

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 210**

**Representative Carruthers**

**Cosponsor: Representative Seitz**

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**A BILL**

To amend section 5101.27 and to enact sections 1  
3301.531 and 5104.037 of the Revised Code 2  
regarding the screening of child care and 3  
preschool employees for tuberculosis and the 4  
disclosure of information about public 5  
assistance recipients to public health 6  
authorities. 7

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

**Section 1.** That section 5101.27 be amended and sections 8  
3301.531 and 5104.037 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 3301.531.** (A) As used in this section: 11

(1) "Active tuberculosis" has the same meaning as in 12  
section 339.71 of the Revised Code. 13

(2) "Licensed health professional" means any of the 14  
following: 15

(a) A physician authorized under Chapter 4731. of the 16  
Revised Code to practice medicine and surgery or osteopathic 17

<u>medicine and surgery;</u>	18
<u>(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;</u>	19 20 21
<u>(c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;</u>	22 23
<u>(d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code;</u>	24 25
<u>(e) A certified nurse-midwife as defined in section 4723.01 of the Revised Code.</u>	26 27
<u>(3) "Tuberculosis test" means either of the following:</u>	28
<u>(a) A two-step Mantoux tuberculin skin test;</u>	29
<u>(b) A blood assay for m. tuberculosis.</u>	30
<u>(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:</u>	31 32 33 34
<u>(1) Resided in a country identified by the world health organization as having a high burden of tuberculosis;</u>	35 36
<u>(2) Arrived in the United States within the five years immediately preceding the date of application for employment.</u>	37 38
<u>(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</u>	39 40 41 42 43 44

for a period of five years. 45

(D) If the result of any tuberculosis test performed as 46  
described in division (C) of this section is positive, the 47  
preschool program shall require the person to undergo additional 48  
testing for tuberculosis, which may include a chest radiograph 49  
or the collection and examination of specimens. 50

If additional testing indicates active tuberculosis, then 51  
until the person submits to the program evidence that the person 52  
has completed an entire tuberculosis treatment regimen as 53  
prescribed by a licensed health professional and is free of the 54  
disease, the preschool program shall not employ the person or, 55  
if employed, shall not allow the person to be physically present 56  
at the program's location. 57

For purposes of this section, evidence that a person has 58  
completed the entire tuberculosis treatment regimen and is free 59  
of the disease shall consist of a written statement to that 60  
effect signed by a licensed health professional who has overseen 61  
the person's treatment. 62

(E) The state board of education, in collaboration with 63  
the director of health, shall adopt rules establishing standards 64  
and procedures for the tuberculosis screening, testing, and 65  
treatment required by this section. The board and director may 66  
adopt any other rules as necessary to implement this section. In 67  
adopting the rules, the board and director shall comply with 68  
Chapter 119. of the Revised Code and shall consider any 69  
recommendations or guidance regarding tuberculosis screening, 70  
testing, and treatment issued by the United States centers for 71  
disease control and prevention, the American thoracic society, 72  
and the infectious diseases society of America, or their 73  
successor organizations. 74

**Sec. 5101.27.** (A) Except as permitted by this section, 75  
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 76  
rules adopted under section 5101.30 of the Revised Code, or when 77  
required by federal law, no person or government entity shall 78  
knowingly solicit, disclose, receive, use, ~~or knowingly~~ permit 79  
the use of, or participate in the use of any information 80  
regarding a public assistance recipient for any purpose not 81  
directly connected with the administration of a public 82  
assistance program. 83

(B) To the extent permitted by federal law, the department 84  
of job and family services and county agencies shall do all of 85  
the following: 86

(1) Release information regarding a public assistance 87  
recipient for purposes directly connected to the administration 88  
of the program to a government entity responsible for 89  
administering that public assistance program; 90

(2) Provide information regarding a public assistance 91  
recipient to a law enforcement agency for the purpose of any 92  
investigation, prosecution, or criminal or civil proceeding 93  
relating to the administration of that public assistance 94  
program; 95

(3) Provide, for purposes directly connected to the 96  
administration of a program that assists needy individuals with 97  
the costs of public utility services, information regarding a 98  
recipient of financial assistance provided under a program 99  
administered by the department or a county agency pursuant to 100  
Chapter 5107. or 5108. of the Revised Code to an entity 101  
administering the public utility services program; 102

(4) Release information regarding a public assistance 103

recipient in an emergency when authorization for the release of 104  
information cannot be timely obtained. 105

(C) To the extent permitted by federal law and section 106  
1347.08 of the Revised Code, the department and county agencies 107  
shall provide access to information regarding a public 108  
assistance recipient to all of the following: 109

(1) The recipient; 110

(2) The authorized representative; 111

(3) The legal guardian of the recipient; 112

(4) The attorney of the recipient, if the attorney has 113  
written authorization that complies with section 5101.272 of the 114  
Revised Code from the recipient. 115

(D) To the extent permitted by federal law and subject to 116  
division (E) of this section, the department and county agencies 117  
may do both of the following: 118

(1) Release information about a public assistance 119  
recipient if the recipient gives voluntary, written 120  
authorization that complies with section 5101.272 of the Revised 121  
Code; 122

(2) Release information regarding a public assistance 123  
recipient to a state, federal, or federally assisted program 124  
that provides cash or in-kind assistance or services directly to 125  
individuals based on need or for the purpose of protecting 126  
children to a government entity responsible for administering a 127  
children's protective services program. 128

(E) (1) Except when the release is required by division 129  
(B) ~~7~~ or (C) ~~7~~ of this section or is authorized by division (D) (2) 130  
of this section, the department or county agency shall release 131

the information only in accordance with the authorization. The 132  
department or county agency shall provide, at no cost, a copy of 133  
each written authorization to the individual who signed it. 134

(2) The department of job and family services shall 135  
promptly release information pursuant to division (B)(4) of this 136  
section to the department of health, a board of health of a 137  
city, general health district, or combined health district or 138  
the authority having the duties of a board of health if all of 139  
the following conditions are met: 140

(a) The department of health, board of health, or 141  
authority has initiated an investigation relating to the public 142  
health. 143

(b) The department of health, board of health, or 144  
authority has informed the department of job and family services 145  
that it has initiated the investigation. 146

(c) The department of health, board of health, or 147  
authority has requested the department of job and family 148  
services to release the information for purposes of the 149  
investigation. 150

(3) If the department of job and family services releases 151  
information pursuant to division (E)(2) of this section, it 152  
shall immediately notify the public assistance recipient. 153

(F) The department of job and family services may adopt 154  
rules defining "authorized representative" for purposes of 155  
division (C)(2) of this section. 156

**Sec. 5104.037. (A) As used in this section: 157**

(1) "Active tuberculosis" has the same meaning as in 158  
section 339.71 of the Revised Code. 159

<u>(2) "Licensed health professional" means any of the</u>	160
<u>following:</u>	161
<u>(a) A physician authorized under Chapter 4731. of the</u>	162
<u>Revised Code to practice medicine and surgery or osteopathic</u>	163
<u>medicine and surgery;</u>	164
<u>(b) A physician assistant who holds a current, valid</u>	165
<u>license to practice as a physician assistant issued under</u>	166
<u>Chapter 4730. of the Revised Code;</u>	167
<u>(c) A certified nurse practitioner as defined in section</u>	168
<u>4723.01 of the Revised Code;</u>	169
<u>(d) A clinical nurse specialist as defined in section</u>	170
<u>4723.01 of the Revised Code;</u>	171
<u>(e) A certified nurse-midwife as defined in section</u>	172
<u>4723.01 of the Revised Code.</u>	173
<u>(3) "Tuberculosis test" means either of the following:</u>	174
<u>(a) A two-step Mantoux tuberculin skin test;</u>	175
<u>(b) A blood assay for m. tuberculosis.</u>	176
<u>(B) Before employing a person as an administrator or</u>	177
<u>employee, for the purpose of tuberculosis screening, each child</u>	178
<u>day-care center shall determine if the person has done both of</u>	179
<u>the following:</u>	180
<u>(1) Resided in a country identified by the world health</u>	181
<u>organization as having a high burden of tuberculosis;</u>	182
<u>(2) Arrived in the United States within the five years</u>	183
<u>immediately preceding the date of application for employment.</u>	184
<u>(C) If the person meets the criteria described in division</u>	185
<u>(B) of this section, the center shall require the person to</u>	186

undergo a tuberculosis test before employment. If the result of 187  
the test is negative, the center may employ the person. On 188  
employment, the center shall require the person to undergo a 189  
tuberculosis test each year thereafter for a period of five 190  
years. 191

(D) If the result of any tuberculosis test performed as 192  
described in division (C) of this section is positive, the 193  
center shall require the person to undergo additional testing 194  
for tuberculosis, which may include a chest radiograph or the 195  
collection and examination of specimens. 196

If additional testing indicates active tuberculosis, then 197  
until the person submits to the center evidence that the person 198  
has completed an entire tuberculosis treatment regimen as 199  
prescribed by a licensed health professional and is free of the 200  
disease, the center shall not employ the person or, if employed, 201  
shall not allow the person to be physically present at the 202  
center's location. 203

For purposes of this section, evidence that a person has 204  
completed the entire tuberculosis treatment regimen and is free 205  
of the disease shall consist of a written statement to that 206  
effect signed by a licensed health professional who has overseen 207  
the person's treatment. 208

(E) The director of job and family services, in 209  
collaboration with the director of health, shall adopt rules 210  
establishing standards and procedures for the tuberculosis 211  
screening, testing, and treatment required by this section. The 212  
directors may adopt any other rules as necessary to implement 213  
this section. In adopting the rules, the directors shall comply 214  
with Chapter 119. of the Revised Code and shall consider any 215  
recommendations or guidance regarding tuberculosis screening, 216



<u>testing, and treatment issued by the United States centers for</u>	217
<u>disease control and prevention, the American thoracic society,</u>	218
<u>and the infectious diseases society of America, or their</u>	219
<u>successor organizations.</u>	220
<b>Section 2.</b> That existing section 5101.27 of the Revised	221
Code is hereby repealed.	222