

**STATE OF KANSAS  
BOARD OF HEALING ARTS**

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

A public hearing will be conducted on Thursday, July 28, 2022, at 1:00 p.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 amended regulations related to physical therapy licensure and compact fees, renewal and continuing education, and professional liability insurance.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amended 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 below, 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 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](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 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](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 amended regulations and the economic impact follows:

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**K.A.R. 100-29-7 Fees.**

**K.A.R. 100-29-9 License and certificate renewal; continuing education.**

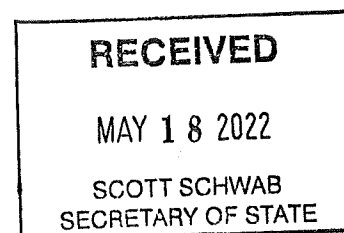
**K.A.R. 100-29-15 Professional liability insurance.**

The purpose of these proposed amended regulations is to incorporate language to reflect passage and implementation of the Kansas Physical Therapy Licensure Compact, K.S.A. 65-2925. Additionally, there is a revision in K.A.R. 100-29-9 that removes the limitation on the number of contact hours that may be pursued through correspondence, audio, video, or internet courses for continuing education.

The lay opinion of agency staff is that the economic effect on the affected businesses and business sector would be positive as the proposed amended regulations will increase public access to physical therapy services. Additionally, the removal of the 10-hour limitation on the number of contact hours will reflect the reality that licensees are completing more continuing education via non-traditional mediums such as audio, video, and internet. No net implementation and compliance costs are contemplated other than routine agency resources used in the regulation promulgation process and development of the application.

These proposed amended regulations were first discussed in an open Board meeting of which members of the public, business, and stakeholders could attend. The agency has had extensive discussions with members of the Physical Therapy Advisory council, which is made up of 5 members, including 3 members who are licensed physical therapists, a licensed physician, and a member of the Board of Healing Arts. Additionally, the APTA Kansas, a chapter of the American Physical Therapy Association, has been in continual discussion and worked with the agency on the language.

(See economic impact statement.)



**K.A.R. 100-29-7. Fees.** The following fees shall be collected by the board:

- (a) Application based ~~upon~~ on certificate of prior examination.....\$80.00
- (b) Application based on examination.....\$ 80.00
- (c) Annual renewal:
  - (1) Paper renewal.....\$ 70.00
  - (2) On-line renewal.....\$ 67.00
- (d) Late renewal:
  - (1) Paper late renewal .....\$ 5.00
  - (2) On-line late renewal .....\$ 5.00
- (e) Reinstatement.....\$ 80.00
- (f) Certified copy .....\$ 15.00
- (g) Duplicate certificate.....\$ 15.00
- (h) Temporary permit .....\$ 25.00
- (i) Compact privilege .....\$ 65.00

(Authorized by K.S.A. 65-2865 and ~~2006 Supp. 65-2911~~; implementing K.S.A. 65-2909, ~~2006 Supp. 65-2910~~, and ~~2006 Supp. 65-2911~~ and K.S.A. 2021 Supp. 65-2925; effective March 21, 1997; amended May 1, 1998; amended Sept. 29, 2000; amended Nov. 15, 2002; amended Nov. 19, 2004; amended March 7, 2008; amended P-\_\_\_\_\_.)

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**K.A.R. 100-29-9. License and certificate renewal; continuing education.** (a)(1)(A) As a condition of renewal for each odd-numbered year, each licensed physical therapist, ~~or~~ certified physical therapist assistant, or compact privilege holder shall submit, in addition to the annual application for renewal of licensure, ~~or~~ certification, or compact privilege, evidence of satisfactory completion within the preceding two-year period of at least 40 contact hours of continuing education for a licensed physical therapist or a physical therapist holding a compact privilege and at least 20 contact hours of continuing education for a certified physical therapist assistant or a physical therapist assistant holding a compact privilege. As a component of the required contact hours, each licensed physical therapist shall be required to successfully complete the physical therapy jurisprudence assessment module specified in paragraph (f)(15) during each continuing education cycle.

(B) Evidence of satisfactory completion of a program of continuing education shall not be required to be submitted with the application for renewal of licensure, compact privilege, or certification in even-numbered years.

(2) A contact hour shall consist of 60 minutes of activity pertaining to the practice of physical therapy.

(3) Meals and breaks shall not be included in the contact hour calculation.

(b) Any applicant for renewal who cannot meet the requirements of paragraph (a)(1)(A) may request an extension from the board to submit evidence of continuing education. The request shall include a plan for completion of the continuing education requirements within the requested extension period. An extension of up to six months may be granted by the board for a substantiated medical condition, natural disaster, death of a spouse or an immediate family

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member, or any other compelling reason that in the judgment of the board renders the licensee incapable of meeting the requirements of paragraph (a)(1)(A).

(c) A physical therapist initially licensed or holding a compact privilege or a physical therapist assistant initially certified or holding a compact privilege within one year of a renewal date in an odd-numbered year shall not be required to submit evidence of satisfactory completion of a program of continuing education required by paragraph (a)(1)(A) for that first renewal period. Each physical therapist or physical therapist assistant initially licensed, holding a compact privilege, or certified or whose license, compact privilege, or certificate has been reinstated for more than one year but less than two years from a renewal date in an odd-numbered year shall be required to submit evidence of satisfactory completion of at least half of the contact hours of continuing education required by paragraph (a)(1)(A).

(d) All continuing education activities shall be related to the practice of physical therapy.

(e) All continuing education activities shall pertain to any of the following:

- (1) Clinical skills;
- (2) administration and management techniques;
- (3) educational principles when providing service to patients, families, health professionals, health professional students, or the community;
- (4) research projects with peer-reviewed, published results;
- (5) legislative issues involving the profession;
- (6) health care and the health care delivery system;
- (7) documentation, reimbursement, cost-effectiveness, and regulatory compliance; or
- (8) problem solving, critical thinking, and ethics.

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(f) The following shall qualify as continuing education activities:

(1) Lecture. "Lecture" shall mean a live discourse for the purpose of instruction given before an audience. One contact hour shall be awarded for each hour of instruction.

(2) Panel. "Panel" shall mean the presentation of multiple views by several professional individuals on a given subject, with none of the views considered a final solution.

(3) Workshop. "Workshop" shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest.

(4) Seminar. "Seminar" shall mean directed advanced study or discussion in a specific field of interest.

(5) Symposium. "Symposium" 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.

(6) In-service training. "In-service training" shall mean an educational presentation given to employees during the course of employment that pertains solely to the enhancement of physical therapy skills in the evaluation, assessment, or treatment of patients.

(7) College or university courses. "College or university course" shall mean a course at the college or university level directly related to the practice of physical therapy. Ten contact hours shall be given for each semester credit hour for which the student received a grade of at least C or its equivalent or a "pass" in a pass/fail course that is documented in an official transcript.

(8) Administrative training. "Administrative training" shall mean a presentation that enhances the knowledge of a physical therapist or physical therapist assistant on the topic of

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quality assurance, risk management, reimbursement, hospital and statutory requirements, or claim procedures.

(9) Self-instruction. "Self-instruction" shall mean the following:

(A) Reading professional literature directly related to the practice of physical therapy. A maximum of two contact hours shall be awarded for reading professional literature;

(B) completion of a correspondence, audio, video, or internet course for which a printed verification of successful completion is provided by the person or organization offering the course. ~~A maximum of 10 contact hours shall be awarded for each course;~~ and

(C) passage of a specialty certification examination approved by the board. Forty contact hours shall be awarded for passage of a specialty certification examination.

(10) Professional publications. Contact hours for writing a professional publication shall be allotted as follows:

(A) Original paper

Single author .....20

Senior author .....15

Coauthor..... 8

(B) Review paper or case report

Single author .....15

Coauthor..... 8

(C) Abstract or book review ..... 8

(D) Publication of a book.....20

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(11) Physical therapy residency or fellowship program. "Physical therapy residency or fellowship program" shall mean a post-professional program that is directly related to the practice of physical therapy and requires at least 1,000 combined hours of instruction and clinical practice for completion. Forty contact hours shall be awarded for successful completion of a physical therapy residency or fellowship program.

(12) Elected delegate. "Elected delegate" shall mean an elected delegate in a national assembly of delegates with the objective to create policy related to the practice of physical therapy. Ten contact hours shall be awarded for serving one term as an elected delegate.

(13) Supervision of a student. "Supervision of a student" shall mean clinical instruction and evaluation of a physical therapist student or physical therapist assistant student in a clinical setting. One contact hour shall be awarded for each documented 40 hours of providing supervision of a student. A maximum of three contact hours shall be awarded in each two-year continuing education period.

(14) Continuing education program presentation. "Continuing education program presentation" shall mean the preparation and presentation of a continuing education program that meets the requirements of subsection (e). Three contact hours shall be awarded for each hour spent presenting.

(15) Physical therapy jurisprudence assessment module. "Physical therapy jurisprudence assessment module" shall mean the Kansas jurisprudence examination developed by the board and the FSBPT and administered by the FSBPT. One contact hour shall be awarded for successful completion of the physical therapy jurisprudence assessment module.

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(g) No contact hours shall be awarded for any continuing education activity that is repeated within the applicable continuing education period specified in subsection (a) or (b).

(h) To provide evidence of satisfactory completion of continuing education activities, each licensed physical therapist ~~and~~, each certified physical therapist assistant, and each compact privilege holder shall submit the following to the board:

(1) Documented evidence of any attendance at or successful completion of continuing education activities;

(2) personal verification of any self-instruction from reading professional literature; and

(3) one copy of any peer-reviewed professional publication.

(Authorized by K.S.A. 65-2865, 65-2910, and 65-2911; implementing K.S.A. 65-2910 and K.S.A. 2021 Supp. 65-2925; effective March 21, 1997; amended Nov. 14, 2003; amended May 26, 2006; amended May 13, 2016; amended Jan. 10, 2020; amended P-\_\_\_\_\_.)

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**K.A.R. 100-29-15. Professional liability insurance.** (a) Each person licensed by the board or holding a compact privilege as a physical therapist shall, before rendering professional services within ~~the state~~ Kansas, submit to the board evidence that the person is maintaining the professional liability insurance coverage required by K.S.A. 65-2920 and amendments thereto, for which the limit of the insurer's liability shall be not less than \$100,000 per claim, subject to an annual aggregate of not less than \$300,000 for all claims made during the period of coverage.

(b) Each person licensed by the board or holding a compact privilege as a physical therapist and rendering professional services in ~~this state~~ Kansas shall submit, with the annual application for renewal of the license, evidence that the person is maintaining the professional liability insurance coverage specified in subsection (a). (Authorized by K.S.A. 65-2865, 2004 Supp. K.S.A. 65-2911, and K.S.A. 2021 Supp. 65-2920; implementing K.S.A. 2004 2021 Supp. 65-2920 and 65-2925; effective May 26, 2006; amended P-\_\_\_\_\_.)

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas State Board of Healing Arts  
Agency

Courtney Cyzman  
Agency Contact

785-296-1384  
Contact Phone Number

100-29-7; 100-29-9; 100-29-15  
K.A.R. Number(s)

☒ Permanent    ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

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

The purpose of these proposed amended regulations is to incorporate language to reflect passage and implementation of the Kansas Physical Therapy Licensure Compact. Additionally, there is a revision in K.A.R. 100-29-9 that removes the limitation on the number of contact hours that may be pursued through correspondence, audio, video, or internet courses for continuing education.

## Section II

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

The proposed amended regulations are not mandated by federal law and the approach chosen to address the policy issues is not different from that utilized by agencies of contiguous states or the federal government.

## Section III

Agency analysis specifically addressing the following:

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

In the lay opinion of agency staff, the proposed amended regulations enhance business activities because they will increase the number of providers able to provide physical therapy services in Kansas.

- 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(s) and regulation(s) and on the state economy as a whole;

Although the agency does not employ an economist, the lay opinion of agency staff is that the economic effect on the affected businesses and business sector would be positive as the proposed amended regulations will increase public access to physical therapy services. The agency does not anticipate any implementation or compliance costs associated with these changes.

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

Businesses that employ physical therapists and physical therapist assistants would be directly affected. Businesses that employ people in general will be indirectly affected as the public will have greater access to physical therapy services.

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

The main benefit will be increased public access to physical therapy services. Additionally, the removal of the 10-hour limitation will reflect the reality that licensees are completing more continuing education via non-traditional mediums such as audio, video, and internet. No net implementation and compliance costs are contemplated other than routine agency resources used in the regulation promulgation process and development of the application.

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 proposed amended regulations are measures taken by the agency to minimize the cost and impact of the regulations on business and economic development by only enumerating requirements that are necessary, while maintaining a high standard of public protection.

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

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

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

Lay rationale as described herein.

- ☐ Yes      If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

\$0

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Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

No dollar estimate can be given for any immediate or long-range economic impact as there is no easily discernible way to measure how much additional business activity will be generated due to increased access by the public to physical therapy services.

- 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 proposed amended regulations will meaningfully impact the revenue of cities, counties, or school districts, except to the extent that additional business activity is generated due to increased access by the public to physical therapy services.

- 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 proposed amended regulations were first discussed in an open Board meeting of which members of the public, business, and stakeholders could attend. The agency has had extensive discussions with members of the Physical Therapy Advisory council, which is made up of 5 members; including 3 members who are licensed physical therapists, a licensed physician, and a member of the Board of Healing Arts. Additionally, the APTA Kansas, a chapter of the American Physical Therapy Association, has been in continual discussion and worked with the agency on the language. Further it should be noted that the Board of Healing Arts is comprised of medical practitioners, business owners, and members of the public. The Board of Healing Arts intends to comply with all public hearing requirements involved in the regulation promulgation process.

## Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

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- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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