

**STATEMENT OF EMERGENCY  
902 KAR 2:221E**

This emergency repealer is being promulgated to comply with the orders of the Governor in compliance with KRS 13A.190(1)(a)4. Due to decreased COVID-19 incidence and disease severity resulting in large part from COVID-19 vaccination, schools will no longer be required to report students and school personnel diagnosed with Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (the virus that causes COVID-19) as described in 902 KAR 2:220. The emergency repeal of 902 KAR 2:220 is necessary to coincide with the end of the 2020-2021 school year. This emergency repealer administrative regulation conforms to KRS 13A.310 by repealing an administrative regulation that is no longer necessary. This emergency repealer administrative regulation will not be replaced by an ordinary administrative regulation.

ANDY BESHEAR, Governor  
ERIC C. FRIEDLANDER, Secretary

**CABINET FOR HEALTH AND FAMILY SERVICES  
Department for Public Health  
Division of Epidemiology and Health Planning  
(Emergency Repealer)**

**Effective:** June 4, 2021

**902 KAR 2:221E. Repeal of 902 KAR 2:220.**

RELATES TO: KRS 158.160, 214.010, 214.020

STATUTORY AUTHORITY: KRS 194A.050(1), 211.180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the commonwealth. KRS 211.180(1)(e) authorizes the cabinet to formulate, promote, establish, and execute policies, plans, and comprehensive programs relating to all matters of public health, including the protection and improvement of the health of infants, preschool, and school-age children. Due to decreased COVID-19 incidence and disease severity resulting in large part from COVID-19 vaccination, schools will no longer be required to report students and school personnel diagnosed with Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (the virus that causes COVID-19) as described in 902 KAR 2:220. This administrative regulation is necessary to repeal 902 KAR 2:220, School notification standards related to COVID-19.

Section 1. 902 KAR 2:220, School notification standards related to COVID-19, is hereby repealed.

STEVEN J. STACK, MD, MBA, Commissioner  
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: June 3, 2021

FILED WITH LRC: June 4, 2021 at 2:23 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administra-

tive regulation shall, if requested, be held on July 26, 2021, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by July 19, 2021, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until July 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Julie Brooks or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This emergency administrative regulation repeals 902 KAR 2:220.

(b) The necessity of this administrative regulation: With the increase in vaccine availability and the decline in the COVID-19 positivity rate, schools will no longer be required to report the number of students and school personnel diagnosed with Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (the virus that causes COVID-19). This emergency administrative regulation is necessary to repeal 902 KAR 2:220.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This emergency administrative regulation conforms to KRS 13A.310 by repealing an administrative regulation that is no longer necessary.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of 902 KAR 2:220 will relieve the administrative burden of public and private schools. Schools will no longer be required to report the number of students and school personnel diagnosed with COVID-19. This emergency administrative regulation is in accordance with KRS 13A.310(3)(a).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local

governments affected by this administrative regulation: This emergency administrative regulation impacts KDPH; KDE; local school boards; local health departments; and approximately 1,220 public and private elementary and secondary schools; and the children that enroll in or participate at these facilities.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Schools will be relieved of the reporting requirements, students and school personnel will not be required to report a positive diagnosis of COVID-19 to schools. No additional action will be required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There are no costs associated with the compliance of this emergency administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This emergency administrative regulation will reduce the administrative burden on public and private schools.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no costs to the administrative body associated with this emergency administrative regulation.

(b) On a continuing basis: There are no costs to the administrative body associated with this emergency administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There are no costs to the administrative body associated with this emergency administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: No increase in fees or funding is associated with this emergency administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. No fees are associated with this emergency administrative regulation.

(9) TIERING: Is tiering applied? No. Tiering is not applicable as this emergency administrative regulation repeals 902 KAR 2:220.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The emergency repeal of 902 KAR 2:220 will impact the Department for Public Health, the Department of Education, local school boards, local health departments, and all public and private elementary and secondary schools.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), and 211.180.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local gov-

ernment (including cities, counties, fire departments, or school districts) for the first year? This emergency administrative regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This emergency administrative regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs to the administrative body associated with this emergency administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs to the administrative body associated with this emergency administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: