

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 21:105

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

(a) What this administrative regulation does:

This administrative regulation establishes the requirements for telehealth for chiropractic services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary so that licensees understand the requirements for rendering services remotely via telehealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 312.019(1) authorizes the board to promulgate administrative regulations related to the practice of chiropractic, and KRS 312.220(2) requires the Board to promulgate administrative regulations related to telehealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation sets forth the requirements for licensees to provide services via telehealth.

(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:

This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: See (2)(a).

(c) How the amendment conforms to the content of the authorizing statutes: See (2)(a).

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect any of the 916 Active and 131 Inactive licensees who choose to provide telehealth chiropractic services.

(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: Licensees must now abide by the new regulations when providing telehealth chiropractic services.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs unknown but include those associated with technology and safeguards needed for telehealth in order to maintain patient confidentiality and compliance with state and federal law.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Licensees will more clearly understand which services they can provide using telehealth, and the standards that are required, which may allow them to expand their services.

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

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board is funded through license fees in a restricted fund. However, there is no cost to 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: It will not be necessary to increase fees to implement this 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 as the proposed language will be applied equally to all entities impacted by it.

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 312.019(1) and KRS 312.220(2).

(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 generate no revenue.

(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? See 3(c).

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, if any.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? Cost savings is indeterminable, if any.

(c) How much will it cost the regulated entities for the first year? The cost of obtaining and/or updating technical equipment to comply with state and federal requirements is indeterminable and will vary among licensees depending on current data systems.

(d) How much will it cost the regulated entities for subsequent years? The cost of obtaining and/or updating technical equipment to comply with state and federal requirements is indeterminable and will vary among licensees depending on current data systems.

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 cost of obtaining and/or updating technical equipment to comply with state and federal requirements is indeterminable and will vary among licensees depending on current data systems.

(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.