

Kansas Department of Health and Environment  
Economic Impact Statement

Pursuant to the requirements of KSA 2009 Supp. 77-416, as amended by L. 2010, ch. 95, sec. 4, the Kansas Department of Health and Environment submits the following economic impact statement.

1. **Regulation(s):**  
KAR 28-1-27 HIV screening guidelines
  
2. **Brief description of each regulation(s) and what is intended to be accomplished by adoption.**  
  
KAR 28-1-27 adopts by reference specific federal guidelines for HIV testing in pregnant women and newborn children
  
3. **Is this regulation(s) mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?**  
Yes   X   No       
**If yes, please explain.**  
  
Should funding for routine opt-out HIV testing of pregnant women be appropriated, as it has been in the past, KDHE would be eligible to apply to receive funding.
  
4. **Do the proposed regulations exceed the requirements of applicable federal law?**  
Yes      No   X    
**If yes, please explain.**
  
5. **Description of Costs:**  
  
**Cost to the agency:** The HIV/AIDS program has already expanded HIV testing efforts to encompass HIV testing in public health settings associated with pregnant women. Currently, costs are covered for testing of pregnant women through Kansas Counseling, Testing and Referral sites. However, the number of pregnant women tested is anticipated to increase. The HIV/AIDS program covers costs at the Department of Health and Environment Laboratory (DHEL) for conventional screening with current Counseling, Testing, and Referral providers such as community clinics and local health departments. Although a small number of these clinics and health departments see pregnant patients, there may be an estimated increase of 1,000 HIV tests. At \$3.00 per test, the total

HIV/AIDS program cost of \$3,000 will be funded by the Centers for Disease Control and Prevention (CDC) HIV Prevention Grant of \$3,000.

Any additional agency administrative workload and cost to support implementation of the screening guidelines, including periodic updating of supporting documentation and communication with healthcare professionals engaged in providing HIV testing for pregnant women and newborn children, will be absorbed by the current staff and budget.

**Cost to persons who will bear the costs and those who will be affected, (i.e., private citizens and consumers of the products or services) and are subject to the proposed rules and regulations or the enforcement:**

Program analysis determined that an unknown percentage of pregnant women in Kansas are presently not tested for HIV in accordance with federal guidelines and standards of care. Medical facilities may incur costs associated with full implementation of the guidelines. Costs to an individual for the screening test will not be any greater than costs of a routine panel of tests.

**Costs to other governmental agencies or units:** Medicaid programs may incur some costs associated with testing pregnant women presently not tested for HIV during their pregnancy. This will be offset to a great degree by preventing HIV infection in newborn children and associated costs for treating the disease.

**6. Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.**

The program has implemented expanded HIV testing programs for pregnant women in public health settings associated with providing care to pregnant women and has received federal funding to support that effort. HIV reporting and surveillance efforts have still found cases of HIV disease in newborn children whose mothers were not tested during their pregnancy. This resulted in the pursuit of statute and regulatory authority to improve testing efforts in pregnant women.

**7. Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.**

The above mentioned regulations were determined as appropriate for consultation as to the economic impact with the League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards, pursuant to KSA 77-416.

Yes \_\_\_\_\_

No  \_\_\_\_\_

If yes:                      Date Contacted and by what means (i.e., letter, FAX, etc.):