

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

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Health, Bureau of Disease Control and Prevention, will conduct a public hearing at 10 a.m. Friday, February 25, in the Flint Hills Room, Suite 310, of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed permanent new regulations K.A.R. 28-1-30, 28-1-31 and 28-1-32, concerning tuberculosis evaluation for certain students attending postsecondary educational institutions. A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

28-1-30. Defines terms used throughout the regulations, including college designee and university designee, department, health care provider, high risk student, postsecondary educational institution, secretary, student, TB, TB prevention and control plan and tuberculosis.

28-1-31. Requires each postsecondary educational institution to develop and maintain a TB prevention and control plan and describes the components of the plan as well as the effective date of compliance.

28-1-32. Requires that each postsecondary educational institution submit a TB prevention and control plan to the department and describes the data retention requirements related to the plan.

Economic Impact:

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.

Costs to persons and postsecondary institutions affected by the regulations: 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.

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.

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 regulations. At any time during the public comment period any interested parties may submit written comments to Phil Griffin, KDHE, Tuberculosis Control Director, 1000 S.W. Jackson, Suite 210, Topeka, 66612-1373, by fax to (785) 291-3732, or by e-mail to pgriffin@kdheks.gov. All interested parties intending to provide oral comments will be

given a reasonable opportunity to present their view of the proposed new regulations 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 regulations and the corresponding economic impact statement may be obtained on the Tuberculosis Web site at <http://www.kdheks.gov/tb/index.html> or by contacting Linzi Meyer at the address above, (785) 296-2547 or by fax (785) 291-3732.

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

John W. Mitchell

Acting Secretary of Health and Environment