

**STATE OF KANSAS  
BOARD OF HEALING ARTS**

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

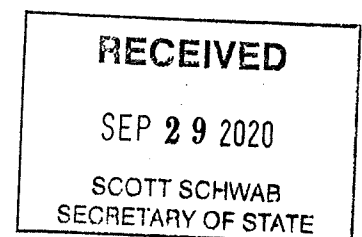
A public hearing will be conducted on Thursday, December 10, 2020, at 9:30 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed regulation related to resident active licenses.

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. 100-6-2a. Resident active license qualifications.**

This regulation deals with resident active licenses, for the purpose of evaluating applicants for licensure in medicine and surgery.

The proposed regulation 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. The agency consulted with 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. 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. No net implementation and compliance costs are contemplated other than routine agency resources used in regulation promulgation process. (See economic impact statement approved by the Department of Budget).

**RECEIVED**

**SEP 29 2020**

**SCOTT SCHWAB  
SECRETARY OF STATE**

**K.A.R. 100-6-2a. Resident active license qualifications.** (a) Each applicant for a resident active license in medicine and surgery or osteopathic medicine and surgery who is a graduate of an accredited school of medicine and has not completed 36 months of a postgraduate training program shall meet the following requirements:

- (1) Have successfully completed 12 months of postgraduate training program;
- (2) be presently engaged in and in good standing in the postgraduate training program;
- (3) have passed step 3 of the United States medical licensing examination (USMLE) or equivalent;
- (4) provide a written statement of the medical services to be provided beyond the parameters of the postgraduate training or residency training program, on a form provided by the board;
- (5) provide the written approval of the director of postgraduate training or residency training program to provide the services described in the written statement, on a form furnished by the board; and
- (6) submit documentation that the applicant will maintain a policy of professional liability insurance required pursuant to K.S.A. 40-3402, and amendments thereto, and will pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

(b) The license shall be cancelled upon any of the following:

- (1) Resignation from the postgraduate training or residency training program;
- (2) being no longer in good standing in the postgraduate training program;
- (3) removal from the training program;

APPROVED

AUG 17 2020

DIVISION OF THE BUDGET

APPROVED

AUG 19 2020

DEPT. OF ADMINISTRATION

APPROVED

SEP 15 2020

ATTORNEY GENERAL

RECEIVED

SEP 29 2020

SCOTT SCHWAB  
SECRETARY OF STATE

(4) not maintaining a policy of professional liability insurance if the policy is required pursuant to K.S.A. 40-3402, and amendments thereto, and not paying the premium surcharges as required by K.S.A. 40-3404, and amendments thereto; or

(5) withdrawal of approval from the director of postgraduate training or residency training program to provide the services listed in the written statement. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2873b; effective P-\_\_\_\_\_.)

APPROVED

AUG 17 2020

DIVISION OF THE BUDGET

APPROVED

AUG 19 2020

DEPT. OF ADMINISTRATION

APPROVED

SEP 15 2020

ATTORNEY GENERAL

RECEIVED

SEP 29 2020

SCOTT SCHWAB  
SECRETARY OF STATE

*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. 100-6-2 & 100-6-2a**

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

These regulations deal with postgraduate training requirements and resident active licenses, for the purpose of evaluating applicants for licensure in medicine and surgery.

**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 regulations will tend to enhance business activity by streamlining requirements and making them consistent with existing practices in the industry.

**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 regulations are simpler and more consistent with current practices in the industry. These regulations clarify already existing processes and requirements. Therefore, no net implementation and compliance

APPROVED

AUG 17 2020

DIVISION OF THE BUDGET

RECEIVED

SEP 29 2020

SCOTT SCHWAB  
SECRETARY OF STATE

costs are contemplated other than routine agency resources used in regulation promulgation process.

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

Although licensees are the only parties that would be directly affected, businesses that employ physicians would be affected.

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

The revised regulations are simpler and more consistent with current practices in the industry. Further, they give more clear guidance and notice to applicants as to requirements. No net implementation and compliance costs are contemplated other than routine agency resources used in regulation promulgation 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;**

These revisions themselves are measures 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 net implementation cost to this revision. 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 net costs to business, local governments, or members of the public, other than routine agency and state resources involved in the process of promulgating regulations.

**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.**

This estimate is based on lay opinion and rationale as described above.

APPROVED

AUG 17 2020

DIVISION OF THE BUDGET

RECEIVED

SEP 29 2020

SCOTT SCHWAB  
SECRETARY OF STATE

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 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).

These revisions have 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. The agency consulted with 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.

- 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.

APPROVED

AUG 17 2020

DIVISION OF THE BUDGET

RECEIVED

SEP 29 2020

SCOTT SCHWAB  
SECRETARY OF STATE