

**STATE OF KANSAS
BOARD OF HEALING ARTS**

Notice of Public Hearing on Proposed Administrative Regulation

A public hearing will be conducted on Wednesday, February 22, 2023, 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 a proposed regulation related to the minimum level of professional liability coverage required for Kansas licensed occupational therapists.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the regulation. All interested parties may submit comments prior to the hearing to Courtney Cyzman, General Counsel, at the Board of Healing Arts at the address above or via e-mail to KSBHA_HealingArts@ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed 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 regulation and the Economic Impact Statement for the proposed regulation 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 LeeAnn Hunter-Roach at (785) 296-4502, or by e-mailing the agency at 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 regulation 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 Sheila Rice at (785) 296-8558 or at Sheila.Rice@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 regulation and the economic impact follows:

K.A.R. 100-54-13. Professional Liability Insurance.

The purpose of this proposed new regulation is to implement the regulation mandate of 2022 Senate Bill 440, establishing the minimum level of coverage of professional liability insurance each licensed occupational therapist actively practicing in this state must have as a condition of rendering professional services.

Although the agency does not employ an economist, the lay opinion of agency staff is that the economic effect on the affected businesses and business sector would not be significant. The only costs anticipated will be those incurred by an individual occupational therapist purchasing liability insurance prior to licensure and annual renewal of their license or an employer who covers an occupational therapist under an additional insured policy. It is difficult to ascertain a fixed price for an individual OT policy as each insurance carrier will vary. The agency does not anticipate any significant implementation or compliance costs associated with these changes.

The agency has had extensive discussions with members of the Occupational Therapy Advisory council, which is made up of 5 members, including 3 members who are licensed occupational therapists, a licensed physician, and a member of the Board of Healing Arts. The OT Council has reviewed and approves of this proposed regulation. Additionally, the agency has worked collaboratively with the Kansas Occupational Therapy Association (“KOTA”), the professional association for OT/OTAs, on the language of the proposed regulation and KOTA agrees. The agency has also met with an insurance carrier to ensure the proposed regulation accurately reflects how coverage for occupational therapists work. After these vital discussions with key stakeholders and those of the public who may be affected, the proposed regulation was discussed at the June 10, 2022, open Board meeting of which members of the public, business, and stakeholders could attend. Further it should be noted that the Board of Healing Arts is comprised of medical practitioners, business owners, and members of the public. The Board of Healing Arts intends to continue to comply with all public hearing requirements involved in the regulation promulgation process.