

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 42:080

Contact Person: Kevin Winstead
Title: Commissioner, DPL
Address: 500 Mero Street
Phone: (502) 782 - 8805 (office)
Fax: (502) 564-3969
Email: KevinR.Winstead@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the process for issuing and renewing the Certificate of Good Standing to a program of massage therapy education.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to update and clarify the requirements to obtain and renew a certificate of good standing for massage therapy instruction.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is required by KRS 309.355(1) to regulate the practice of massage therapy. KRS 309.355(3) also authorizes the Board to promulgate administrative regulations regarding the practice of massage therapy.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by setting forth the requirements to obtain and renew a certificate of good standing for massage therapy instruction.

(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 amendment clarifies the requirements to obtain and renew a certificate of good standing for massage therapy instruction.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 27 programs licensed by the Board, and an unknown number of programs not currently licensed by the Board.

(4) 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: The proposed administrative regulation simplifies and clarifies the requirements of obtaining a certificate of good standing from a program of massage therapy instruction.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The proposed administrative regulation simplifies and clarifies the requirements of obtaining a certificate of good standing from a program of massage therapy instruction. Filers will have to pay the fee set forth in 201 KAR 42:020 Section 2(10) and (11), and file the required application or renewal form as applicable with the documentation and information as required by this proposed administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): It will assist programs of massage therapy instruction in understanding the requirements to obtain a certificate of good standing.

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

(a) Initially: Unknown. Filers will have to pay the fee set forth in 201 KAR 42:020 Section 2(10) and (11), and file the required application or renewal form as applicable with the documentation and information as required by this proposed administrative regulation.

(b) On a continuing basis: Unknown. Filers will have to pay the fee set forth in 201 KAR 42:020 Section 2(10) and (11), and file the required application or renewal form as applicable with the documentation and information as required by this proposed administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no cost to the implementation and enforcement of this administrative regulation.

(7) 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: See the proposed amendments to 201 KAR 42:020 regarding fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are directly or indirectly established or increased by the administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applicable as the proposed language will be applied equally to all entities impacted by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 42:080

Contact Person: Kevin Winstead
Title: Commissioner, DPL
Address: 500 Mero Street
Phone: (502) 782 - 8805 (office)
Fax: (502) 564-3969
Email: KevinR.Winstead@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Board of Licensure for Massage Therapy.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.355(1); KRS 309.355(3)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation will not create any additional expenses or revenues for any state or local government agency after implementation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fires, or school districts) for the first year? No revenues are expected to be generated by the provisions of this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

Regulation No. 201 KAR 42:080

Contact Person: Kevin Winstead
Title: Commissioner, DPL
Address: 500 Mero Street
Phone: (502) 782 - 8805 (office)
Fax: (502) 564-3969
Email: KevinR.Winstead@ky.gov

The “Initial Application,” November 2021, is a four (4) page form used by programs of massage therapy instruction to obtain a Certificate of Good Standing. The proposed amendments to this form make the following changes: (1) updates the instructions; (2) separates the instruction section from the list of attachments required; (3) adds the requirement to list branch and clinical training locations; (4) includes the Curriculum verification as part of the form; (5) updates the contact information for the Board; and (6) changes the revision date.

The “Renewal Application,” November 2021, is four (4) page form used by programs of massage therapy instruction to renew their Certificates of Good Standing. The proposed amendments to this form make the following changes: (1) updates the instructions; (2) separates the instruction section from the list of attachments required; (3) includes the Curriculum verification as part of the form; (4) updates the contact information for the Board; and (5) changes the revision date.