Proposed

State of Kansas
Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Public Health, Bureau of Disease Control and Prevention, will conduct a public hearing at 10:00 a.m. Thursday, June 27, 2019, in Room 530, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended regulation K.A.R. 28-1-20 regarding immunizations required for individuals attending schools, child care facilities, preschools, or child care programs operated by a school.

A summary of the proposed amended regulation and estimated economic impact follows:

Summary of Regulation:

K.A.R. 28-1-20. Immunizations; schools, child care facilities, and preschool or child care programs operated by a school. This amended regulation adds hepatitis A and meningitis to the list of vaccinations required for individuals attending school, child care facilities, and child care programs.

Economic Impact:

Cost to the agency: The proposed regulation will not result in additional costs to the agency.

Cost to individuals and health insurance: The average cost to a self-pay individual for the hepatitis A and meningitis vaccination is $20.26. The cost to an individual with no insurance is a $20.26 administration fee with the cost of the vaccine covered by the federal Vaccines for Children (VFC) program. The cost for private and military insurance third-party payers to vaccinate an individual is $44.59, which includes the cost of the vaccine and the administration fee, with no cost to the individual.

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Costs to other governmental agencies or units: The cost for Medicaid is the administration fee of $20.26 per vaccination with the cost of the vaccine covered by the VFC program.

A detailed economic impact is provided in the economic impact statement that is available from the agency contact person or at the KDHE Bureau of Disease Control and Prevention website, as listed below.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Phil Griffin, Deputy Director, Bureau of Disease Control and Prevention, Kansas Department of Health and Environment, 1000 SW Jackson, Suite 210, Topeka, KS 66612, by email to Phil.Griffin@ks.gov, or by fax to 785-559-4232. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained from the KDHE Bureau of Disease Control and Prevention website, at http://www.kdheks.gov/immunize/index.html or by contacting Phil Griffin at Phil.Griffin@ks.gov, 785-296-8893 or fax 785-559-4232. Questions pertaining to the proposed regulation should be directed to Phil Griffin at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact statement in an

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accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Phil Griffin.

Lee A. Norman, M.D.
Secretary

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28-1-20. Immunizations; schools, child care facilities, ~~family day care homes,~~ and preschool or child care programs operated by a school. (a) Definition. For the purposes of this regulation, "susceptible child" shall mean either of the following if, for that individual, there is no history of the disease that has been documented by a ~~licensed~~ physician, no laboratory documentation of immunity, or no documentation acceptable to the secretary that demonstrates current vaccination against the disease:

(1) Any individual who attends school as defined in K.S.A. ~~72-5208~~ 72-6261, and amendments thereto; or

(2) any individual who is enrolled, is placed, or resides in a child care facility as defined in K.S.A. 65-503, and amendments thereto, ~~a family day care home,~~ or a preschool or child care program operated by a school.

(b) Required vaccinations. Except as provided in K.S.A. ~~72-5209(b)~~ 72-6262 and amendments thereto, each susceptible child shall be required to receive the following vaccinations before enrolling in any ~~Kansas~~ school:

(1) Diphtheria;

(2) hepatitis A;

(3) hepatitis B;

~~(3)~~ (4) measles (rubeola);

(5) meningitis;

~~(4)~~ (6) mumps;

~~(5)~~ (7) pertussis (whooping cough);

~~(6)~~ (8) poliomyelitis;

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~~(7)~~ (9) rubella (German measles);

~~(8)~~ (10) tetanus; and

~~(9)~~ (11) varicella (chickenpox).

(c) Immunization record for school entry. The immunization record of each ~~pupil~~ individual who attends school shall document that the ~~pupil~~ individual has received the vaccinations specified in subsection (b) from a ~~licensed~~ physician or local health department or is not a susceptible child, on forms provided by the department of health and environment.

(d) Immunizations required for a child in a child care facility~~, family day care home,~~ or preschool or child care program operated by a school. Each susceptible child, including a child under 16 years of age of a child care provider who is enrolled, is placed, or resides in a child care facility~~, a family day care home,~~ or a preschool or child care program operated by a school, shall be required to receive the following immunizations as medically appropriate:

(1) Diphtheria;

(2) *Haemophilus influenzae* type B;

(3) hepatitis A;

(4) hepatitis B;

(5) measles (rubeola);

(6) mumps;

(7) pertussis (whooping cough);

(8) pneumococcal disease;

(9) poliomyelitis;

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(10) rubella;

(11) tetanus; and

(12) varicella (chickenpox).

(e) Immunization records for a child care facility ~~or a family day care home~~. Each child's immunization record shall be maintained on the forms provided by the department of health and environment. (Authorized by K.S.A. 65-508, ~~65-519,~~ and ~~72-5211~~ 72-6264; implementing K.S.A. 65-508, ~~65-519,~~ and ~~72-5209~~ 72-6262; effective, E-79-18, July 20, 1978; effective May 1, 1979; amended April 9, 2004; amended July 11, 2008; amended P- _____.)

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Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget

Kansas Department of Health and Environment	Susan Vogel	296-1291
Agency	Agency Contact	Contact Phone Number

K.A.R. 28-1-20
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 28-1-20. Immunizations; schools, child care facilities, and preschool or child care programs operated by a school. This amended regulation adds two additional diseases, hepatitis A and meningitis, to the list of diseases individuals attending school are required to be vaccinated against. It also includes updated language to be consistent with definitions in regulations related to individuals attending school and nomenclature used to identify child care facilities.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. ***(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)***

This regulation amendment is not mandated by the federal government. However, this regulation as amended is aligned with the recommendations of the Advisory Committee for Immunization Practices (ACIP). The ACIP comprises medical and public health experts who develop recommendations on the use of vaccines in the civilian population of the United States. The recommendations stand as public health guidance for safe use of vaccines and related biological products. This regulation as amended brings Kansas in line with the majority of state requirements nationwide. The contiguous states vary in their requirements. Oklahoma requires vaccine for hepatitis A and Missouri requires vaccine for meningitis. Neither Nebraska or Colorado mandate vaccinations for either disease.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The health of employed individuals and of family members of individuals will enhance business activities and growth by having a stable and productive workforce with less absenteeism. Healthy employees with healthy families are an invaluable asset to any business.

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B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The estimated total cost for compliance across all sectors is $2,789,529.00. This estimate is based on the cost of vaccine and the administration fees associated with each vaccination for the estimated 27.9% of children ages 12 – 17 who are not currently vaccinated. The calculation was determined based on the estimated percentage of children covered under variolous insurance sources nationally then applied to the number of Kansas children ages 12 – 17 whom would be impacted by this regulation. Cost to individuals with no insurance is $20.26 administrative fee only with the cost of the vaccine covered by the Federal Vaccines for Children Program (VFC). Private and Military Insurance costs is $44.59 per vaccine which includes the cost of vaccine plus administration fee. The cost for Medicaid is the administrative fee of $20.26 per vaccination with the cost of the vaccine covered by the VFC program. Note that 72.1% of children in this age group are already estimated to be in compliance. This chart demonstrates the distribution of cost:

	Private Pay	Private Insurance	Military Insurance	Mediacid (VFC)
Estmated portion of population	4.95%	60.35%	4.53%	30.17%
Portion of Total Population	11,822	144,129	10,819	72,053
Unvaccinated Estimate	3298	40,212	3,019	20,103
Cost to patient	$66,817.00	$ -		
Cost to 3rd party		$ 1,793,053.00	$ 134,617.00	$ 407,287.00
Federal Costs (VFC vaccine)	$54,648.00	$ -	$ -	$ 333,107.00
Cost per Vaccination to patient	$ 20.26	$ -	$ -	$ -
Cost per vaccine to 3rd party		$ 44.59	$ 44.59	$ 20.26
Cost per vaccine to VFC	$ 16.57	$ -	$ -	$ 16.57

C. Businesses that would be directly affected by the proposed rule and regulation;

Health insurance companies will be impacted but disease prevention may neutralize the cost.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Meningitis may lead to death within hours of disease development and can also be highly contagious to those who come in contact with the infected person. If death does not occur, lifelong physical deformities are the most common complication of meningitis, impacting that individual's ability to work and/or care for themselves. Hepatitis A causes severe nausea, diarrhea, fevers and other symptoms that may lead to hospitalization. This disease is highly contagious even when the infected individual is not symptomatic. Hepatitis A can be spread to others for up to three weeks, causing outbreaks of the disease. Outbreaks result in large numbers of school absences as well as adult absence from work due to illness, ultimately resulting in a financial impact on the family income.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The agency will provide ongoing support of indigent and uninsured individuals to minimize the impact. No additional measures can be taken by the agency to minimize impact.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

$2,789,529. The cost savings by prevention of illness is expected to neutralize any associated cost with the vaccine. A retrospective analysis using United States (US) managed care insurance claims and hospital discharge records estimated a total 1-year direct medical cost burden of $65,980 (2009 USD) per patient with IMD, including all post-discharge care up to 1 year following the initial hospitalization. *(Davis KL, Bell TJ, Miller JM, et al. Hospital costs, length of stay and mortality associated with childhood, adolescent and young adult meningococcal disease in the US. Appl Health Econ Health Policy 2011;9:197–207.)* A 2008 US economic analysis that included direct medical and indirect societal costs estimated a lifetime cost per case of IMD at $194,000 ($295,000 when including the indirect cost of intelligence quotient loss). *(Davis KL, Misurski DA,Miller JM, et al. Cost of acute hospitalization and post-discharge follow-up care for meningococcal disease in the United States. Hum Vaccin 2011;1:96–101.)* Anonychuk et al. found that the total cost of IMD outbreak containment varied more than 10-fold for both large and small containment strategies (ie, containment strategies targeting everyone in the surrounding community versus those targeting members of a specific school/organization). After inflating to 2016 USD, the 2 studies that reported total costs of small outbreak containment strategies ranged from $50,438 to $664,923 (average: $357,681), and the 4 studies that reported total costs of large outbreak containment strategies ranged from $125,916 to $1,291,135 (average: $692,167). *(Anonychuk A, Woo G, Vyse A, Demarteau N, Tricco AC. The cost and public health burden of invasive meningococcal disease outbreaks: a systematic review. Pharmacoeconomics. 2013;31 (7):563–576. doi:10.1007/s40273-013-0057-2) (US Department of Labor Bureau of Labor Statistics. Medical care component of consumer price index – all urban consumers (current series), not seasonally adjusted, table 1, medical care. Consumer Price Index for all urban consumers (CPI-U): U.S. city average, by expenditure category and commodity and service group. [accessed 2018 Mar 8]. http://www.bls.gov/cpi/data.htm)*

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

Total implementation and compliance costs:

Year 1 cost: $2,789,529
Year 2 cost: $2,789,529
Year 3 cost: $2,789,529
Year 4 cost: $2,789,529
Year 5 cost: $2,789,529

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Do the above total implementation and compliance costs exceed $3.0 million over any two-year period?

YES ☒ NO ☐

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The cost of the vaccine was measured against the cost of illness through loss of work hours and cost of medical care. Any other costs will be absorbed within the existing resources devoted to vaccine administration.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed $3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☒ NO ☐

Documentation of budget public hearing is attached: Notice of Hearing, published in Kansas Register, Sign-In Registration Sheet for Budget Hearing, Report of the Hearing Officer

G. **If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

The proposed amended regulation will have no effect on cities, counties, or school districts within the state. However, when the notice of hearing for this regulation is published in the *Kansas Register*, standard agency procedure will be followed and the three organizations will be contacted electronically for comment with attached copies of the regulations, economic impact statement and published notice of hearing.

H. **Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The agency consulted with representatives of hospitals, local health departments, private providers, health insurers and other interested parties through the Immunize Kansas Coalition meetings. Input was sought regarding impact of changing the regulation, with overwhelming support for the amendment.

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I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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Issuer – Written and Facsimile Bid and Good Faith Deposit Delivery Address
City of Fairway, Kansas
Attn: Kim Young
5240 Belinder Rd.
Fairway, KS 66205
913-262-0350
Fax: 913-262-4607

Municipal Advisor
George K. Baum & Company
Attn: David Arteberry
4801 Main St., Suite 500
Kansas City, MO 64112
816-863-3230
Fax: 816-283-5326

Dated February 11, 2019.

Kim Young
City Clerk

* Subject to change, see the Notice

Doc. No. 046972

State of Kansas

Department of Health and Environment

Notice of Hearing

Pursuant to K.S.A. 77-420, the Kansas Department of Health and Environment, Bureau of Disease Control and Prevention, will conduct a public hearing at 9:00 a.m. Monday, March 11, 2019, in the Flint Hills Conference Room, third floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas. The purpose of the hearing is to consult and solicit information from individuals and entities that may be affected by the implementation and compliance costs of proposed amended K.A.R. 28-1-20 regarding immunizations required for individuals attending schools, child care facilities, preschools, or child care programs operated by a school.

All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Jennifer VandeVelde, CHES, Director, Bureau of Disease Control and Prevention, Kansas Department of Health and Environment, 1000 SW Jackson, Suite 210, Topeka, KS 66612 or by email to Jennifer.Vandevelde@ks.gov. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained by contacting Jennifer VandeVelde at 785-296-6174 or Jennifer.Vandevelde@ks.gov

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

Lee A. Norman, M.D.
Interim Secretary

Doc. No. 046973

State of Kansas

Corporation Commission

Notice of Hearing on Proposed Administrative Regulations

The State Corporation Commission (Commission) will conduct a public hearing at 10:00 a.m. Tuesday, May 14, 2019, in the First Floor Hearing Room at the office of the State Corporation Commission, 1500 SW Arrowhead Rd., Topeka, Kansas, to consider the adoption of the proposed rules and regulations of the State Corporation Commission of the State of Kansas on a permanent basis.

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning of the public comment period for the purpose of receiving written public comments on the proposed rules and regulations. A complete copy of the proposed regulations and economic impact statements may be found on the Kansas Corporation Commission website: http://kcc.ks.gov, or by contacting Ahsan Latif: a.latif@kcc.ks.gov.

All interested parties may submit written comments prior to the hearing to Ahsan Latif, Litigation Counsel, State Corporation Commission, 1500 SW Arrowhead Rd., Topeka, KS 66604, or by email to a.latif@kcc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Sandra Rak at 785-271-3136 or the Kansas Relay Center at 1-800-766-3777. The main entrance located on the southwest side of the building is handicapped accessible. Handicapped parking is located on the southwest side of the State Corporation Commission's parking lot.

A summary of the proposed regulations and their economic impact are as follows: (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the State Corporation Commission, other state agencies, state employees, or the general public has been identified.)

K.A.R. 82-4-1 – Definitions.

The proposed amendments to this regulation, which defines the terms used in "Article 4 – Motor Carriers of Persons and Property," includes the removal of certain definitions to prevent variation from the federal definitions. Additionally there are edits to reflect minor

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SIGN-IN REGISTRATION FOR WRITTEN COMMENT OR ATTENDANCE

BUDGET HEARING FOR KAR 28-1-20

March 11, 2019

NAME *(Please print)*	ORGANIZATION/BUSINESS/FACILITY	WRITTEN COMMENTS	
		YES (received)	NO
Eugene Lueger	KDHE - Hearing Officer		X
Jennifer Vanderveide	KDHE		X
Phil Griffin	KDHE		X
Susan Vogel	KDHE		X

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STATE OF KANSAS

BEFORE THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

In the Matter of the
Proposed Adoption of Permanent Kansas Administrative Regulation

K.A.R. 28-1-20 – amended – Hearing re Implementation and Compliance Costs

REPORT OF THE HEARING OFFICER

This matter comes before Eugene Lueger, hearing officer appointed by the Secretary of the Kansas Department of Health and Environment (KDHE), to receive public comment regarding the implementation and compliance costs of the above-referenced proposed permanent amended regulation.

INTRODUCTION

The regulation at issue in this public hearing is KAR 28-1-20 concerning immunizations required for entry into schools and child care facilities. A hearing to determine whether the costs of the proposed rule and regulation have been accurately determined and are necessary for legislative intent because the Economic Impact Statement indicated that the implementation and compliance costs will exceed $3,000,000 in a two-year period.

Notice of the public comment period and public hearing was published in the *Kansas Register* on February 28, 2019. A copy of the public notice is included in this report as Attachment 1. A list of the persons present at the public hearing, as recorded on the registration sign-in sheets, is included in this report as Attachment 2.

SUMMARY OF THE RECORD

During the portion of the public comment period, which began with publication of the notice of hearing in the *Kansas Register*, KDHE received no comments from the general public and regulated community.

The hearing officer opened the public hearing at 9:00 a.m. with three other KDHE staff in attendance. No persons from the public were present or attended.

FINDINGS OF FACT

The public comment period that was established for receiving comment from the public on the implementation and compliance costs of the proposed regulation was concluded on March 11, 2019, and the public hearing was held on March 11, 2019. No comments were received.

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CONCLUSIONS

As required by K.S.A. 2018 Supp. 77-240 and upon review of the Economic Impact Statement the hearing officer concludes that the costs of the proposed rule and regulation have been accurately determined and are necessary for legislative intent as set forth in the Economic Impact Statement.

Dated this 14th day of March 2019.

Eugene Laeger
Hearing Officer

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