

*Kansas Board of Healing Arts
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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

**K.A.R. 100-29-4, K.A.R. 100-29-9
(Physical Therapy Regulations)**

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt along with the following to the Division of the Budget.

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 100-29-4 is revised to set a limit on the number of examination attempts permitted by a physical therapist (PT) or physical therapist assistant (PTA) applicant, and to remove the remediation requirement after three failed examination attempts. Additionally, it includes minor stylistic revisions.

K.A.R. 100-29-9 is revised to add the Kansas Jurisprudence Assessment Module (JAM) as a component of the bi-annual continuing education requirement for PTs and PTAs. Additionally, it includes minor structural and stylistic revisions.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

Not mandated by the federal government.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

A qualified economist would be required to provide an expert opinion of the extent the regulations would impact economic growth. In the lay opinion of agency staff, the regulations slightly enhance business activities because, as discussed below, applicants will be licensed faster and will be more competent, thereby providing more value to the businesses that employ them.

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B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The agency does not employ an economist. In the lay opinion of the agency staff there will be slightly enhanced economic effect because, as discussed thoroughly below, applicants will be licensed faster so they will enter the workplace sooner, and the small cost of the JAM passed on to licensee will be offset by more competent licensees who are disciplined less frequently, thereby saving cost to the licensee and saving cost to the employer otherwise impacted by a licensee facing discipline.

C. Businesses that would be directly affected by the proposed rule and regulation;

No businesses have been identified that would be directly affected by the proposed rule and regulation. However, businesses that employ these licensees may be indirectly affected.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Revisions to KAR 100-29-4 will result in more competent PTs and PTAs by preventing licensure of the small number of individuals who require more than six examination attempts. Additionally, the revisions will allow implementation of the alternate approval pathway, which changes how initial license applications are processed, and will result in less staff time reviewing applications and faster licensing. This benefits the agency because less work is required and benefits of the applicant and their employer because they will enter the workplace quicker.

Revisions to KAR 100-29-9 will make licensees more knowledgeable of the Kansas legal requirements which, as the legal requirements seek to protect the public, will improve patient safety. Knowledge of the legal requirements will also potentially help licensees avoid discipline which will reduce licensee costs, benefit the public by keeping licensees in practice, benefit the employer otherwise impacted by a disciplined licensee, and save the agency staff time associated with licensees who violate provisions of the PT practice act. The costs of the regulation to the agency are minimal and will include development costs of the JAM in the form of staff time. Costs to PTs and PTAs include the \$48 fee charged by the Federation of States Physical Therapy Boards for the administration of the JAM; this cost is potentially offset for the reasons discussed herein.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are staff time costs associated with promulgating these regulations and developing the JAM questions. As described above, there are also expected cost savings associated with the proposed regulations.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

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The agency is not aware of any annual implementation costs to businesses or local governments as a result of K.A.R. 100-29-4. Applicants may experience a cost savings if they are motivated to pass the required examination in fewer attempts. Additionally, by this means and the expedited licensure discussed above, applicants and licensees will benefit by being licensed faster.

The agency is not aware of any annual implementation costs to businesses or local governments as a result of K.A.R. Licensees will pay \$48 bi-annually for the JAM. This cost is offset by the continuing education hours the JAM will replace. Licensee's who avoid discipline will ultimately save money as will any businesses that might be impacted by a licensee who avoids discipline as a result of better knowledge of KS legal requirements.

These estimates are based on lay rational.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

The total implementation costs are limited to the staff time associated with promulgating these regulations and developing the JAM. These costs will not impact businesses, local governments, or members of the public.

These estimates are based on lay rational.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Lay rationale as described herein. The agency does not employ an economist.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

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The agency does not believe this revision will meaningfully impact the revenue of cities or school districts.

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The agency developed this regulation with the assistance of the physical therapy advisory council which is composed of licensees, business owners, and educators. These regulations were developed during open meetings of the physical therapy advisory council appropriately noticed and open to all potential stakeholders in the physical therapy profession. The Kansas Physical Therapy Association was consulted in the development of these regulations and supports the revisions.

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

This is not an environmental regulation.

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