

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 13:065

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Subject Headings: Ophthalmic Dispensing, Consumer Protection, Administrative Hearings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the complaint, cease and desist, and administrative hearing process to address alleged violations brought before the board.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish a complaint, cease and desist, and administrative hearing process to address alleged violation brought before the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate administrative regulations regarding the requirements for enforcing KRS 326.010 through 326.990 and 201 KAR Title 13, including the complaint and administrative hearing process to address alleged violations brought before the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing the complaint, investigation, enforcement, and administrative hearing process of alleged violations brought before the board.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(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 approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be affected by this administrative regulation.

(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: This regulation will codify the existing procedure utilized by the board in the instance of a complaint, and therefore a licensee will

have to take no additional action to comply with the new regulation if a disciplinary action ensues against the licensee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost associated with compliance with this new regulation unless the licensee elects to hire an attorney to defend in the disciplinary action.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will provide the benefit of ensuring the board has clear instructions and guidelines to facilitate disciplinary proceedings.

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

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

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

(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 operations are funded by fees paid by credential holders 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: No increase in fees or funding will be necessary implement the amendment to this administrative regulation.

(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 or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied because this regulation does not distinguish between similarly situated individuals on the basis of any factor.