

Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board
Agency

David Fye
Agency Contact

785-296-3207
Contact Phone Number

KAR 102-3-1a, KAR 102-3-3a, and KAR 102-3-7a
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
 - Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

 - No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

Section I

Brief description of the proposed rule(s) and regulation(s).

The primary purpose of these changes is to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allowed individuals seeking licensure as Clinical Professional Counselor to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allowed for supervision by phone, under extenuating circumstances as approved by the Board; allowed all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; decreased the number of direct client contact hours during the practicum experience from 350 hours to 280 hours; and decreased the number of hours of post-graduate supervised work experience required for clinical licensure from 4,000 hours to 3,000 hours and decreased the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. The changes also provide a definition of "one-hour" and "quarter credit hour," to provide clarity to questions relating to the length of supervision and better align with other professions under the BSRB. A definition of "related field" was added to clarify what other areas of practice could qualify for licensure as a professional counselor.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no requirements by the federal government on these issues.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These changes will have a small positive affect on business growth by allowing individuals to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly in a safe manner.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect cannot completely be calculated, because it cannot be determined how many individuals seeking licensure would need the flexibility provided by these rule changes. However, the only specific business that would be directly impacted is individuals seeking licensure as a Clinical Professional Counselor, as they would be able to fulfill requirements more quickly in a safe environment.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Clinical Level Professional Counselors

DOB APPROVAL STAMP (If Required)

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
The benefits of the changes outweigh any small costs associated with BSRB staff time handling requests for telephonic supervision hours due to extenuating circumstances.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of these regulations should not change state revenues or expenditures in a way that can be easily predicted or calculated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The small long-range economic impact of the proposed rule(s) and regulations(s) cannot be calculated.

DOB APPROVAL STAMP (If Required)

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules would not decrease revenues of cities, counties, or school districts. Additionally, the proposed rules would not impose functions or responsibilities on cities, counties, or school districts that would increase expenditures or fiscal liability. The agency did not consult with the League of Kansas Municipalities, Kansas Association of Counties, or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Proposed language changes were discussed in BSRB Professional Counselor Advisory Committee meetings, BSRB Board meetings, and most changes were discussed during bill hearings during the 2021 Legislative session when 2021 Senate Sub. for HB 2208 was being heard.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (If Required)