

*Kansas Board of Healing Arts
Tucker Poling, General Counsel
785-296-8066
Tucker.Poling@ks.gov*

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

K.A.R. 100-28b-9 (Independent Practice of Midwifery)

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 Independent Practice of Midwifery Act, K.S.A. 65-28b01, et seq., as required by K.S.A. 65-28b07.

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 regulations impact on economic activity and growth, in the lay opinion of agency staff, the regulations enhance business activities by allowing a new and independent practice alternative for midwives in Kansas.

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 there are routine and expected costs associated with applying for, maintaining, and renewing professional licenses, those implementation and compliance costs are a function of the legislature's decision to enact the Act. The agency is not aware of additional implementation and compliance costs caused by implementing these regulations as mandated by K.S.A. 65-28b07. The licensure fees described in these regulations are at or below those outlined in the statute at K.S.A. 65-28b05. The agency is not aware of implementation and compliance costs to public utility ratepayers or local governments. While a qualified economist would be required to provide an opinion of the regulation's impact on the state economy as a whole, in the lay opinion of agency staff, the regulations enhance business activities by allowing a new and independent practice alternative for midwives in Kansas.

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

Businesses and solo practitioners that include the services of a licensed midwife.

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

The benefit of the regulations are that they implement the Act that allows a new and independent practice alternative for midwives in Kansas and provide another option for Kansas patients seeking care and treatment related to a normal and uncomplicated pregnancy and delivery. There is no expected cost associated with the regulations (although, as noted above, there are compliance costs associated with licensure, which is a function of the Act rather than 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 regulations by setting licensing fees generally below those permitting under the Act.

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.

The agency is not aware of annual implementation cost to these regulations (although, as noted above, there are compliance costs associated with licensure itself, which is a function of the Act rather than the regulations).

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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.

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.**

Although the agency does not employ an economist, the agency does not believe these regulations 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 has had extensive discussions with members of the midwifery advisory council as well as the Board of Nursing in regard to these regulations. The agency is complying with all public hearing requirements, including a hearing before the appropriate legislative committee and a public hearing to be held at the agency prior to adoption.

- 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).**

APPROVED These are not an environmental regulations.

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