

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 28:235

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Subject Headings: Occupational Therapy, 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 occupational therapy to clients.

(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 KRS 319A.070(3)(a) 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 enforcement of KRS 319A.010 to 319A.990 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: The amendment revises the existing administrative regulation by adding a definition for “credential holder,” clarifying the definition of telehealth, standardizing the use of the terms “credential holder” and “client,” clarifying statutory and regulatory requirements for telehealth, specifying documentation and informed consent requirements, clarifying the authority of credential holders to provide telehealth services based on the client’s location and the credential holder’s licensure, and removing unnecessary language.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to ensure regulatory clarity and consistency, align the regulation with current statutory requirements and telehealth practices, and provide clear guidance to credential holders regarding compliance, documentation, informed consent, and scope of authority across jurisdictions.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 319A.070(3)(a) and 211.332 to 211.338.

(d) How the amendment will assist in the effective administration of the statutes: The amendments will assist in the effective administration of the statutes by ensuring regulatory clarity and consistency, aligning the regulation with current statutory requirements and telehealth practices, and providing clear guidance to credential holders regarding compliance, documentation, informed consent, and scope of authority across jurisdictions.

(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 4,176 active credential holders and 89 inactive credential holders.

(5) Provide an analysis of how the entities identified in question (3) 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 (3) 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.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The costs will vary, and licensee is not required to offer telehealth services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, credential holders will have the ability to properly offer telehealth services.

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

(a) Initially: There will be no initial cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no continuing cost to the administrative body to implement this regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Licensure for Occupational Therapy is funded by the fees paid by credential holders.

(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 increase in fees will be necessary to implement this administrative regulation.

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

(10) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied because these requirements apply equally to all credential holders.