

STATE OF KANSAS BOARD OF HEALING ARTS

Notice of Public Hearing on Proposed Administrative Regulation Amendment

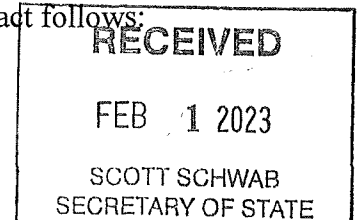
A public hearing will be conducted on Thursday, April 13, 2023, at 9:00 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed amended regulation related to the expiration date for a resident active license.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the amended regulation. 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 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. 100-15-1. Expiration dates.

The proposed amendment sets the expiration date for a resident active license. The remaining portions of the regulation remain unchanged and set the expiration date for licenses to practice medicine and surgery, osteopathic medicine, and chiropractic.

The agency does not employ an economist. In the lay opinion of agency staff, those who hold a resident active license will be directly affected by the expiration, although with no economic impact unless they renew and pay the applicable renewal fee. Every expiration cycle there is a percentage of licensees who choose not to renew their license for a variety of reasons. In the event a licensee chooses to renew their license the applicable licensure fees under a separate regulation, K.A.R. 100-11-1, will apply.

The Board of Healing Arts is comprised of medical practitioners and members of the public. The proposed amendment was discussed and gained initial approval at an open Board meeting of which members of the public can attend. Further, the agency is in communication with the relevant professional organizations in Kansas and intends to comply with all public hearing requirements involved in the promulgation process.

100-15-1. Expiration dates. (a) Each license to practice medicine and surgery issued by the board shall expire on June 30 of each year.

(b) Each license to practice osteopathic medicine and surgery issued by the board shall expire on September 30 of each year.

(c) Each license to practice chiropractic issued by the board shall expire on December 31 of each year.

(d) Each resident active license issued by the board shall expire on June 30 of each year.

(Authorized by K.S.A. 65-2865 and implementing K.S.A. 2000 Supp-65-2809 and 65-2873b; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1973; amended Feb. 15, 1977; amended Aug. 1, 1997; amended July 20, 2001; amended P-_____.)

APPROVED

JAN 06 2023

DEPT. OF ADMINISTRATION

APPROVED

JAN 13 2023

ATTORNEY GENERAL

RECEIVED

FEB 1 2023

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. 100-15-1
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

FEB 1 2023

SCOTT SCHWAB
SECRETARY OF STATE

Section I

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

The proposed amendment sets the expiration date for a resident active license. The remaining portions of the regulation remain unchanged and set the expiration date for licenses to practice medicine and surgery, osteopathic medicine, and chiropractic.

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;

A qualified economist would be required to provide an expert opinion on the extent the revision would impact economic growth. In the lay opinion of agency staff, the agency is not aware of a basis to conclude this regulation will meaningfully enhance or restrict business activities or growth.

- 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 agency staff, those who hold a resident active license will be directly affected by the expiration, although with no economic impact unless they renew and pay the applicable renewal fee. Every expiration cycle there is a percentage of licensees who choose not to renew their license for a variety of reasons. In the event a licensee chooses to renew their license the applicable licensure fees under a separate regulation, K.A.R. 100-11-1 will apply.

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

Businesses who employ those who will hold a Resident Active license.

DOB APPROVAL STAMP (If Required)

RECEIVED

FEB 1 2023

SCOTT SCHWAB
SECRETARY OF STATE

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

No net implementation and compliance costs are contemplated other than routine agency resources used in the regulation promulgation process and licensing.

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;

No net implementation and compliance costs are contemplated other than routine agency resources used in the regulation promulgation process and licensing.

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. 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.

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.

DOB APPROVAL STAMP (If Required)

RECEIVED

FEB 1 2023

SCOTT SCHWAB
SECRETARY OF STATE

A qualified economist would be required to provide an expert opinion on the estimated dollar figure of implementation. In the lay opinion of agency staff, there are no expected independent costs caused by implementation of this regulation apart from the routine agency and staff resource costs associated with promulgating these regulations and licensing.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The agency does not believe this revision will meaningfully impact the revenue of cities, 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).

The Board of Healing Arts is comprised of medical practitioners and members of the public. The proposed amendment was discussed and gained initial approval at an open Board meeting of which members of the public can attend. Further, the agency is in communication with the relevant professional organizations in Kansas and intends to comply with all public hearing requirements involved in the 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.

- 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.

DOB APPROVAL STAMP (If Required)

RECEIVED

FEB 1 2023

SCOTT SCHWAB
SECRETARY OF STATE

- 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

FEB 1 2023

SCOTT SCHWAB
SECRETARY OF STATE