STATE OF KANSAS
BOARD OF HEALING ARTS

Notice of Public Hearing on Proposed Amended Administrative Regulations

A public hearing will be conducted on Thursday, May 6, 2021, 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 proposed amended regulations related to physician assistant continuing education.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the regulations. 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 regulations 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 regulations and the Economic Impact Statement for the proposed amended regulations 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 regulations 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 regulations and the economic impact follows:
K.A.R. 100-28a-5, K.A.R. 100-28a-16 (Continuing Education for Renewal, Reinstatement, Lapsed, and Revoked Licenses)

The purpose of these regulation amendments is to add a third required category of physician assistant continuing education activity addressing pain management, prescribing opioids, and the use of prescription drug monitoring programs under K.S.A. 65-28a04. The regulations add a third category of continuing education but do not increase the total number of continuing education hours required or change the process for renewal of a license.

These regulations were developed during publicly noticed open meetings of the Board, and the Board is following all notice and open meeting hearing requirements associated with promulgating these regulations, which will entail at least 3 more open meetings related to these regulations.

In the lay opinion of agency staff, the regulations enhance business activities because the regulations create a new category of continuing education activity and should enhance business activities that produce and deliver the new continuing education programs. There are no expected independent costs caused by implementation of the regulations apart from the routine agency and state staff resource costs associated with promulgating these regulations.

(See economic impact statement approved by the Department of Budget.)
K.A.R. 100-28a-5. Continuing education. (a) Each physician assistant shall submit with the renewal application one of the following:

(1) Evidence of satisfactory completion of at least 50 continuing education credit hours during the preceding year. At least 20 continuing education credit hours shall be acquired from category I and at least one continuing education credit hour shall be acquired from category III, if 50 continuing education credit hours are submitted with the renewal application;

(2) evidence of satisfactory completion of at least 100 continuing education credit hours during the preceding two-year period. At least 40 continuing education credit hours shall be acquired from category I and at least two continuing education credit hours shall be acquired from category III, if 100 continuing education credit hours are submitted with the renewal application; or

(3) evidence verifying satisfactory completion of continuing education credit hours equivalent, in number and category, to those hours required by paragraph (a)(1) or (2), issued by a national, state, or local organization with continuing education standards that are at least as stringent as the board's standards.

(b) A continuing education credit hour shall be 50 minutes of instruction or its equivalent. Meals and exhibit breaks shall not be included in the calculation of continuing education credit hours.

(c) Any applicant that does not meet the requirements for license renewal in subsection (a) may request an extension from the board. The request shall include a plan for completion of the continuing education requirements within the requested extension period. An extension of up to six months may be granted by the board if documented circumstances make it impossible or
extremely difficult for the individual to reasonably obtain the required continuing education hours.

(d) Each physician assistant initially licensed within one year of a renewal registration date shall be exempt from the continuing education required by subsection (a) for that first renewal period.

(e) The categories of continuing education credit shall be the following:

(1) Category I: attendance at an educational presentation that is approved by the board; and Courses accepted by the American academy of physician assistants shall be approved by the board; and

(2) category II: participating in or attending an educational activity that does not meet the criterion specified in paragraph (e)(1) but that is approved by the board. Category II continuing education may include self-study or group activities; and

(3) category III: participating in or attending an internet or live educational activity that meets the requirements of either a category I or a category II continuing education activity and meets at least one of the following content requirements:

(A) Acute or chronic pain management;

(B) the appropriate prescribing of opioids; or

(C) the use of prescription drug monitoring programs.

(f) Evidence of satisfactory completion of continuing education shall be submitted to the board as follows:
(1) Documented evidence of attendance at or participation in category I, II, and III activities; and or

(2) verification, on a form provided by the board, of self-study from reading professional literature or other self-study activities. (Authorized by K.S.A. 2014 Supp 65-28a03; implementing K.S.A. 65-28a04; effective, T-100-2-13-01, Feb. 13, 2001; effective June 1, 2001; amended March 30, 2012; amended P-_______.)
100-28a-16. Reinstatement; lapsed and revoked licenses. (a) Each applicant who has not been in active practice as a physician assistant in another state or jurisdiction and who desires to reinstate a license that has been lapsed for failure to renew shall submit proof of continuing medical education as follows:

(1) If the time since the license lapsed has been one year or less, no continuing medical education shall be required in addition to that which would have been necessary had the license been renewed before expiration.

(2) If the time since the license lapsed has been more than one year but less than five years, the applicant shall provide one of the following:

(A) Evidence of completion of at least 50 hours of continuing education credit, including at least one hour from category III, within 12 months before the date the application for reinstatement was submitted; or

(B) Proof that the applicant has passed an examination approved by the board within 12 months before the date the application for reinstatement was submitted, or has successfully completed a continuing education program or other individually tailored program approved by the board.

(3) If the time since the license lapsed has been five years or more, the applicant shall provide proof of passage of an examination approved by the board within 12 months before the date the application for reinstatement was submitted, or proof of successful completion of a continuing education program or other individually tailored program approved by the board.
(b) Each applicant who has been in active practice as a physician assistant in another state or jurisdiction that requires a license, registration, or certification to practice and who desires to reinstate a license that has been lapsed for failure to renew shall submit proof of the current license, registration, or certification and proof of compliance with the continuing medical education requirements of that state or jurisdiction.

(c) Each applicant seeking reinstatement of a revoked license shall be required to successfully complete an individually tailored individual program approved by the board. (Authorized by K.S.A. 65-2865 and 65-28a03; and implementing K.S.A.-2000-Supp. 65-2844 and 65-28a03; effective, T-100-2-13-01, Feb. 13, 2001; effective June 1, 2001; amended P-________.)
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-5, K.A.R. 100-28a-16 (Continuing Education for Renewal, Reinstatement, Lapsed, and Revoked Licenses)

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

The purpose of these regulation amendments is to add a third required category of physician assistant continuing education activity addressing pain management, prescribing opioids, and the use of prescription drug monitoring programs under K.S.A. 65-28a04.

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;

A qualified economist would be required to provide an expert opinion of the extent the regulations would impact economic growth. In the lay opinion of agency staff, the regulations enhance business activities because the regulations create a new category of continuing education activity and should enhance business activities that produce and deliver the new continuing education programs.

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;

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 regulations increase the number of activities for which licensees may earn credit for continuing education.

C. Businesses that would be directly affected by the proposed rule and regulation;
See K.S.A. 65-28a04(c). The Kansas State Board of Healing Arts ("Board") shall require every physician assistant to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the state board of healing arts. See K.S.A. 65-28a03a. The board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licenses and reinstatement of licenses canceled for failure to renew. These regulations increase the number of continuing education programs that licensees may attend and receive credit towards satisfying these requirements.

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

The regulations add a third category of continuing education but do not increase the total number of continuing education hours required or change the process for renewal of a license. Costs include routine state resource costs associated with promulgating these regulations.

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 costs associated with the regulations other than the costs associated with promulgating these regulations.

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.

There are no expected independent costs caused by implementation of the regulations apart from the routine agency and state staff resource costs associated with promulgating these regulations. This estimate is based on lay opinion and rationale as described above.

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.

There are no expected independent costs caused by implementation of the regulations apart from the routine agency and state staff resource costs associated with promulgating these regulations. This estimate is based on lay opinion and rationale as described above.

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.

Lay rationale as described herein. The agency does not employ an economist.

APPROVED

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DIVISION OF THE BUDGET
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 the regulations will meaningfully impact the revenue of cities, counties, or school districts, except to the extent that additional business activity is generated in the state due to the addition of a third category of approved continuing education activity.

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).

These regulations were developed during publicly noticed open meetings of the Board, and the Board is following all notice and open meeting hearing requirements associated with promulgating these regulations, which will entail at least 3 more open meetings related to these regulations.

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).

These are not environmental regulations.