

## STATE OF KANSAS BOARD OF HEALING ARTS

### Notice of Public Hearing on Proposed Administrative Regulation Amendment

A public hearing will be conducted on Wednesday, July 19, 2023, 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 66612, to consider a proposed amended regulation related to application and renewal fees for physicians and chiropractors, and application and renewal fees for Resident Active and Reentry Active licenses.

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](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 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, 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 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 Susan McClain at (785) 296-2723 or at [Susan.McClain@ks.gov](mailto:Susan.McClain@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 regulation and the economic impact follows:

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## **K.A.R. 100-11-1. Amount.**

The amendments to this regulation add application and renewal fees for Resident Active licenses and Reentry Active licenses and increases renewal fees for physician and chiropractors by \$30.

The agency does not employ an economist. In the lay opinion of agency staff, those applying for a Resident Active or Reentry Active, or renewing such license, will be directly affected because they will pay a fee with the initial application and at renewal. Additionally, physicians and chiropractors will be impacted upon renewal of their license as there will be an increased fee by \$30.

The Board of Healing Arts is comprised of eight physicians, three chiropractors, one podiatrist, and three public members. Our Board members are medical practitioners, business owners, and members of the public. This proposed amended regulation was discussed in an open Board meeting of which members of the public, business, and stakeholders could attend. Further, the agency is in communication with the relevant professional organizations in Kansas on the amendment and intends to comply with all public hearing requirements involved in the promulgation process.

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**K.A.R. 100-11-1. Amount.** The following fees shall be collected by the board:

- (a)(1) Application for active or federal active license .....\$300.00
- (2) Application for exempt or inactive license .....\$150.00
- (3) Application for resident active license .....\$100.00
- (4) Application for reentry active license .....\$300.00
- (b)(1) Annual renewal of active or federally active license:
  - (A) Paper renewal .....~~\$400.00~~\$30.00
  - (B) On-line renewal .....~~\$330.00~~\$360.00
- (2) Annual renewal of inactive license:
  - (A) Paper renewal .....\$150.00
  - (B) On-line renewal .....\$150.00
- (3) Annual renewal of exempt license:
  - (A) Paper renewal .....\$150.00
  - (B) On-line renewal .....\$150.00
- (4) Annual renewal of resident active license.....\$100.00
- (5) Annual renewal of reentry active license .....\$300.00
- (c)(1) Conversion from inactive to active license.....\$175.00
- (2) Conversion from exempt to active license .....\$175.00
- (d)(1) Additional fee for late renewal of active or federally active license:
  - (A) Paper late renewal .....~~\$200.00~~\$230.00
  - (B) On-line late renewal.....~~\$70.00~~\$100.00
- (2) Additional fee for late renewal of inactive license:

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(A) Paper late renewal .....	<del>\$50.00</del> <u>\$80.00</u>
(B) On-line late renewal.....	<del>\$25.00</del> <u>\$55.00</u>
(3) Additional fee for late renewal of exempt license:	
(A) Paper late renewal .....	<del>\$50.00</del> <u>\$80.00</u>
(B) On-line late renewal.....	<del>\$25.00</del> <u>\$55.00</u>
(e) Institutional license.....	<del>\$200.00</del> <u>\$230.00</u>
(f) Biennial renewal of institutional license.....	\$200.00
(g) Visiting clinical professor license .....	\$150.00
(h) Annual renewal of visiting clinical professor license .....	\$115.00
(i) Limited permit.....	\$30.00
(j) Annual renewal of limited permit .....	\$15.00
(k) Reinstatement of <u>cancelled</u> limited permit.....	\$15.00
(l) Visiting professor <u>temporary</u> license .....	\$25.00
(m) Postgraduate training permit .....	\$50.00
(n) Reinstatement of cancelled license .....	\$400.00
(o) Reinstatement of revoked license.....	\$1000.00
(p) Temporary permit.....	\$50.00
(q) Special permit.....	\$30.00
(r) Certified statement of license.....	\$15.00
(s) Copy of wall license .....	\$15.00
(t) Written verification of license or permit.....	\$25.00

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(Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2809, K.S.A. 65-2811, K.S.A. 65-2811a, K.S.A. 65-2835, K.S.A. 65-2844, K.S.A. 65-2852, K.S.A. 65-2873b, K.S.A. 65-2895, K.S.A. 65-28,100, K.S.A. 65-28,124, and K.S.A. 65-28,125; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended, T-83-33, Nov. 10, 1982; amended May 1, 1983; amended, T-85-50, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-42, Dec. 19, 1986; amended May 1, 1987; amended, T-88-11, May 18, 1987; amended May 1, 1988; amended, T-100-4-24-89, April 24, 1989; amended Aug. 21, 1989; amended June 24, 1991; amended, T-100-7-1-92, July 1, 1992; amended Aug. 10, 1992; amended Dec. 27, 1993; amended May 1, 1998; amended Aug. 4, 2000; amended, T-100-6-27-02, Aug. 1, 2002; amended Nov. 15, 2002; amended, T-100-4-27-04, April 27, 2004; amended July 23, 2004; amended Aug. 17, 2007; amended, T-100-10-16-08, Oct. 16, 2008; amended Feb. 13, 2009; amended May 21, 2010; amended April 19, 2019; 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

100-11-1  
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.

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## Section I

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

The amendments to this regulation add application and renewal fees for Resident Active licenses and Reentry Active licenses and increases renewal fees for physician and chiropractors by \$30.

## 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 applying for a Resident Active or Reentry Active, or renewing such license, will be directly affected because they will pay a fee with the initial application and at renewal. Additionally, physicians and chiropractors will be impacted upon renewal of their license as there will be an increased fee by \$30.

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

Businesses who employ physicians and chiropractors and those who will hold a Resident Active or Reentry Active license.

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

The agency, which is solely fee funded, authorized by law will receive fees from those applying for and renewing Resident Active and Reentry Active licenses for overall agency operations. The additional revenue gained from the increase in renewal fees will also go towards the agency's overall

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operations. 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;

Resident Active application and renewal reflects a lower licensing cost of \$100 as those who will qualify will be in residency. Reentry Active fee is consistent with an Active license to practice the healing arts in Kansas. The Board also considered several options on an increase in renewal fees when considering what amount would be sufficient to continue to cover current and increasing agency operations. There is no expected cost associated to the agency with this regulation other than the routine costs associated with promulgating the regulation 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 – \$100/Resident Active application/renewal; \$300 per Reentry Active application/renewal; Increase of \$30 at annual license renewal for physicians and chiropractors

**Total Annual Costs** – \$100/Resident Active application/renewal; \$300 per Reentry Active application/renewal; Increase of \$30 at annual license renewal for physicians and chiropractors  
(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 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.

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\$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.

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, it is difficult to predict how many individuals will apply for (and renew) a Resident Active or Reentry Active license. Based on the average number of physician and chiropractor licensees over the last three fiscal years, the agency reasonably estimates that the \$30 increase at licensure renewal will generate an approximate additional revenue of \$302,550.00. 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 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 eight physicians, three chiropractors, one podiatrist, and three public members. Our Board members are medical practitioners, business owners, and members of the public. These regulations have been discussed in an open Board meeting of which members of the public, business, and stakeholders could attend. Further, the agency is in communication with the relevant professional organizations in Kansas on the amendments 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.

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- 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.](#)

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