

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 45:190

Contact Person: Sara Janes

Phone: 502-782-2709

Email: sara.janes@ky.gov

Subject Headings: Diabetes Educators, Licensing, Boards and Commissions.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the requirements for credential holders who use telehealth in delivering health care to patients.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the requirements under KRS 211.332.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 309.331(1) and 211.332 to 211.338.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of enforcement of KRS 309.325 to 309.339 in ensuring credential holders comply with the telehealth statutes.

(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: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(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 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: Each licensee will have to

adhere to the requirements of the telehealth laws which prohibit of fee splitting and each credential shall meet the requirements requiring notice and transparency with patients, confidentiality, obtain competency in the use of telehealth, assure confidentiality, follow record keeping requirements, and follow federal law requiring access for persons with disabilities

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The costs will vary and the licensee is not required to offer telehealth services

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): All credential holders will understand they have the option of offering telehealth services to their patients and better understand the requirements relating to telehealth.

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

(a) Initially: No additional costs are necessary to implement this regulation.

(b) On a continuing basis: No additional costs are necessary 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 board's operation is funded by the fees paid by licensees and apprentice diabetes educators

(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: This administrative regulation does not establish any fees directly or indirectly.

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

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