

**STATE OF KANSAS  
BOARD OF HEALING ARTS**

**Notice of Public Hearing on Proposed Administrative Regulations**

A public hearing will be conducted on Monday, November 20, 2017, at 11:00 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 new regulations related to licensure of and practice by Acupuncturists.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rules and regulations. All interested parties may submit comments prior to the hearing to Stacy Bond, Assistant General Counsel, at the Board of Healing Arts at the address above, or via e-mail to [KSBHA\\_HealingArts@ks.gov](mailto:KSBHA_HealingArts@ks.gov). All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed 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 regulations and the Economic Impact Statement for the proposed 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 Jenne Cook at (785) 296-2482, or by e-mailing the agency at [KSBHA\\_HealingArts@ks.gov](mailto: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 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 Barbara Montgomery at (785) 296-8558 or at [Barbara.Montgomery@ks.gov](mailto:Barbara.Montgomery@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 8<sup>th</sup> 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 8<sup>th</sup> Street are accessible.

A summary of the proposed new regulations and their economic impact follows:

**K.A.R. 100-76-1. Fees** The purpose of this regulation is to establish fees to be collected by the Board for initial applications for licensure from acupuncturists, renewal of licensure, late renewals, reinstatement of licensure, certified copy of license, written verification of licensure, and conversions from one type of licensure to another.

**K.A.R. 100-76-2. Licensure by Examination** The purpose of this regulation is to advise potential applicants of the examination requirements set by the Board. This regulation explains which components of the national certification commission for acupuncture and oriental medicine (“NCCAOM”). It also advises applicants of the requirement of having a clean needle technique (“CNT”) certificate issued within the previous six years.

**K.A.R. 100-76-3. Waiver of Examination and Education** The purpose of this regulation is to provide guidance to applicants who are applying for licensure through the grandfathering option. This regulation provides information regarding the documentation required by the Board to determine the applicant’s prior education and examinations and whether they qualify based upon this information for licensure without having formal education and/or training.

**K.A.R. 100-76-4. Exempt License; unprofessional conduct** The purpose of this regulation is to advise individuals with an exempt license the limitations that are imposed on that license. The regulation also provides information regarding the continuing duties of the license to advise the Board of any changes in their proposed professional activities. This regulation also sets forth the continuing education requirements for an individual who has held an exempt license for less than two years to convert the license to an active license.

**K.A.R. 100-76-5. Professional Liability Insurance** The purpose of this regulation is to advise applicants for licensure in acupuncture that they are required to maintain professional liability insurance while they have an active license. This regulation also sets forth the minimum coverage requirements.

**K.A.R. 100-76-6. Continuing Education** The purpose of this regulation is to give guidance to licensees regarding the required continuing education necessary to maintain licensure. The regulation gives information regarding the number of hours and the types of hours accepted as proof of continuing education.

**K.A.R. 100-76-7. Unprofessional conduct; definitions** The purpose of this regulation is to advise acupuncture licensees of conduct that the Board has determined to be prohibited.

**K.A.R. 100-76-8. Professional incompetency; definitions** The purpose of this regulation is to advise acupuncture licensees of the definition of incompetency and the multitude of ways that incompetency can be determined, by either gross or ordinary negligence.

**K.A.R. 100-76-9. Patient records; adequacy** The purpose of this regulation is to advise acupuncture licensees of the specific requirements that are to be contained in each patient record.

**K.A.R. 100-76-10. Release of records** The purpose of this regulation is to advise acupuncture licensees of their obligation to provide copies of patient records to the patient or a patient's legal representative upon a signed release. It also advises licensees that under certain circumstances they can refuse to release the records directly to the patient, but can provide the records to another licensee designated by the patient. Additionally, the regulation advises licensees that they may charge for copying patient records, but are not allowed to condition the furnishing of the record to the patient upon prepayment of these costs.

**K.A.R. 100-76-11. Free offers** The purpose of this regulation is to advise acupuncture licensees of the limitations on performing free examinations, services or procedures and that if the appointment with the patient expands beyond the free offer, the licensee must explain to the patient any additional examination, service or procedure and the approximate cost of such examination, service or procedure before proceeding.

**K.A.R. 100-76- 12. Business transactions with patients; unprofessional conduct** This regulation advises acupuncture licensees of the limitations on entering into or offering other business opportunities to their patients. It also advises licensees that offering to sell non-health related goods or services to a patient at the location the licensee regularly practices is considered unprofessional conduct. The regulation provides exceptions to this rule.

Costs to the State Board of Healing Arts are expected to be minimal for the daily administration of this license. Additional costs will be incurred by the Board for investigation of complaints made to the Board regarding acupuncturists, as well as additional costs for litigation of investigations deemed to show that such licensee of the Board has violated the practice act. There are no anticipated costs to other Governmental Agencies or upon private businesses. Individuals who wish to practice acupuncture in the state of Kanas will now be required to obtain licensure from the Board to engage in that profession, therefore the acupuncturists will bear the costs of licensure. There may be a minimal economic impact to the public if the practitioners choose to pass these costs on to their patients.