

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Amended Administrative Regulation

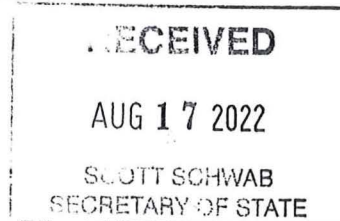
A public hearing will be conducted on Wednesday, October 26, 2022, at 11:30 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed amended regulation related to continuing education hours required to renew a radiologic technologist 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:



K.A.R. 100-73-7. License renewal; continuing education.

The purpose of this proposed regulation amendment is to implement a 24-month biennial reporting period for continuing education hours required to renew a radiologic technologist license. This proposed regulation amendment benefits licensed radiologic technologists and the businesses that employ them by implementing a reporting period that creates an additional mode of continuing education compliance.

There are no expected costs associated with this proposed regulation amendment other than the costs associated with promulgating this regulation.

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.

The national credentialing agency for radiologic technologists (the American Registry of Radiologic Technologists ("ARRT")), uses a 24-month biennial reporting period for radiologic technologists ("LRT") to maintain their national ARRT credential. The ARRT requires 24 hours of continuing education each 24-month period. Kansas currently requires 12 hours of continuing education each 12-month LRT licensing year (October 1 – September 30). The Kansas Society of Radiologic Technologists and members of the Board's LRT Council supported retaining the Kansas 12 hours in 12-months continuing education standard and amending the regulation to add the national 24 hours in 24-months continuing education standard as a second option for Kansas licensed LRTs that also hold a national credential. These issues were discussed at the open meeting of the LRT Council in January 2022. The proposed regulation amendment was discussed and approved by the Board at its open meeting in February 2022.

(See economic impact statement.)

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

K.A.R. 100-73-7. License renewal; continuing education. (a) ~~As a condition of license renewal, each licensed radiologic technologist shall certify, on the form provided with the license renewal application, that, during the 12-month period immediately preceding the license expiration date, the person completed at least 12 credits of continuing education. This requirement shall not apply to any person renewing a license for the first time.~~ On the license renewal form, each licensed radiologic technologist shall certify either of the following:

(1) The person completed at least 12 credits of continuing education during the 12-month period immediately preceding the license expiration date. Each person renewing a license for the first time shall be exempt from the 12-month requirement.

(2) The person completed at least 24 credits of continuing education during the 24-month period beginning on the first day of the person's next birth month after initial certification from the American registry of radiologic technologists and extending 24 months to the end of the month before the birth month. Each subsequent 24-month period shall be measured using the same beginning and ending months.

(b) 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 any other circumstance preventing the licensee's timely completion of continuing education.

(c) One credit shall be 50 minutes of ~~instruction or the equivalent~~ continuing education meeting the requirements of subsection (f).

(d) Each person who certifies completion of continuing education shall, for at

APPROVED

AUG 01 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

least three years following the date of certification, maintain documentation of completion that shall include one of the following:

(1) A verification of completion issued by a national, state, or local organization ~~with standards for continuing education that are at least as stringent as the standards of the board meeting the requirements of subsections (f) and (g);~~

(2) a copy of the written materials provided with the continuing education activity, along with documentation of all of the following:

(A) The name, address, and telephone number of the activity sponsor and the name and telephone number of a contact person for the activity sponsor;

(B) the title of the continuing education activity;

(C) the date and location of the activity;

(D) specification of whether the activity was presented in person or by video, satellite, or internet;

(E) the number of continuing education credits completed;

(F) the activity agenda;

(G) the name and professional biographical information of each presenter; and

(H) written proof of participation; or

(3) a notarized certificate of current registration with the American registry of radiologic technologists or the nuclear medicine technology certification board.

(e) Within 30 days following a written request by the board to a licensee, the licensee shall provide the board with proof of completion of continuing education as specified in this regulation.

APPROVED

AUG 01 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

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

(1) Meetings and courses. Meetings and courses shall be planned, organized, and administered to enhance the knowledge and skills that a radiologic technologist uses to provide services to patients, the public, or the medical profession. Meetings and courses 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.

(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 a correspondence course designed for advanced study in a specific field of interest.

(2) Leadership. Leadership shall include any presentation at one of the types of meetings described in paragraphs (f)(1)(A) through (D). The number of credits granted for leadership shall be the following:

(A) Six credits for instructor or instructor-trainer at a cardiopulmonary resuscitation (CPR) course provided by the American red cross, American heart association, or American safety and health institute; and

APPROVED

JUL 29 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

(B) two credits for the development of each one-hour presentation that meets the requirements of paragraph (f)(1)(A), (B), (C), or (D).

(3) Classwork. Classwork shall include the following:

(A) Six credits for satisfactory completion of an advanced life support class or a pediatric life support class provided by the American red cross, the American heart association, or the American safety and health institute; and

(B) 12 credits for each academic quarter or semester credit granted by a ~~post-secondary~~ postsecondary educational institution in a course that is relevant to radiologic technology or patient care for which the student received a grade of at least C or its equivalent, or a grade of pass in a pass-fail course. Relevant courses shall include courses in the biologic sciences, physical sciences, radiologic sciences, health and medical sciences, social studies, communication, mathematics, computers, management, and education methodology.

(g) Each continuing education activity offered using distance-learning media shall qualify for continuing education credit if the activity is in one of the categories of continuing education experiences specified in subsection (f) and meets all of the following conditions:

(1) The activity has a mechanism in place for the user to be able to contact the provider regarding questions about the continuing education activity.

(2) The provider of the activity evaluates the user's knowledge of the subject matter discussed in the continuing education activity.

(3) The activity limits the amount of time within which a user can complete the activity, which shall be no more than twice the number of hours for each credit awarded for

APPROVED

AUG 01 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 04 2022

ATTORNEY GENERAL

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

the activity.

(4) The person or organization offering the activity provides a printed verification of completion of the activity or allows the user to print verification when the activity is completed. (Authorized by and implementing K.S.A. 2005 Supp. 65-7307 and K.S.A. 65-7312; implementing K.S.A. 2005 Supp. 65-7307; effective Nov. 27, 2006; 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 E. Cyzman
Agency Contact

785/296-1384
Contact Phone Number

K.A.R. 100-73-7 (License Renewal; Continuing Education)
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 implement a 24-month biennial reporting period for continuing education hours required to renew a radiologic technologist license. See K.S.A. 65-7307 and 65-7312.

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 that regulate radiologic technologists use, in varying degrees, the examination and standards of the American Registry of Radiologic Technologists ("ARRT") in the licensing and regulation of radiologic technologists.

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 implements a reporting period that creates an additional mode of continuing education compliance.

- 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 positive economic effect on affected businesses because this regulation implements a reporting period that creates an additional mode of continuing education compliance and causes the regulation to carry out the legislature's intent to insure qualified licensed radiologic technologists are available to provide professional services to patients.

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

See K.S.A. 65-7302 and K.S.A. 65-7303. The legislature requires the Kansas State Board of Healing Arts ("Board") to license radiologic technologists to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes. Hospitals, healthcare facilities,

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

Revised 05/03/2022

clinics, and other business performing radiologic technology procedures may employ licensed radiologic technologists.

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

This proposed regulation amendment benefits licensed radiologic technologists and the businesses that employ them by implementing a reporting period that creates an additional mode of continuing education compliance. No additional costs are involved other than routine state resource costs associated with promulgating this proposed regulation amendment.

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.

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. 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
- ☐ No
- ☒ Not Applicable 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.

If applicable, click here to enter public hearing information.

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

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

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 proposed regulation amendment 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. The agency receives zero revenue or incurred costs from continuing education.

- 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.

The national credentialing agency for radiologic technologists (the American Registry of Radiologic Technologists ("ARRT")), uses a 24-month biennial reporting period for radiologic technologists ("LRT") to maintain their national ARRT credential. The ARRT requires 24 hours of continuing education each 24-month period. Kansas currently requires 12 hours of continuing education each 12-month LRT licensing year (October 1 – September 30). The Kansas Society of Radiologic Technologists and members of the Board's LRT Council supported retaining the Kansas 12 hours in 12-months continuing education standard and amending the regulation to add the national 24 hours in 24-months continuing education standard as a second option for Kansas licensed LRTs that also hold a national credential. These issues were discussed at the open meeting of the LRT Council in January 2022. The proposed regulation amendment was discussed and approved by the Board at its open meeting in February 2022.

DOB APPROVAL STAMP (If Required)

RECEIVED

AUG 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

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