

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Administrative Regulation

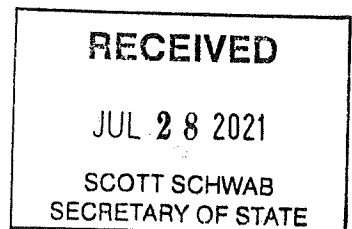
A public hearing will be conducted on Wednesday, October 6, 2021, at 1:00 p.m. in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed regulation related to applications for licensure pursuant to K.S.A. 48-3406.

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 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 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 regulation and the Economic Impact Statement for the proposed 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 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 regulation and the economic impact follows:



K.A.R. 100-6-7 (Application for licensure pursuant to K.S.A. 48-3406.)

This proposed regulation enumerates the application requirements for applicants who qualify for licensure pursuant to 2021 HB 2066, and amendments thereto.

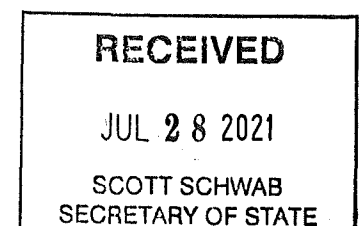
The proposed regulation is a measure taken by the agency to minimize the cost and impact of the regulation on business and economic development by only enumerating requirements that are necessary, while maintaining a high standard of public protection.

This proposed regulation was first discussed in an open Board Meeting of which members of the public, businesses, and stakeholders could attend. The agency has also been in continual communication with state associations, stakeholders, and others regarding our application requirements to be sure we are requiring what is statutorily mandated and what will protect the public, while not including any unnecessary and ineffective requirements. Further, it should be noted that the Board of Healing Arts is comprised of medical practitioners, business owners, and members of the public. The Board of Healing Arts intends to comply with all public hearing requirements involved in the regulation promulgation process.

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 would be positive.

Although applicants who qualify for licensure pursuant to 2021 HB 2066 are the only parties that would be directly affected, businesses that employ the healthcare professions licensed and regulated by the Kansas Board of Healing Arts would be indirectly affected.

(See economic impact statement approved by the Department of Budget.)



K.A.R. 100-6-7. Application for licensure pursuant to K.S.A. 48-3406. (a) Each applicant for licensure under K.S.A. 2020 Supp. 48-3406, as amended by L. 2021, ch. 70, sec. 1, and amendments thereto, shall submit the application on a form provided by the board.

(b) Each applicant shall submit the following with the application:

- (1) An application fee;
- (2) a current photograph of the applicant taken within 90 days of the date the application is received by the board;
- (3) verification of each license, registration, or certification issued to the applicant by any state or the District of Columbia to practice the profession for which the applicant has applied to the board; and
- (4) documentation that an insurer intends to issue the applicant a policy of professional liability insurance pursuant to K.S.A. 40-3402, and amendments thereto, and certification from the applicant that the premium surcharges pursuant to K.S.A. 40-3404, and amendments thereto, will be paid.

(c) Each applicant shall sign the application under oath and have the application notarized. (Authorized by K.S.A. 2020 Supp. 48-3406, as amended by L. 2021, ch. 70, sec. 1, and K.S.A. 65-2865; implementing K.S.A. 2020 Supp. 48-3406, as amended by L. 2021, ch. 70, sec. 1; effective, T-_____, _____; effective P-_____.)

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JUL 15 2021

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DEPT. OF ADMINISTRATION

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ATTORNEY GENERAL

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

Kansas Board of Healing Arts
Agency

Courtney Cyzman
Agency Contact

785-296-1384
Contact Phone Number

K.A.R. 100-6-7 (Permanent)
K.A.R. Number(s)

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:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

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

This proposed regulation enumerates the application requirements for applicants who qualify for licensure pursuant to 2021 HB 2066, and amendments thereto.

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 proposed regulation would impact economic growth. In the lay opinion of agency staff, the regulation is likely to enhance business activity because it sets the application requirements for those who qualify for licensure pursuant to 2021 HB 2066.

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 would be positive.

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

Although applicants who qualify for licensure pursuant to 2021 HB 2066 are the only parties that would be directly affected, businesses that employ the healthcare professions licensed and regulated by the Kansas Board of Healing Arts would be indirectly affected.

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 regulation promulgation process and development of the application.

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;

The proposed regulation is a measure taken by the agency to minimize the cost and impact of the regulation on business and economic development by only enumerating requirements that are necessary, 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 annual implementation costs to this regulation. This estimate is based on lay opinion and rational 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 regulation.

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.

This estimate is based on lay opinion and rationale as described above.

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,

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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 proposed 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 was first discussed in an open Board Meeting of which members of the public, businesses, and stakeholders could attend. The agency has also been in continual communication with state associations, stakeholders, and others regarding our application requirements to be sure we are requiring what is statutorily mandated and what will protect the public, while not including any unnecessary and ineffective requirements. Further, it should be noted that the Board of Healing Arts is comprised of medical practitioners, business owners, and members of the public. The Board of Healing Arts intends to comply with all public hearing requirements involved in the regulation 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.

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