

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 21:095

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 licensure, registration, and standards of persons performing peer review.

(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 licensure, registration, and standards of persons performing peer review.

(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 licensure, registration, and standards, including continuing education, for persons performing peer review.

(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 persons performing peer review and will allow continuing education requirements to be met using on-line sources without limitation on the number of hours.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary for consistency in the profession to allow continuing education requirements to be met through on-line classes without limitation and with no mandate for in-person continuing education.

(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 amendment to the administrative regulation regulates the requirements related to continuing education for seekers of peer review.

(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 Kentucky, as well 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 allow persons seeking to perform peer review to obtain continuing education from sources other than live, in-person providers.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation will allow licensees seeking to perform peer reviews to obtain continuing education from other than live, in-person providers, which is a convenience that cuts down on the cost of travel and related accommodations, as well as the time for travel to attend in-person continuing education events.

(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. There is no cost to the administrative body to implement this amendment.

(b) On a continuing basis: None. See 5. (a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no cost.

(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. 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 cost of continuing education is annually required and indeterminable.

(d) How much will it cost the regulated entities for subsequent years? The cost of continuing education is annually required and 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: This regulation will allow licensees seeking to perform peer reviews to obtain continuing education from other than live, in-person providers, which is a convenience that cuts down on the cost of travel and related accommodations, as well as the time for travel to attend in-person continuing education events.

(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 21:095

The "Registration Form for Persons Performing Peer Review of Kentucky Chiropractic Claims" 2013, is the form designed for use by licensees who wish to register with the Kentucky Board of Chiropractic Examiners to perform peer review of Kentucky Chiropractic claims is incorporated by reference.

**SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE**  
201 KAR 21:095

The "Registration Form for Persons Performing Peer Review of Kentucky Chiropractic Claims" 2013, has been updated for formatting and to include more information requested by Kentucky Board of Chiropractic Examiners for peer reviewers. This is a one (1) page form that has been renamed "Application for Chiropractic Peer Reviewer", DPL-KBCE-02, March 2023.