

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Amended Administrative Regulation

A public hearing will be conducted on Wednesday, October 26, 2022, at 11:00 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 amended regulation related to continuing education hours required to renew an athletic trainer license.

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 regulation. All interested parties may submit comments prior to the hearing to Warran D. Wiebe, Deputy General Counsel, at the Board of Healing Arts at the address below, 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 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 amended regulation and the Economic Impact Statement for the proposed amended 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.

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

RECEIVED**AUG 17 2022****SCOTT SCHWAB
SECRETARY OF STATE**

K.A.R. 100-69-10. License renewal; continuing education.

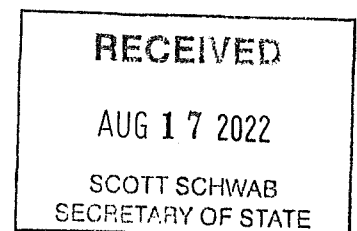
The purpose of this proposed regulation amendment is to eliminate the requirement that athletic trainer licensees participate in at least two categories of annual continuing education listed in this regulation. Beginning in 2022, the national athletic training certification process has eliminated the requirement to complete “evidence-based practice” (“EBP”) continuing education courses. This has resulted in an ever-shrinking market of EBP courses available to Kansas athletic trainer licensees. Eliminating the requirement of two categories of continuing education courses does not change the total hours of continuing education required for license renewal (20 hours each year) or remove credit for EBP courses. This proposed regulation amendment eliminates only the requirement that continuing education courses must be completed in at least two categories, which in the past has generally included completing at least one course in the EBP category.

There are no expected costs associated with this proposed regulation amendment other than the costs associated with promulgating this regulation. The agency receives zero revenue and has no costs associated with continuing education.

This proposed regulation amendment was developed during publicly noticed open meetings of the Board, and the Board is following all notice and open meeting hearing requirements associated with promulgating regulations, which will entail at least 3 more open meetings related to this regulation.

Beginning in 2022, the national credentialing agency for athletic trainers, the Board of Certification (“BOC”), no longer requires athletic trainers to complete continuing education in the category of evidence-based practice (“EBP”). This has resulted in EBP courses no longer being offered in continuing education programs and makes it more difficult and costly for Kansas athletic trainers to attend and complete EBP courses. The Kansas Athletic Trainers’ Society (“KATS”) and members of the Board’s Athletic Trainers’ Council (“AT Council”) asked the Board to consider the new national standard and not require Kansas athletic trainers to complete EBP continuing education courses. These issues were discussed at open meetings of the AT Council in November 2021 and February 2022. The proposed regulation amendment was discussed and approved by the Board at its open meeting in February 2022.

(See economic impact statement.)



K.A.R. 100-69-10. License renewal; continuing education. (a) As a condition of renewal, each licensed athletic trainer shall submit, in addition to the annual application for renewal of licensure, evidence of satisfactory completion of at least 20 hours of continuing education within the preceding year and proof of continuous certification in emergency cardiac care procedures including administration of an automated external defibrillator (AED) through a nationally recognized provider approved by the board. Each course approved by the board of certification for the athletic trainer shall meet this requirement.

(1) Acceptable providers of certification in emergency cardiac care (ECC) procedures shall be those adhering to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.

(2) Online ECC courses shall not be accepted, unless the provider confirms in writing that the skills were demonstrated and tested in person by a qualified instructor.

(3) Instructor certifications shall not be accepted, unless the provider confirms in writing that the instructors are required to maintain and successfully demonstrate provider skills to renew instructor status.

(b) Any licensee who suffered an illness or injury during the 12-month period before the expiration date of the license that made it impossible or extremely difficult to reasonably obtain the required continuing education hours may be granted an extension of not more than six months, in order to complete the continuing education requirements.

(c) Each athletic trainer initially licensed within one year of the expiration date of the license shall be exempt from the continuing education required by subsection (a) for that first renewal period.

APPROVED

AUG 01 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

(d) All continuing education shall be related to the field of athletic training and shall be presented by providers approved by the board. In order to qualify as board-approved, the continuing education shall be delivered by an approved provider or shall be intended for an audience of credentialed health care providers. The content shall be at least entry-level and shall pertain to one of the current domains of athletic training practice identified by the board. The current domains of athletic training practice identified by the board of certification of athletic trainers shall meet this requirement.

(e) One hour shall be 60 minutes of ~~instruction or the equivalent~~, continuing education meeting the requirements of subsection (f).

(f) ~~All continuing education shall meet the requirements of subsection (h).~~

(g) ~~Each licensee seeking continuing education credit shall participate in at least two of the categories listed in subsection (h).~~

(h) ~~The categories of continuing education experiences shall be the following:~~

(1) Category A. The number of hours for all category A continuing education experiences shall be granted upon receipt of documented evidence of attendance or documented evidence of satisfactory completion issued by a national, state, or local organization ~~with standards that are at least as stringent as the standards of the board~~ meeting the requirements of subsections (a) and (d). Category A continuing education experiences shall include the following:

(A) 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.

APPROVED

AUG 01 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

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

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

(D) Conference. "Conference" shall mean a formal meeting of a number of people for a discussion in a specific field of interest.

(E) Home study course. "Home study course" shall mean an online webinar course designed for advanced study in a specific field of interest.

(2) Category B. Category B continuing education experiences shall include the following:

(A) Scholarly presentations. The number of hours granted for scholarly presentations shall be the following:

(i) 10 hours for a speaker at a clinical symposium where the primary audience is allied health care professionals; and

(ii) five hours for a speaker at a seminar, workshop, or conference where the primary audience is allied health care professionals.

(B) Publication activities. The number of hours granted for writing a professional publication shall be the following:

(i) Five hours to author an article in a ~~non-refereed~~ nonrefereed journal;

(ii) 15 hours to author an article in a refereed journal;

(iii) 10 hours to coauthor an article in a refereed journal;

(iv) 20 hours to author a published textbook;

(v) 10 hours to coauthor a published textbook;

APPROVED

JUL 29 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

- (vi) five hours for being a contributing author of a published textbook;
- (vii) 10 hours to author a refereed or peer-reviewed poster presentation; and
- (viii) five hours to coauthor a poster presentation.

(3) Category C. Category C continuing education experiences shall consist of postcertification education. The number of hours assigned to category C continuing education experiences shall be 10 hours for each credit hour for postcertification education. The content shall be related to one of the domains of athletic training.

(4) Category D. Category D continuing education experiences shall consist of miscellaneous activities, which shall include evidence-based practice. The number of hours granted upon receipt of documented evidence of satisfactory completion for category D continuing education experiences shall be the following:

(A) One hour shall be granted for each hour of attendance at continuing education program activities that are not approved by the board for category A or category B, but that are related to specific athletic training and sports medicine topics.

(B) One hour shall be granted for each hour of listening to unapproved continuing education programs or other multimedia products related to one of the domains of athletic training. No more than five hours per renewal period shall be allowed.

(i) ~~(g)~~ No credit shall be granted for making any repeated presentations of the same subject matter.

(j) ~~(h)~~ No credit shall be granted for reiteration of material or information obtained from attendance at a continuing education program.

APPROVED

JUL 29 2022

APPROVED

AUG 04 2022

DEPT. OF ADMINISTRATION ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

~~(k)~~ (i) To provide evidence of satisfactory completion of continuing education, the following shall be submitted to the board:

- (1) Documented evidence of attendance at category A and category D activities;
- (2) proof of participation in category B activities, which shall include a copy of any professional publication or documentation of any presentation;
- (3) receipt and verification of completion of approved self-instruction from home study courses;
- (4) a copy of each transcript or grade report for category C activities; and
- (5) personal verification of listening to or viewing continuing education program videotapes, audiotapes, or other multimedia products, as described in paragraph ~~(h)~~(4)(B) (f)(4)(B). (Authorized by K.S.A. 65-6905; implementing K.S.A. 65-6905 and 65-6909; effective Jan. 9, 1998; amended Nov. 15, 2002; amended Sept. 9, 2005; amended May 15, 2009; amended Jan. 10, 2020; amended, T-_____, _____; amended P-_____.)

APPROVED

JUL 29 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas State Board of Healing Arts
Agency

Courtney Cyzman
Agency Contact

785/296-1384
Contact Phone Number

K.A.R. 100-69-10
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.

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

Section I

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

The purpose of this proposed regulation amendment is to eliminate the requirement that athletic trainer licensees participate in at least two categories of annual continuing education listed in this regulation. Beginning in 2022, the national athletic training certification process has eliminated the requirement to complete “evidence-based practice” (“EBP”) continuing education courses. This has resulted in an ever-shrinking market of EBP courses available to Kansas athletic trainer licensees. Eliminating the requirement of two categories of continuing education courses does not change the total hours of continuing education required for license renewal (20 hours each year) or remove credit for EBP courses. This proposed regulation amendment eliminates only the requirement that continuing education courses must be completed in at least two categories, which in the past has generally included completing at least one course in the EBP category. See K.S.A. 65-6905.

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 in that Kansas and contiguous states use, in varying degrees, the examination and standards of the athletic trainers’ national Board of Certification (“BOC”) in the licensing and regulation of athletic trainers.

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;

A qualified economist would be required to provide an expert opinion of the extent this regulation would impact economic growth. In the lay opinion of agency staff, this regulation enhances business activities because the regulation allows athletic trainer licensees to complete the mandatory 20 hours of annual continued education with less time and effort resulting in increased productivity of licensees and their employers in the practice of athletic training.

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

- 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;

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 regulation allows athletic trainer licensees to complete the mandatory 20 hours of annual continued education with less time and effort resulting in increased productivity of licensees and their employers in the practice of athletic training.

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

See K.S.A. 65-6902 to K.S.A. 65-6905. The legislature requires the Kansas State Board of Healing Arts ("Board") to license athletic trainers to practice injury prevention, physical evaluation, emergency care and referral or physical reconditioning relating to athletic activity. Hospitals, healthcare facilities, clinics, schools, universities, sports organizations, and other businesses performing athletic training procedures may employ licensed athletic trainers to perform these activities.

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

This proposed regulation amendment benefits licensed athletic trainers and the businesses that employ them by eliminating the requirement that athletic trainer licensees participate in at least two categories of annual continuing education listed in this regulation. No additional costs are involved other than routine state resource costs associated with promulgating this regulation. The agency receives zero revenue and has no costs associated with continuing education.

- 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 cost associated with this proposed regulation amendment other than the costs associated with promulgating this regulation. The agency receives zero revenue and has no costs associated with continuing education.

- 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)

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

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.

- ☐ 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.

There are no expected independent costs caused by implementation of this regulation apart from the routine agency and state staff resource costs associated with promulgating this regulation.

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

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.

There are no expected independent costs caused by implementation of this regulation apart from the routine agency and state staff resource costs associated with promulgating this regulation.

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

- 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 regulation 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).

This proposed regulation amendment was developed during publicly noticed open meetings of the Board, and the Board is following all notice and open meeting hearing requirements associated with promulgating regulations, which will entail at least 3 more open meetings related to this regulation.

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

Beginning in 2022, the national credentialing agency for athletic trainers, the Board of Certification ("BOC"), no longer requires athletic trainers to complete continuing education in the category of evidence-based practice ("EBP"). This has resulted in EBP courses no longer being offered in continuing education programs and makes it more difficult and costly for Kansas athletic trainers to attend and complete EBP courses. The Kansas Athletic Trainers' Society ("KATS") and members of the Board's Athletic Trainers' Council ("AT Council") asked the Board to consider the new national standard and not require Kansas athletic trainers to complete EBP continuing education courses. These issues were discussed at open meetings of the AT Council in November 2021 and February 2022. The proposed regulation amendment was discussed and approved by the Board at its open meeting in February 2022.

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.

- 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.

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

**SCOTT SCHWAB
SECRETARY OF STATE**