
Emergency Rule

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.020 Reporting Infectious, Contagious, Communicable, or Dangerous Diseases. The department is amending sections (6) and (8).

PURPOSE: This amendment modifies COVID-19 test result reporting.

EMERGENCY STATEMENT: The Department of Health and Senior Services (“DHSS”) determined that this emergency amendment is necessary to protect the public health, safety, and welfare of Missouri residents and visitors.

This emergency amendment is necessary to help accurately track COVID-19 infection in the state of Missouri. In order to track positivity rates of COVID-19 tests and other trending information, the department needs to receive all negative test results in addition to positive test results. Additionally, and in order to be efficient, requiring all COVID-19 results (whether negative or positive) be sent to the Department ensures that the results are compiled in an accurate and timely manner. Finally, the federal government requests daily uploads of the department’s COVID-19 data, which includes both positive and negative test results reported for that specific day. This emergency amendment allows the department to provide that data to the federal government in a timely manner.

DHSS needs this emergency amendment to ensure that COVID-19 testing results remain consistent with the protocol in place since the state of emergency was declared in March 2020. This emergency amendment requires that all test results for COVID-19 (whether negative or positive) be sent to the department.

DHSS finds that there is an immediate danger to the public health, safety, or welfare, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed January 3, 2022, becomes effective January 18, 2022, and expires July 16, 2022.

(6) A physician, physician’s assistant, nurse, hospital, clinic, or other private or public institution providing diagnostic testing, screening or care to any person with any disease, condition, or finding listed in sections (1)–(4) of this rule or who is suspected of having any of these diseases, conditions, or findings, shall make a case report to the local health authority or the Department of Health and Senior Services, or cause a case report to be made by their designee, within the specified time. **All testing results for COVID-19, whether negative or positive, shall be reported to the Department of Health and Senior Services.**

(8) Any person in charge of a public or private school, summer camp, or child or adult care facility shall report to the local health authority or the Department of Health and Senior Services the presence or suspected presence of any diseases or findings listed in sections (1)–(4) of this rule according to the specified time frames. **All testing results for COVID-19, whether negative or positive, shall be reported to the Department of Health and Senior Services.**

AUTHORITY: sections 192.006, 192.020, 210.040, and 210.050, RSMo 2016. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For inter-

vening history, please consult the *Code of State Regulations*. Emergency amendment filed Jan. 3, 2022, effective Jan. 18, 2022, expires July 16, 2022. An emergency amendment and a proposed amendment covering the same material will be published in the Feb. 1, 2022, issue of the *Missouri Register*.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will cost private entities approximately four hundred two thousand six hundred forty dollars (\$402,640) in the time the emergency is effective.

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FISCAL NOTE PRIVATE COST

- I. Department Title:** Title 19 – Department of Health and Senior Services
Division Title: Division 20 – Division of Community and Public Health
Chapter Title: Chapter 20 – Communicable Diseases

Rule Number and Title:	19 CSR 20-20.020 Reporting Infectious, Contagious, Communicable, or Dangerous Diseases
Type of Rulemaking:	Emergency Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
25,672	Hospitals, Laboratories, Clinics, Pharmacies, Schools	\$402,640

III. WORKSHEET

The proposed rule would have an estimated aggregate annual cost of \$805,280 across all laboratories or other entities (e.g. hospitals, clinics, and schools) that perform COVID-19 tests. This is derived from 542,585 negative tests reported to DHSS in FY21 with the estimation that each negative test reported took five minutes of staff time and that each lab tech is paid \$17.81 an hour. For the duration of the emergency amendment this would be approximately halved.

$$[(542,585 \times 5) / 60] = 45,215 \text{ hours (rounded)}$$

$$45,215 \times \$17.81 = \$805,280 \text{ (rounded up)}$$

$$\$805,280 / 2 = \$402,640$$

IV. ASSUMPTIONS

The proposed rule would require negative COVID-19 tests be submitted to the Missouri Department of Health and Senior Services (DHSS). Each negative test submitted that would otherwise not be submitted would require staff time for the laboratory or entity conducting the test. Although the time and cost for each individual test would be

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negligible, as a whole the time would result in a total cost exceeding \$500 for Missouri businesses.

Each entity reporting test results to the department has the option of reporting via an electronic or manual paper submission method. The electronic method is estimated to take approximately five minutes per submission, while the manual paper method is estimated to take fifteen to twenty minutes per submission. As the electronic method is available to every entity and the proposed rule would allow for the least burdensome method of submission for every reported negative test, the department assumes for the purposes of this fiscal estimate that all submissions will be electronic.

For the state fiscal year 2021 there were a total of 601,039 COVID tests reported to the DHSS. Of those test results, positive tests accounted for 58,454 results and 542,585 were negative results (these numbers are provisional and subject to change). The department cannot predict the number of COVID-19 tests that will be conducted in future months or years. As the last full fiscal year of data, the department assumes for the purposes of this estimate that future annual COVID-19 test numbers will be comparable to FY21.

Therefore, the department estimates that laboratories and other entities required to report tests in accordance with the proposed rule (such as hospitals, clinics, and schools) would expend approximately 45,215 additional hours in labor $(542,585 \times 5) / 60$. Based on information from a professional hiring platform, the average base pay of a laboratory technician in Missouri is approximately \$17.81 an hour. This would result in an estimated total salary cost across all Missouri laboratories and businesses of \$805,280 for reporting negative test results. For the duration of the emergency amendment this would be half of a year, resulting in a cost of \$402,640.