

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 25:031

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Subject Headings: Podiatry and Pedorthics, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311.450 requires that any person who wishes to renew their license comply with the continuing education regulations of the board. Further, KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation also establishes requirements for making an application for reactivation of licensure.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 311.420 and 311.450.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.450 requires that any person who wishes to renew their license comply with the continuing education regulations of the board. Further, KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation also establishes requirements for making an application for reactivation of licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish requirements for licensure.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the title of the administrative regulation by including inactive status; updates the mandatory continuing education requirements for KASPER to include pain management, or addiction disorders; clarifies that Category A continuing education shall be in-person and that virtual attendance at a live Category A continuing education program shall not fulfill the requirements; establishes a sunset provision for inactive status and reactivation with a grandfather provision for existing license holders with an inactive status; and updates references to the material incorporated by reference in 201 KAR 25:021 for reactivation.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to clarify the title of the regulation and the continuing education requirements set by the board, and to strike the procedures for applying for an inactive status and reactivation since there is no statutory authority for this, and to correct the forms needed for reactivation for the existing inactive status licensees who are grandfathered in.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311.450 requires that any person who wishes to renew their license comply with the continuing education regulations of the board. Further, KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. The amendment also conforms by striking the authority for an inactive license with the ability to reactivate, which is not authorized by

the statutes. Finally, KRS 311.410(4) authorizes the board to make all rules and regulations as may be necessary to implement and carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandates for the board to establish requirements for licensure.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 257 licensed podiatrists practicing in the Commonwealth of Kentucky.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each of the regulated entities must have 20 hours of continuing education annually with at least 15 hours in-person. If a licensee wishes to go inactive, the licensee must write a letter to the board making the request and comply with the requirements for reactivation, if any.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment will require each applicant to pay a fee for continuing education, which will be paid directly to the provider. If a licensee wishes to go inactive, there is no fee. If an inactive licensee wishes to reactivate, the inactive licensee must pay a fee of \$200 for renewal and \$250 for reactivation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, licensees will understand what the annual continuing education requirements are and how a licensee can go inactive and later reactivate.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding are necessary to implement the amendment to this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.