

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 25:051

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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: This administrative regulation establishes the procedures for processing complaints and disciplinary actions by the board.

(b) The necessity of this administrative regulation: KRS 311.410 authorizes the board to promulgate regulations to implement the provisions of KRS Chapter 311.390 to 510. KRS 218A.205 requires the board to establish a procedure for temporary suspension of a license. This administrative regulation establishes the procedures for complaints and temporary suspensions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.490 authorizes the board to take disciplinary action against a licensee after a hearing. KRS 218A.205, as enacted by General Assembly in 2012 (1st Extra. Sess.) Ky. Acts ch. 1, requires the board to temporarily suspend a licensee when the health or welfare of the public is endangered. This administrative regulation sets forth the procedures for the complaint and temporary suspension processes

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the procedures for disciplinary action and temporary suspension by the board.

(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 will enhance the regulation by removing certain definitions and clarify procedures for filing licensee complaints in areas such as submission, licensee responses, complaint investigation, and informal settlements of complaints.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to assist licensees in the complaint review process. The updates ensure the process is informed and fair to all parties.

(c) How the amendment conforms to the content of the authorizing statutes: 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 mandate for the board to establish requirements for disciplinary actions and temporary suspensions pursuant to KRS Chapter 218A.

(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, both active and inactive, in the Commonwealth of Kentucky, and an unknown number of potential applicants for licensure

(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: Licensees will follow the procedures in the administrative regulation when a complaint is received

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost associated with the amendment unless the licensee elects to hire an attorney.

(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 the process for any filed complaints and the health and welfare of the public will be protected from improper prescribing and dispensing of controlled substances.

(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 is 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