

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

Kansas Department of Health and Environment
Agency

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Agency Contact

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K.A.R. 28-1-40, 28-1-41, 28-1-42, 28-1-43, and 28-1-44 P-- New
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. 28-1-40 through 28-1-45 provides the requirements and limitations for contact tracing related to COVID-19 as provided by Section 16 of 2020 House Bill 2016 passed during the June 2020 Special Legislative Session. Contact tracing uses information received from infected and potentially infected individuals as to where they may have been and who they may have been around. Contact tracing is a tool used in controlling the spread of disease where public health tracks the disease and notifies people who may have been exposed. It is a critical tool for containing a disease. These regulations specify the training required to be a contact tracer, requirements to be a contact tracer, the health data that can be collected, the personal information that can be collected, and when contact data must be destroyed. These regulations would sunset when Section 16, 2020 Special Session House Bill 2016 sunsets. That date is currently set by the law as May 1, 2021.

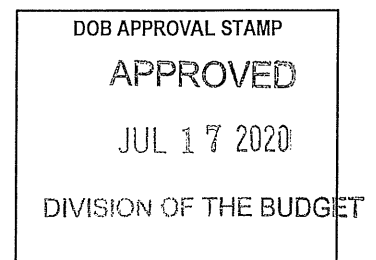
II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a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

These regulations are not required by federal regulations. The border states do not have regulations similar to these proposed regulations.

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;

K.A.R. 28-1-40 through 28-1-45 will not restrict business activities or growth.



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 primary impact will be on state and local health departments, but any cost estimates would be highly speculative and dependent on methods used and whether any significant increase in numbers occur before the law and regulations sunset on May 1, 2021.

Currently, state and local health departments conduct contact tracing for a variety of diseases (see K.A.R. 28 -1-2) and maintain records for those tracings. The added requirements of Section 16, 2020 Special Session HB 2016 (for qualifications and training, an oath, and record keeping specific to COVID-19) do not significantly add to the duties and procedures already in place. As a result, KDHE suggests minimal impact. KDHE, below, looks at cost for implementation and administration of oaths for 100 part-time workers as questionable economic projection. Training is not considered since KDHE contact tracing curriculum is free as are a number of national training courses.

Cost of Contact Tracers:

Staff - If the state and local health departments hire staff to conduct contact tracing solely for COVID-19, the employee would not be full-time given the sunset. Assuming 100 additional part-time employees state-wide for the August 1, 2020 to April 30, 2021 time frame (a 9 month / 36-week period) at 20 hours per week and using \$12 and \$20 per hour as payment range, that cost equates to a cost range of \$864,000 to \$1,440,000. How this cost would be divided between the State and the counties would be speculative.

Contract – Contact tracing contracts are widely variable due to the variability of contract requirements. A recent academic survey of contact tracing contracts from the United States applied to a 2013 measles outbreak in Canada concluded the range of costs would be from \$76,267 to \$2,078,225 with the probable cost as \$297,000. See <https://www.ncbi.nlm.nih.gov/books/NBK304890/> Methodology was not noted. Since there would likely be a number of contracts if this method is used (for the State and for counties that elect to go this route), KDHE is reluctant to state a particular figure. Logically, KDHE contends that the contract cost would be less than using part-time staff so as to reap the financial benefit.

Oath - Assuming 100 specific COVID-19 tracers state-wide and 10 minutes for the administration of the oath and the storing of the COVID-19 tracing oath into a record keeping system, that would amount to 1000 minutes total state-wide or 16.67 hours. Using \$12 and \$20 / hour for computation, that one-time cost results in a range of \$200 to \$333.33.

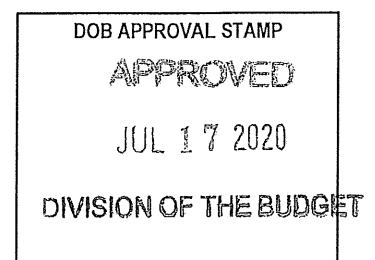
No impact on state or local government rates, utility rates or the economy is anticipated.

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

Businesses will not be directly affected by these regulations.

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

Benefits exist in contact tracing to control the spread of disease. These regulations specify the limits on the contact data that can be



collected. The cost of implementation and benefits are both minimal. See B above.

- 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 regulations do not impose costs on businesses and economic development.

- 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.**

The KDHE estimates that the annual implementation and compliance costs as a result of these regulations will be minimal. See B above.

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.

The KDHE estimates that the total implementation and compliance costs will be minimal. See B above.

The KDHE does not anticipate that any costs will be passed to local governments or the members of the public.

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

YES NO

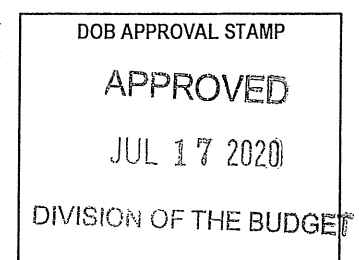
Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The above cost estimate was based on the activities to implement these specific regulations. See B above.

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

- 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 new regulations will have no effect on the cities, counties or school districts within the state. However, when the notice of hearing for the permanent regulations 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 KDHE has overseen contact tracing for a number of years, working with local health departments and businesses, although information was not solicited for these specific regulations.

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).

Not applicable.

