

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 45:150

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Subject Headings: Diabetes Educators, Licensing, Board and Commissions,

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes disciplinary complaint procedures for the Board.

(b) The necessity of this administrative regulation: This regulation is necessary because it provides the procedures for the Board to follow in receiving and resolving complaints.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is given the authority to establish regulations in KRS 309.331(1).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides complaint procedures for the Board to follow.

(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 update and rename the form for making a complaint, which will now be the Information & Complaint Form With Authorization for the Use and Disclosure of Health Information, DPL-BDE-08, to include information about the complaint process, as well as include a HIPAA release.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the material incorporated by reference for formatting consistent and to provide the public with information regarding the complaint process, and to obtain the HIPAA release for medical records for efficiency and expediency during the complaint process.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 309.331 authorizes the board to promulgate administrative regulations to carry out and enforce KRS 309.325 to 309.339 and to issue renewals; and KRS 309.335 authorizes the board to investigate complaints for enforcement of KRS Chapter 309.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating the forms to include the statutory and regulatory authority for the provisions of the form, to provide information to the public about the complaint process, and to obtain a HIPAA release of relevant medical records at the inception of the process.

(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: There are currently 244 credential holders and two (2) inactive credential holders.

(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: They will have to comply with any requests for investigation or hearings made by the Board pursuant to a complaint.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It may cost them the expenses associated with a complaint or hearing and any fines resulting from the complaint or hearing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): They will have the benefit of an opportunity to file formal complaints and have an opportunity to be heard regarding any complaints that may be filed against them

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

(a) Initially: No cost is anticipated.

(b) On a continuing basis: No cost is anticipated.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operation is funded by the fees paid by licensees and applicants

(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: There is no increase in fees or funding anticipated by this amendment.

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

(10) TIERING: Is tiering applied? Tiering was not applied because these requirements apply equally to all licensees.