A BILL

To amend section 5101.27 and to enact sections 3301.531 and 5104.037 of the Revised Code regarding the screening of child care and preschool employees for tuberculosis and the disclosure of information about public assistance recipients to public health authorities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5101.27 be amended and sections 3301.531 and 5104.037 of the Revised Code be enacted to read as follows:

Sec. 3301.531. (A) As used in this section:

(1) "Active tuberculosis" has the same meaning as in section 339.71 of the Revised Code.

(2) "Licensed health professional" means any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic
As Introduced

(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;

c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;

d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code;

e) A certified nurse-midwife as defined in section 4723.01 of the Revised Code.

3) "Tuberculosis test" means either of the following:

(a) A two-step Mantoux tuberculin skin test;

(b) A blood assay for m. tuberculosis.

(B) Before employing a person as a director, staff member, or nonteaching employee, for the purpose of tuberculosis screening, each preschool program shall determine if the person has done both of the following:

(1) Resided in a country identified by the world health organization as having a high burden of tuberculosis;

(2) Arrived in the United States within the five years immediately preceding the date of application for employment.

(C) If the person meets the criteria described in division (B) of this section, the preschool program shall require the person to undergo a tuberculosis test before employment. If the result of the test is negative, the preschool program may employ the person. On employment, the preschool program shall require the person to undergo a tuberculosis test each year thereafter.
for a period of five years.

(D) If the result of any tuberculosis test performed as described in division (C) of this section is positive, the preschool program shall require the person to undergo additional testing for tuberculosis, which may include a chest radiograph or the collection and examination of specimens.

If additional testing indicates active tuberculosis, then until the person submits to the program evidence that the person has completed an entire tuberculosis treatment regimen as prescribed by a licensed health professional and is free of the disease, the preschool program shall not employ the person or, if employed, shall not allow the person to be physically present at the program's location.

For purposes of this section, evidence that a person has completed the entire tuberculosis treatment regimen and is free of the disease shall consist of a written statement to that effect signed by a licensed health professional who has overseen the person's treatment.

(E) The state board of education, in collaboration with the director of health, shall adopt rules establishing standards and procedures for the tuberculosis screening, testing, and treatment required by this section. The board and director may adopt any other rules as necessary to implement this section. In adopting the rules, the board and director shall comply with Chapter 119. of the Revised Code and shall consider any recommendations or guidance regarding tuberculosis screening, testing, and treatment issued by the United States centers for disease control and prevention, the American thoracic society, and the infectious diseases society of America, or their successor organizations.
Sec. 5101.27. (A) Except as permitted by this section, section 5101.273, 5101.28, or 5101.29 of the Revised Code, or rules adopted under section 5101.30 of the Revised Code, or when required by federal law, no person or government entity shall knowingly solicit, disclose, receive, use, or knowingly permit the use of, or participate in the use of any information regarding a public assistance recipient for any purpose not directly connected with the administration of a public assistance program.

(B) To the extent permitted by federal law, the department of job and family services and county agencies shall do all of the following:

(1) Release information regarding a public assistance recipient for purposes directly connected to the administration of the program to a government entity responsible for administering that public assistance program;

(2) Provide information regarding a public assistance recipient to a law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of that public assistance program;

(3) Provide, for purposes directly connected to the administration of a program that assists needy individuals with the costs of public utility services, information regarding a recipient of financial assistance provided under a program administered by the department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code to an entity administering the public utility services program;

(4) Release information regarding a public assistance...
recipient in an emergency when authorization for the release of information cannot be timely obtained.

(C) To the extent permitted by federal law and section 1347.08 of the Revised Code, the department and county agencies shall provide access to information regarding a public assistance recipient to all of the following:

(1) The recipient;

(2) The authorized representative;

(3) The legal guardian of the recipient;

(4) The attorney of the recipient, if the attorney has written authorization that complies with section 5101.272 of the Revised Code from the recipient.

(D) To the extent permitted by federal law and subject to division (E) of this section, the department and county agencies may do both of the following:

(1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;

(2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.

(E)(1) Except when the release is required by division (B) or (C) of this section or is authorized by division (D)(2) of this section, the department or county agency shall release
the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.

(2) The department of job and family services shall promptly release information pursuant to division (B)(4) of this section to the department of health, a board of health of a city, general health district, or combined health district or the authority having the duties of a board of health if all of the following conditions are met:

(a) The department of health, board of health, or authority has initiated an investigation relating to the public health.

(b) The department of health, board of health, or authority has informed the department of job and family services that it has initiated the investigation.

(c) The department of health, board of health, or authority has requested the department of job and family services to release the information for purposes of the investigation.

(3) If the department of job and family services releases information pursuant to division (E)(2) of this section, it shall immediately notify the public assistance recipient.

(F) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (C)(2) of this section.

Sec. 5104.037. (A) As used in this section:

(1) "Active tuberculosis" has the same meaning as in section 339.71 of the Revised Code.
(2) "Licensed health professional" means any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;

(c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;

(d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code;

(e) A certified nurse-midwife as defined in section 4723.01 of the Revised Code.

(3) "Tuberculosis test" means either of the following:

(a) A two-step Mantoux tuberculin skin test;

(b) A blood assay for m. tuberculosis.

(B) Before employing a person as an administrator or employee, for the purpose of tuberculosis screening, each child day-care center shall determine if the person has done both of the following:

(1) Resided in a country identified by the world health organization as having a high burden of tuberculosis;

(2) Arrived in the United States within the five years immediately preceding the date of application for employment.

(C) If the person meets the criteria described in division (B) of this section, the center shall require the person to
undergo a tuberculosis test before employment. If the result of the test is negative, the center may employ the person. On employment, the center shall require the person to undergo a tuberculosis test each year thereafter for a period of five years.

(D) If the result of any tuberculosis test performed as described in division (C) of this section is positive, the center shall require the person to undergo additional testing for tuberculosis, which may include a chest radiograph or the collection and examination of specimens.

If additional testing indicates active tuberculosis, then until the person submits to the center evidence that the person has completed an entire tuberculosis treatment regimen as prescribed by a licensed health professional and is free of the disease, the center shall not employ the person or, if employed, shall not allow the person to be physically present at the center's location.

For purposes of this section, evidence that a person has completed the entire tuberculosis treatment regimen and is free of the disease shall consist of a written statement to that effect signed by a licensed health professional who has overseen the person's treatment.

(E) The director of job and family services, in collaboration with the director of health, shall adopt rules establishing standards and procedures for the tuberculosis screening, testing, and treatment required by this section. The directors may adopt any other rules as necessary to implement this section. In adopting the rules, the directors shall comply with Chapter 119. of the Revised Code and shall consider any recommendations or guidance regarding tuberculosis screening,
testing, and treatment issued by the United States centers for
disease control and prevention, the American thoracic society,
and the infectious diseases society of America, or their
successor organizations.

Section 2. That existing section 5101.27 of the Revised
Code is hereby repealed.