

**State of Kansas  
Department of Health and Environment**

**Notice of Hearing on Proposed Administrative Regulation**

The Kansas Department of Health and Environment, Division of Health, Bureau of Disease Control and Prevention, will conduct a public hearing at 1:30 p.m. Monday, January 10, in the Sunflower Room of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed new permanent regulation K.A.R. 28-1-27, regarding HIV screening guidelines. A summary of the proposed regulation and the estimated economic impact follows:

**Summary of Regulation:**

**K.A.R. 28-1-27.** Establishes guidelines for HIV screening for pregnant women and newborn children when the HIV status of a mother is unknown at the time of birth. Adopts by reference the section titled “Recommendations for Pregnant Women” in the Centers for Disease Control and Prevention’s document “Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings,” dated September 22, 2006. Deletes specific text of the adopted section that is inconsistent with the Kansas statute.

**Economic Impact:**

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 impacted persons: 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. These costs will be offset to a great degree by preventing HIV infection in newborn children and associated costs for treating the disease.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed new regulation. At any time during the public comment period interested parties may submit written comments to Sandra Springer, KDHE, HIV/AIDS Program, 1000 S.W. Jackson, Suite 210, Topeka, 66612-1274, by fax to (785) 296-4197, or by e-mail to [prenatalHIV@kdheks.gov](mailto:prenatalHIV@kdheks.gov). All interested parties intending to provide oral comments will be given a reasonable opportunity to present their view of the proposed new regulation during

the hearing. In order to give each individual or entity an opportunity to present their view, it may be necessary for the hearing officer to request that each presenter limit any of their presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained on the HIV/AIDS Section Web site at <http://www.kdheks.gov/hiv/index.html> or by contacting Sandra Springer at the address above, (785) 296-8596 or fax (785) 296-4197.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sandra Springer.

Roderick L. Bremby

Secretary of Health and Environment