

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Administrative Regulations

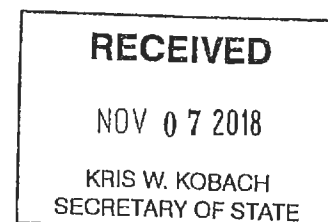
A public hearing will be conducted on Tuesday, January 15, 2019, at 9:30 a.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider an amended regulation related to the practice by Physician Assistants.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the regulation. All interested parties may submit comments prior to the hearing to Tucker Poling, 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 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 amended regulation and the Economic Impact Statement for the 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 Jenne Cook at (785) 296-2482, or by e-mailing the agency at KSBHA_HealingArts@ks.gov.

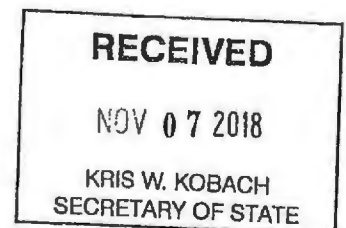
Any individual with a disability may request accommodation in order to participate in the public hearing and may request the amended regulation being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least 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 amended regulation and the economic impact follows:



K.A.R. 100-28a-14. Different practice location This regulation revises availability requirements for a supervising or substitute supervising physician of a physician assistant at different practice locations.

The revised regulation is more flexible and less restrictive. It is therefore likely to reduce compliance and hiring costs for affected businesses. No additional costs are expected.



100-28a-14. Different practice location. Any physician assistant may perform acts that constitute the practice of medicine and surgery at a different practice location if all of the following requirements are met:

(a) Before providing any services at the different practice location, the physician assistant shall have spent at least 80 hours since being licensed under the direct supervision of a physician licensed in this state.

(b) ~~A physician licensed in this state shall provide medical care to patients in person at the different practice location at least once every 30 days.~~ The supervising physician or substitute supervising physician shall remain available to provide guidance, direction, and coordination of the activities of the physician assistant. This availability may be provided by electronic means.

(c) The different practice location shall be listed on the active practice request form required by K.A.R. 100-28a-9.

(d) Written notice that the different practice location is staffed primarily by a physician assistant shall be posted in a location where the notice is likely to be seen by patients.

(Authorized by K.S.A. 2015-Supp. 65-28a03 and 65-28a08; implementing K.S.A. 2015-Supp. 65-28a08; effective, T-100-2-13-01, Feb. 13, 2001; effective June 1, 2001; amended July 22, 2005; amended, T-100-12-10-15, Jan. 11, 2016; amended May 6, 2016; amended P-

_____.)

APPROVED

OCT 08 2018

DIVISION OF THE BUDGET

APPROVED

OCT 09 2018

DEPT. OF ADMINISTRATION

APPROVED

OCT 10 2018

ATTORNEY GENERAL

RECEIVED

NOV 07 2018

KRIS W. KOBACH
SECRETARY OF STATE

*Kansas Board of Healing Arts
Tucker Poling, General Counsel
785-296-8066
Tucker.Poling@ks.gov*

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

K.A.R. 100-28a-14

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt along with the following to the Division of the Budget.

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

This regulation revises availability requirements for a supervising or substitute physician of a physician assistant at different practice locations.

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

Not mandated by the federal government.

III. Agency analysis specifically addressing following:

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

The revised regulation makes the requirement less restrictive. The revision is likely to enhance business activity because it allows for more flexibility.

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 and regulation and on the state economy as a whole;

Although the agency does not employ an economist, the lay opinion of the agency staff is that the economic effect on the affected businesses and business sector

APPROVED

OCT 08 2018

DIVISION OF THE BUDGET

RECEIVED

NOV 07 2018

KRIS W. KOBACH
SECRETARY OF STATE

would be positive. The revised regulation is more flexible and less restrictive. It is therefore likely to reduce compliance and hiring costs for affected businesses.

C. Businesses that would be directly affected by the proposed rule and regulation;

Businesses that employ physician assistants.

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

The benefit of the revision is that it allows for more flexibility including availability by electronic means. No additional costs are expected.

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;

This revision is itself a measure taken by the agency to minimize the cost and impact of a regulation on business and economic development while maintaining a high standard of public protection.

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

\$No implementation cost to this revision. As noted above, this revision would involve less burden on licensees and businesses that employ them. This estimate is based on lay opinion and rationale as described above.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$There are no discernible costs to business, local governments, or members of the public, other than routine agency and state resources involved in the process of promulgating regulations. Once instituted, this revision would involve no increased costs

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

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

N/A

APPROVED

OCT 08 2018

DIVISION OF THE BUDGET

RECEIVED

NOV 07 2018

KRIS W. KOBACH
SECRETARY OF STATE

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES ☐ NO ☒

- 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 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 agency consulted with the Kansas Academy of Physician Assistants, the Kansas Medical Association, the Kansas Association of Osteopathic Medicine, as well as the members of the agency's physician assistant advisory council, which is comprised of practitioners, business owners, and members of the public. Further, the agency intends to comply with all public hearing requirements involved in the promulgation process.

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

This is not an environmental regulation.

APPROVED

OCT 08 2018

DIVISION OF THE BUDGET

RECEIVED

NOV 07 2018

KRIS W. KOBACH
SECRETARY OF STATE