

STATE OF KANSAS
BOARD OF HEALING ARTS

Notice of Public Hearing on Proposed Amendments to Administrative Regulations

A public hearing will be conducted on Wednesday, March 24, 2021, at 10:30 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 proposed amendments to regulations related to healing arts continuing education standards, definitions, and requirements.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the regulations. All interested parties may submit comments prior to the hearing to Courtney Cyzman, 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 proposed amended regulations 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 amended regulations and the Economic Impact Statement for the proposed amended regulations 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.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amended regulations 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 amended regulations and the economic impact follows:

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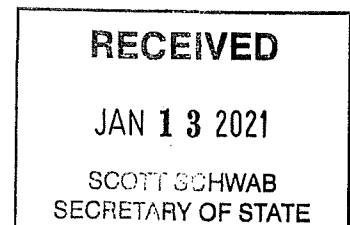
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K.A.R. 100-15-4, K.A.R. 100-15-5 (Continuing Education Standards, Definitions, Requirements)

The purpose of these regulation amendments is to add a third category of required continuing medical education activity addressing pain management, prescribing opioids, and the use of prescription drug monitoring programs under K.S.A. 65-2809.

The regulations add a third category of continuing medical education but do not increase the total number of continuing medical education hours required or change the process for renewal of a license. Costs include routine state resource costs associated with promulgating these regulations. The agency does not believe the regulations will meaningfully impact the revenue of cities, counties, or school districts, except to the extent that additional business activity is generated in the state due to the addition of a third category of approved continuing medical education activity. These regulations were developed during publicly noticed open meetings of the Board, and the Board is following all notice and open meeting hearing requirements associated with promulgating these regulations, which will entail at least 3 more open meetings related to these regulations.



K.A.R. 100-15-4. Continuing education standards; definitions. (a) "Continuing education"

shall mean an activity designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons licensed to practice a branch of the healing arts. Each continuing education activity shall have significant intellectual or practical content, shall be relevant to the branch of the healing arts for which the practitioner is licensed, and shall meet at least one of the following content requirements:

- (1) Have a direct bearing on patient care;
- (2) have a direct bearing on the person's ability to deliver patient care; or
- (3) relate to the teaching, ethical, legal, or social responsibilities of a person licensed to practice the healing arts.

(b) "Category I" continuing education shall mean a continuing education activity that meets the requirements of subsection (a) ~~of this regulation~~ and is presented by a person qualified by practical or academic experience, using any of the following methods:

- (1) Lecture, which shall mean a discourse given before an audience for instruction;
- (2) panel discussion, which shall mean the presentation of a number of views by several professional individuals on a given subject, with none of the views considered a final solution;
- (3) workshop, which shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest;
- (4) seminar, which shall mean a directed advanced study or discussion in a specific field of interest;

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(5) symposium, which shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers;
or

(6) any other structured, interactive, and formal learning method that the board deems to meet the requirements of subsection (a).

(c) "Category II" continuing education shall mean attendance at a lecture, panel discussion, workshop, seminar, symposium, college course, professional publication, in-service training, or professional activity that the board determines does not meet the requirements of category I, but that is in a health-related field indirectly related to healing arts skill and knowledge. Category II continuing education shall include the following:

- (1) Clinical consultations with other healing arts practitioners that contribute to a practitioner's education;
- (2) participation in activities to review the quality of patient care;
- (3) instructing healing arts and other health care practitioners;
- (4) patient-centered discussions with other health care practitioners;
- (5) participating in journal clubs;
- (6) using searchable electronic databases in connection with patient care activities; and
- (7) using self-instructional materials.

(d) "Category III" continuing education shall mean an internet or live continuing education activity that also meets the requirements of either a category I or category II continuing education activity and meets at least one of the following content requirements:

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(1) Acute or chronic pain management;

(2) the appropriate prescribing of opioids; or

(3) the use of prescription drug monitoring programs.

~~(d)~~(e) Credit for continuing education activities shall be awarded on the basis of one credit for each 50 minutes actually spent in attendance at a continuing education activity.

~~(e)~~(f) Each instructor of a healing arts continuing education activity shall be awarded category I continuing education credit at the rate of one credit for each three hours of the instructor's first-time preparation of the presentation of a category I continuing education activity.

~~(f)~~(g) For successful completion of a postbaccalaureate program awarding a degree in an area related to the healing arts, 25 credits of category I continuing education shall be awarded. A copy of the transcript shall be maintained as proof of successful completion of the program.

~~(g)~~(h) For successful completion of one year of postgraduate training, 50 credits of category I continuing education credit shall be awarded.

~~(h) Any other activity may be approved by the board for category I or category II continuing education upon the board's determination that the activity furthers the ethical and competent practice of the healing arts. (Authorized by K.S.A. 65-2809 and 65-2865; implementing K.S.A. 65-2809; effective July 22, 2005; amended P-_____.)~~

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K.A.R. 100-15-5. Continuing education requirement. (a)(1) Each person who is licensed to practice a branch of the healing arts and who is required to submit proof of completion of continuing education as a condition to renewing a license shall certify, on a form provided with the license renewal application, one of the following:

(A) During the 18-month period immediately preceding the license expiration date, the person completed at least 50 credits of continuing education, of which at least one credit shall be in category III, at least 20 credits shall be in category I, and the remaining credits shall be in category II.

(B) During the 30-month period immediately preceding the license expiration date, the person completed at least 100 credits of continuing education, of which at least two credits shall be in category III, at least 40 credits shall be in category I, and the remaining credits shall be in category II.

(C) During the 42-month period immediately preceding the license expiration date, the person completed at least 150 credits of continuing education, of which at least three credits shall be in category III, at least 60 credits shall be in category I, and the remaining credits shall be in category II.

(2) The requirement specified in this subsection shall not apply to any person renewing a license for the first time.

(b) Each person who applies for conversion of an inactive or exempt license to a regular license or for reinstatement of a cancelled license and whose license has been inactive, exempt, or cancelled for a period of less than the two-year period immediately preceding the application

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for conversion shall certify, on a form provided with the conversion or reinstatement application, that the person completed at least 50 credits of continuing education, of which at least one credit shall be in category III, at least 20 credits shall be in category I, and the remaining credits shall be in category II.

(c) Any licensee may request that the board grant an extension of the time to complete the required continuing education if, during the 12-month period immediately preceding the license expiration date, the person experienced an undue hardship resulting from illness, injury, or other circumstance preventing the timely completion of continuing education. (Authorized by K.S.A.-2006-Supp. 65-2809 and K.S.A. 65-2865; implementing K.S.A.-2006-Supp. 65-2809; effective July 22, 2005; amended April 6, 2007; amended P-_____.)

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

K.A.R. 100-15-4, K.A.R. 100-15-5 (Continuing Education Standards, Definitions, Requirements)

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

The purpose of these regulation amendments is to add a third category of required continuing medical education activity addressing pain management, prescribing opioids, and the use of prescription drug monitoring programs under K.S.A. 65-2809.

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;

A qualified economist would be required to provide an expert opinion of the extent the regulations would impact economic growth. In the lay opinion of agency staff, the regulations enhance business activities because the regulations create a new category of continuing medical education activity and should enhance business activities that produce and deliver the new continuing medical education programs.

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;

The agency does not employ an economist. In the lay opinion of the agency staff, there will be a positive economic effect on affected businesses because the regulations increase

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

See K.S.A. 65-2809(b). The Kansas State Board of Healing Arts ("Board") shall require every active licensee to submit evidence of satisfactory completion of a program of continuing education required by the Board. These regulations increase the number of continuing medical education programs that licensees may attend and receive credit towards satisfying this requirement.

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

The regulations add a third category of continuing medical education but do not increase the total number of continuing medical education hours required or change the process for renewal of a license. Costs include routine state resource costs associated with promulgating these regulations.

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;

There are no expected costs associated with the regulations other than the costs associated with promulgating these regulations.

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.

There are no expected independent costs caused by implementation of the regulations apart from the routine agency and state staff resource costs associated with promulgating these regulations. 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 expected independent costs caused by implementation of the regulations apart from the routine agency and state staff resource costs associated with promulgating these regulations. This estimate is based on lay opinion and rationale as described above.

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.

Lay rationale as described herein. The agency does not employ an economist.

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,

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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 the regulations will meaningfully impact the revenue of cities, counties, or school districts, except to the extent that additional business activity is generated in the state due to the addition of a third category of approved continuing medical education activity.

- 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 regulations were developed during publicly noticed open meetings of the Board, and the Board is following all notice and open meeting hearing requirements associated with promulgating these regulations, which will entail at least 3 more open meetings related to these regulations.

- 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).

These are not environmental regulations.

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