

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 21:041

Contact Person: Clayton Patrick
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(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes the procedures relating to application for licensure, license renewal, and fees.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 312.019.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes requirements related to licensing standards and continuing education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 312 by carrying out the legislative mandate for the board to establish requirements for licensing standards and continuing education.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The Amendment will establish licensing standards for initial applicants, allow licensees to obtain continuing education from on-line sources without limitation, and will establish licensing standards for reactivation and reinstatement.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to establish licensing standards for initial applicants, reactivation, and reinstatement to protect the public and to allow chiropractors to obtain continuing education by either in-person or online attendance without restrictions.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes requirements related to licensing standards for initial applicants, reactivation or reinstatement and continuing education.

(d) How the amendment will assist in the effective administration of the statutes: See 2(c) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 919 active licensed chiropractors and 119 inactive licensed chiropractors practicing in the Commonwealth of Ken-

tucky, as well as an unknown number of initial applicants; and an unknown number of their patients who depend on their chiropractor having the appropriate licensing standards and remaining current with their training.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation will require applicants for reactivation or reinstatement to take the SPEC exam, or show proof of active practice within the last four (4) years, and require initial applicants who have graduated more than four (4) years to take the SPEC exam, or show proof of active practice within the last four (4) years, that is satisfactory to the board and also allow chiropractors to obtain continuing education from sources other than live, in-person providers which may reduce the costs associated with time and travel to the event.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The initial applicant or the applicant for reactivation or reinstatement who must show proof of successful passage of the SPEC exam may incur the cost of the exam when they cannot show proof of active practice within the last four (4) years, in the approximate amount of \$1500.00. This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education which may reduce the costs associated with time and travel to the event.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation will allow initial applicants and those for reactivation or reinstatement to ensure they have adequate knowledge to perform their duties as required by law and will allow chiropractors to obtain continuing education from both in-person and online providers without restriction.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation does not create an additional cost for the administrative body and any additional costs would be minimal.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Chiropractic Examiners is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fees.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applicable because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE

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(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Board of Chiropractic Examiners.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 312.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fires, or school districts) for the first year? This regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs to administer this program.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to the agency beyond regular monitoring of continuing education for license renewals. There may be additional costs to the agency for the review of experience in the last 4 years, but it will be minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? Cost savings is indeterminable but could occur due to reduction in time and travel expenses for continuing education.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? Cost savings is indeterminable but could occur due to reduction in time and travel expenses for continuing education.

(c) How much will it cost the regulated entities for the first year? The initial applicant or the applicant for reactivation or reinstatement who must show proof of successful passage of the SPEC ex-

am may incur the cost of the exam when they cannot show proof of active practice within the last four (4) years, in the approximate amount of \$1500.00. This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education and may reduce the costs associated with time and travel to the event.

(d) How much will it cost the regulated entities for subsequent years? The cost of obtaining required continuing education only, which is indeterminable.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation: The initial applicant or the applicant for reactivation or reinstatement who must show proof of successful passage of the SPEC exam may incur the cost of the exam when they cannot show proof of active practice within the last four (4) years, in the approximate amount of \$1500.00. This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education and may reduce the costs associated with time and travel to an event.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 21:041

(1) The following material is incorporated by reference:

(a) "New Licensee Application", 2016; is the form required to be used by new applicants for licensure.

(b) "Application for Annual License Renewal", September 2020, was the form required to be used for annual active license renewal.

(c) "Annual Inactive License Renewal Application", 2013, was the form required to be used for inactive license renewal.

(d) "Application for Activation or Reinstatement of Kentucky License", 2013, is the form required to be used for activation or reinstatement of a Kentucky License.

SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

201 KAR 21:041

There are no substantive changes to the "New Licensee Application", 2016, however, it has been renamed and the format has been updated. General information unnecessary for processing the application has also been stricken and may be placed on the website or in a newsletter where such information is more appropriately located. This is now a six (6) page form entitled "Application for Licensure", DPL-KBCE-01, March 2023.

The "Application for Annual License Renewal", September 2020, and the "Annual Inactive License Renewal Application", 2013, have been combined into one form for ease of administration. The is an online form now entitled "Application for Annual License Renewal", DPL-KBCE-03, March 2023.

There are no substantive changes to the "Application for Activation or Reinstatement of Kentucky License", 2013, however, it has been updated for formatting. The new form is entitled "Application for Activation-Reinstatement", DPL-KBCE-04, March 2023, and is online during Open Renewal, from December 1 through April 16) for inactive licensees. If the application falls outside the open renewal period, this is a one (1) page form.