

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 25:100

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Subject Headings: Podiatry and Pedorthics, Administrative Hearings, Appeals and Hearings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for a denial of, or refusal to renew, a license, or for the suspension, revocation, probation, or fine, or the revocation of a probated sanction. The regulation sets out the scope of what a hearing officer may consider upon appeal of such a decision. The regulation imposes costs on an individual who fails to reverse the decision of the board on a denial of, refusal to renew, or revocation of a probated sanction.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish and put an applicant or licensee on notice of due process procedures relating to an appeal.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 311.410(4) and 311.420(6) authorize the board to make rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510; and KRS 311.490(1) provides for discipline by the board only after a hearing conducted in accordance with KRS Chapter 13B.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes and clarifies the procedure and requirements for the denial of applicants for licensure and renewal, and revocation of probation.

(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: N/A.

(b) The necessity of the amendment to this administrative regulation: N/A.

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A.

(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 an unknown number of potential applicants for licensure or renewal of 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: Each of the regulated entities must file an appeal of a contested denial for licensure or renewal, or the board's decision to revoke probation.

(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 unless the regulated entity decides to hire outside counsel for the appeal. However, it is anticipated that board counsel will represent the board in these appeals.

(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, the applicants will understand what is needed for an appeal in the event of a licensure or relicensure denial.

(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.