

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 25:080

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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 is to encourage and promote infection control among all Kentucky podiatrists relating to the prevention of the transmission of the human immunodeficiency virus (HIV) and the hepatitis B virus during exposure-prone invasive procedures, including requirements for Centers for Disease Control and Prevention compliance, board inspections for reliable reports of noncompliance, and procedures relating to corrections.

(b) The necessity of this administrative regulation: KRS 311.410 authorizes the board to promulgate regulations to implement the provisions of KRS Chapter 311.380 to 311.500. This administrative regulation is necessary to require all podiatrists to adhere to universal precautions. This regulation also ensures that podiatrists recognize the duty to comply with CDC infection prevention requirements and the board's authority to inspect for compliance with the CDC standards utilizing the checklist issued by the CDC.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.410 authorizes the board to promulgate regulations to implement the provisions of KRS Chapter 311.380 to 311.500.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist the board's effective administration of the enforcement of all provisions of KRS Chapter 311.380 to 311.500, to ensure all podiatrists adhere to universal precautions and recognize the duty to comply with CDC infection prevention requirements.

(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 that podiatrists have an obligation to adhere to the infection prevention control standards established by the Centers for Disease Control; clarifies the board has the authority to inspect offices for reliable reports of noncompliance with infection prevention control standards; establishes a timeline for necessary corrections; and authorizes payment of costs for inspections.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to update the regulation to include the board's authority relating to infection prevention control standards.

(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 make all rules and regulations, as may be necessary to implement and carry out the provisions and purposes of KRS 311.380 through 311.500.

(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.

(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 relating to HIV/HBV infection control for podiatrists and infection control compliance standards established by the CDC.

(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 a second inspection is required following a finding of a deficiency upon an initial infection control inspection.

(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 relating to HIV/HBV precautions, and the board's duty to inspect an office upon reports of noncompliance with CDC infection prevention control standards, which will protect public health, safety, and welfare.

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

(a) Initially: This administrative regulation may create a cost for the administrative body if inspections are required based on reliable reporting. However, because there have been no prior inspections, the administrative body is unable to estimate the cost to implement this administrative regulation.

(b) On a continuing basis: This administrative regulation may create a cost for the administrative body on a continuing basis if inspections are required based on reliable reporting. However, because there have been no prior inspections, the administrative body is unable to estimate the cost of this administrative regulation on a continuing basis.

(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 anticipated 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.