 2, and step 3 of the~~

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~~USMLE or shall successfully complete level 1, level 2, and level 3 of the COMLEX examination. To satisfy the requirements for licensure, the applicant shall complete all remaining steps of the USMLE examination or levels of the COMLEX examination within 10 years after passing step 1 or level 1 of the examination.~~

~~(c) Each applicant for licensure by endorsement shall show proof of successful completion of an examination that met the Kansas requirements for licensure by examination at the time the applicant completed the examination.~~

~~(d) To qualify for licensure, each applicant shall obtain a two-digit reported score of at least 75 on each step, part, component, or level of the examination.~~

~~(e)(1) Each applicant for licensure by examination who requests to sit for step 3 of the USMLE or level 3 of the COMLEX as a candidate sponsored by the board shall submit an application for licensure that satisfactorily shows that the applicant has met all qualifications for licensure except for completion of the examination.~~

~~(2) Any applicant who is sponsored by the board to sit for step 3 of the USMLE or level 3 of the COMLEX and who fails to successfully complete that step or level of the examination on three or more occasions shall not be eligible to sit for that step or level of the examination without completing additional educational requirements ordered by the board. (1) Each applicant for licensure by examination in osteopathic medicine and surgery shall be required to successfully complete either of the following:~~

~~(A)(i) Step 1, step 2, and step 3 of the USMLE; or~~

~~(ii) level 1, level 2, and level 3 of the comprehensive osteopathic medical licensing examination (COMLEX-USA); or~~

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(B) the substantial equivalent of either examination specified in paragraphs (b)(1)(A)(i) and (ii) in the year the examination was completed, as determined by the board.

(2) Each applicant who does not complete all steps of the USMLE or all levels of the COMLEX-USA within seven total attempts shall be deemed ineligible for licensure by examination until the applicant has submitted evidence acceptable to the board of further professional study of the subject matter tested in each USMLE step or COMLEX-USA level not completed by the applicant and the board determines that the further professional study is sufficient to substantially improve the applicant's likelihood of completing each USMLE step or COMLEX-USA level not completed by the applicant. (Authorized by K.S.A. 1999-Supp. 65-2828 and K.S.A. 65-2865; implementing K.S.A. 1999-Supp. 65-2828, K.S.A. 65-2833, and K.S.A. 65-2873; effective Jan. 1, 1966; amended Feb. 15, 1977; amended July 7, 2000; amended P-\_\_\_\_\_.)

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**Proposed**

*Kansas Board of Healing Arts  
Tucker Poling, General Counsel  
785-296-8066  
Tucker.Poling@ks.gov*

**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

K.A.R. 100-7-1

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**I. Brief description of the proposed rule(s) and regulation(s).**

Click or tap here to enter text.

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)***

Not mandated by the federal government.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

The revised regulation makes the requirement less restrictive. The revision is likely to enhance business activity because it allows for more flexibility in licensing decisions and makes the process for approving new licenses for practitioners more efficient.

**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;**

Although the agency does not employ an economist, the lay opinion of the agency staff is that the economic effect on the affected businesses and business sector would be positive. The revised regulation is simpler and less restrictive. It is therefore likely to reduce compliance and hiring costs for affected businesses.

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

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

Click or tap here to enter text.

- 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;**

This revision is itself a measure taken by the agency to minimize the cost and impact of a regulation on business and economic development while maintaining a high standard of public protection.

- 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.**

\$No implementation cost to this revision. As noted above, this revision would involve less burden on licensees and businesses that employ them. This estimate is based on lay opinion and rationale as described above.

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

\$There are no discernible costs to business, local governments, or members of the public, other than routine agency and state resources involved in the process of promulgating regulations. Once instituted, this revision would involve no increased costs

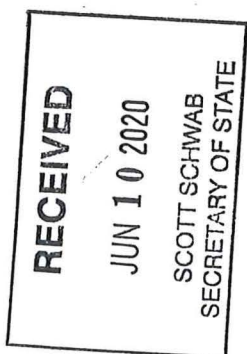
**Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?**

YES ☐ NO ☒

**Give a detailed statement of the data and methodology used in estimating the above cost estimate.**

N/A

**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**



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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 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 agency consulted with the state organization of professional acupuncturists, as well as the members of the agency's acupuncture advisory council, which is comprised of practitioners, business owners, and members of the public. Further, the agency 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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