

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Thursday, March 24, 2016, at 10:00 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 a proposed new regulation and an amendment to an existing regulation pertaining to the licensure of and practice by Occupational Therapists and Occupational Therapy Assistants.

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 rule and regulations. All interested parties may submit comments prior to the hearing to Kelli Stevens, General Counsel, at the Board of Healing Arts at the address above, or via e-mail to healingarts@ksbha.ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed new and amended 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 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 healingarts@ksbha.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 bmontgomery@ksbha.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 new regulation and proposed amended regulation and their economic impact follows:

K.A.R. 100-54-7. (amended)

The purpose of this regulation is to provide clarity regarding allowable amounts of continuing education contact hours for each type of continuing education experience for licensed occupational therapists and occupational therapy assistants. A description of the criteria for the Board's exercise of discretion in granting an extension of time for completing continuing education has been added. The terms in-service, professional reading and full-time fieldwork are also defined.

K.A.R. 100-54-12. (new)

The purpose of this new regulation is to set forth the requirements for an occupational therapist when delegating occupational therapy services to and supervising an occupational therapy assistant. An occupational therapist is also limited to supervising the combined equivalent of four full-time occupational therapy assistants. The regulation also sets forth the occupational therapy services which are allowed to be performed by an occupational therapy assistant and those services which shall not be performed by an occupational therapy assistant. The regulation also provides that failure to meet the requirements of the regulation constitutes unprofessional conduct.

The economic impact of the proposed new regulation and amended regulation is anticipated to be a minimal cost to the Kansas State Board of Healing Arts for staff time to update continuing education forms and processes, and educate licensees and stakeholders on the new supervision and delegation requirements. It is anticipated that some health care facilities in which an occupational therapist currently supervises more than the combined equivalent of four full-time occupational therapy assistants may encounter an adverse economic impact if they have to hire additional occupational therapists or cannot employ the same number of occupational therapy assistants.