

*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. 100-77-1, 100-77-2, 100-77-3 (telehealth regulations)
(permanent)

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).

The purpose of these regulations is to effectuate the provisions of the Kansas telemedicine act as required by K.S.A. 40-2,214.

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;

While 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 neither enhance or restrict business activities. The regulations do not impose additional requirements or change any definitions from their commonly understood meaning.

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;

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Although the agency does not employ an economist, the lay opinion of the agency staff is that there will be no economic effect on the affected businesses and business sector because the regulations result in no change from current practice.

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

Businesses incorporating telemedicine into their practice.

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

The benefit of the regulation is it provides clarity to healthcare providers who practice telemedicine by re-iterating that the same rules that currently apply to the practice of the hearing arts apply to patient interactions via telemedicine. There are no new or additional rules that apply to their practice of telemedicine. There is no expected cost associated with the regulations other than the usual resource costs associated with the process of promulgating this regulation.

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;

The agency has minimized the cost and impact of the regulation by not imposing technical requirements in the regulation and not proposing any new or additional substance rules that apply to the practice of telemedicine.

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.

No annual implementation cost to these regulations. No annual compliance costs anticipated at this time to any party. This estimate is based on lay opinion and rationale as described above.

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.

No total implementation cost to these regulations other than routine state and agency resources necessary to promulgate regulations. No compliance costs anticipated at this time to any party. This estimate is based on lay opinion and rationale as described above.

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

YES NO

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

See comments above. The basis for the estimates are stated above.

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.**

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 solicited input from the Board of Pharmacy and Board of Nursing. Neither agency has voiced concerns.

- 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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