

December 6, 2010

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):

Tuberculosis evaluation for postsecondary educational institutions
KAR 28-1-30
KAR 28-1-31
KAR 28-1-32

2. Brief description of each regulation(s) and what is intended to be accomplished by adoption.

During the 2010 session, the Kansas Legislature enacted L. 2010, ch. 118, sec. 2 and L. 2010, ch. 118, sec. 3 regarding tuberculosis (TB) evaluation requirements for certain students, evaluation criteria and treatment and monitoring of infected persons. These statutes direct and authorize the secretary of health and environment to adopt rules and regulations establishing TB evaluation requirements for certain students entering classrooms of postsecondary educational institutions who have been born, lived or traveled in countries identified as areas where tuberculosis is a health risk.

Historical data indicates that students in postsecondary educational institutions represent between 10% and 15% of Kansas TB cases each year. In addition, data also indicates that foreign born persons have accounted for between 60 % and 70% of Kansas TB cases between 2002 and 2008 with the percentage increasing over time. The following new, permanent regulations are proposed to establish a systemic, standardized and unified approach for addressing a known population in a specific environment associated with the spread of TB:

KAR 28-1-30 defines the terms used in KAR 28-1-31 and 28-1-32.

KAR 28-1-31 establishes the requirements for implementing a TB prevention and control plan as it applies to postsecondary educational institutions.

KAR 28-1-32 addresses health services at postsecondary educational institutions and the submission and monitoring of compliance for TB prevention and control plans.

3. Is this regulation(s) mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes _____

No **X**

If yes, please explain.

4. **Do the proposed regulations exceed the requirements of applicable federal law?**

Yes _____

No **X**

If yes, please explain.

5. **Description of Costs:**

a. **Cost to the agency:**

The cost to KDHE will consist of establishing and maintaining a system for monitoring the compliance of postsecondary educational institutions as they establish, maintain and implement TB prevention and control plans over time. This will include space and staff time at both support staff and professional levels to provide oversight of the statute initiated system. Travel and communications costs associated with enforcing compliance over time will also involve an ongoing cost. These costs are neutral as a result of realignment of incumbent staff duties.

b. **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:**

Certain students determined as high-risk for TB who will attend class at postsecondary educational institutions will incur medical costs for TB testing and evaluation in the process of required screening.

Postsecondary educational institutions will potentially incur costs of establishment, maintenance, and compliance with required TB prevention and control plans.

c. **Costs to other governmental agencies or units:**

Costs established by KSA 65-116i, under the provisions of KSA 65-116e for the inpatient care, maintenance and treatment will be incurred by the Department of Social and Rehabilitation services (now the Kansas Health Policy Authority) when individuals are found to have TB disease and are in need of treatment. These costs are intrinsic to an aggressive statewide TB control program and may be mitigated in the whole over time as more effective control explicit in these proposed regulations reduces the spread of infectious TB, thereby reducing the number of individuals needing either outpatient care, inpatient care, maintenance and treatment.

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 Legislature directed the Secretary to adopt regulations “. . . establishing guidelines for a tuberculosis prevention and control plan for any postsecondary educational institution.” The Legislature also directed the Secretary to adopt regulations “. . . establishing tuberculosis evaluation requirements for certain students entering classrooms of a postsecondary educational institution in Kansas who are considered as high risk for tuberculosis” The above-referenced regulations are proposed to meet those requirements and to ensure the safety of the public health. Previous efforts to address this issue were less coordinated and lacked standardized expectations from postsecondary institutions and individuals.

The agency established a committee consisting of a representative of the Regents, stakeholders and postsecondary educational institutions throughout Kansas in the development of these regulations. These parties were integral to the development of the proposed regulations.

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 X

If yes:

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

Response and comments received by: