

Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas State Board of Healing Arts
Agency

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Agency Contact

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Contact Phone Number

K.A.R. 100-69-10
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (if Required)

Section I

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

The purpose of this proposed regulation amendment is to eliminate the requirement that athletic trainer licensees participate in at least two categories of annual continuing education listed in this regulation. Beginning in 2022, the national athletic training certification process has eliminated the requirement to complete “evidence-based practice” (“EBP”) continuing education courses. This has resulted in an ever-shrinking market of EBP courses available to Kansas athletic trainer licensees. Eliminating the requirement of two categories of continuing education courses does not change the total hours of continuing education required for license renewal (20 hours each year) or remove credit for EBP courses. This proposed regulation amendment eliminates only the requirement that continuing education courses must be completed in at least two categories, which in the past has generally included completing at least one course in the EBP category. See K.S.A. 65-6905.

Section II

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

The proposed amended regulations are not mandated by federal law and the approach chosen to address the policy issues is not different from that utilized by agencies of contiguous states in that Kansas and contiguous states use, in varying degrees, the examination and standards of the athletic trainers’ national Board of Certification (“BOC”) in the licensing and regulation of athletic trainers.

Section III

Agency analysis specifically addressing the 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 this regulation would impact economic growth. In the lay opinion of agency staff, this regulation enhances business activities because the regulation allows athletic trainer licensees to complete the mandatory 20 hours of annual continued education with less time and effort resulting in increased productivity of licensees and their employers in the practice of athletic training.

DOB APPROVAL STAMP (If Required)

- 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(s) and regulation(s) 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 a positive economic effect on affected businesses because the regulation allows athletic trainer licensees to complete the mandatory 20 hours of annual continued education with less time and effort resulting in increased productivity of licensees and their employers in the practice of athletic training.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

See K.S.A. 65-6902 to K.S.A. 65-6905. The legislature requires the Kansas State Board of Healing Arts (“Board”) to license athletic trainers to practice injury prevention, physical evaluation, emergency care and referral or physical reconditioning relating to athletic activity. Hospitals, healthcare facilities, clinics, schools, universities, sports organizations, and other businesses performing athletic training procedures may employ licensed athletic trainers to perform these activities.

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

This proposed regulation amendment benefits licensed athletic trainers and the businesses that employ them by eliminating the requirement that athletic trainer licensees participate in at least two categories of annual continuing education listed in this regulation. No additional costs are involved other than routine state resource costs associated with promulgating this regulation. The agency receives zero revenue and has no costs associated with continuing education.

- 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 no expected cost associated with this proposed regulation amendment other than the costs associated with promulgating this regulation. The agency receives zero revenue and has no costs associated with continuing education.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

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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.

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing 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.
- No
- Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There are no expected independent costs caused by implementation of this regulation apart from the routine agency and state staff resource costs associated with promulgating this regulation. This estimate is based on lay opinion and rationale as described above.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There are no expected independent costs caused by implementation of this regulation apart from the routine agency and state staff resource costs associated with promulgating this regulation. This estimate is based on lay opinion and rationale as described above.

- 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 regulation will meaningfully impact the revenue of cities, counties, 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).

This proposed regulation amendment was developed during publicly noticed open meetings of the Board, and the Board is following all notice and open meeting hearing requirements associated with promulgating regulations, which will entail at least 3 more open meetings related to this regulation.

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Beginning in 2022, the national credentialing agency for athletic trainers, the Board of Certification (“BOC”), no longer requires athletic trainers to complete continuing education in the category of evidence-based practice (“EBP”). This has resulted in EBP courses no longer being offered in continuing education programs and makes it more difficult and costly for Kansas athletic trainers to attend and complete EBP courses. The Kansas Athletic Trainers’ Society (“KATS”) and members of the Board’s Athletic Trainers’ Council (“AT Council”) asked the Board to consider the new national standard and not require Kansas athletic trainers to complete EBP continuing education courses. These issues were discussed at open meetings of the AT Council in November 2021 and February 2022. The proposed regulation amendment was discussed and approved by the Board at its open meeting in February 2022.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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

[Click here to enter agency response.](#)

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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