

AN ACT

To amend sections 3748.04, 4715.70, 4715.71, 4715.72, 4773.01, 4773.061, 5101.26, and 5101.27 and to enact sections 3301.531, 4715.73, 4773.10, and 5104.037 of the Revised Code regarding the screening of child care and preschool employees for tuberculosis, the disclosure of information about certain public assistance recipients to public health authorities, the regulation of radiation technology professionals, and the exemption of certain entities from the notice requirements that apply to mobile dental facilities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3748.04, 4715.70, 4715.71, 4715.72, 4773.01, 4773.061, 5101.26, and 5101.27 be amended and sections 3301.531, 4715.73, 4773.10, 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) "Latent tuberculosis" means tuberculosis that has been demonstrated by a positive reaction to a tuberculosis test but has no clinical, bacteriological, or radiographic evidence of active tuberculosis.

(3) "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.

(4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section.

(5) "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.

(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.

(1) If additional testing indicates active tuberculosis, then until the tuberculosis control unit determines that the person is no longer infectious, 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 is no longer infectious shall consist of a written statement to that effect signed by a representative of the tuberculosis control unit.

(2) If additional testing indicates latent tuberculosis, then until the person submits to the program evidence that the person is receiving treatment as prescribed by a licensed health professional, 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. Once the person submits to the program evidence that the person is in the process of completing a tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by a representative of the tuberculosis control unit that is overseeing the person's treatment.

Sec. 3748.04. The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend or rescind rules doing all of the following:

(A) Listing types of radioactive material for which licensure by its handler is required and types of radiation-generating equipment for which registration by its handler is required, and establishing requirements governing them. Rules adopted under division (A) of this section shall be compatible with applicable federal regulations and shall establish all of the following, without limitation:

(1) Requirements governing both of the following:

(a) The licensing and inspection of handlers of radioactive material. Standards established in rules adopted under division (A)(1)(a) of this section regarding byproduct material or any activity that results in the production of that material, to the extent practicable, shall be equivalent to or more stringent than applicable standards established by the United States nuclear regulatory commission.

(b) The registration and inspection of handlers of radiation-generating equipment. Standards established in rules adopted under division (A)(1)(b) of this section, to the extent practicable, shall be equivalent to applicable standards established by the food and drug administration in the United States department of health and human services.

(2) Identification of and requirements governing possession and use of specifically licensed and generally licensed quantities of radioactive material as either sealed sources or unsealed sources;

(3) A procedure for the issuance of and the frequency of renewal of the licenses of handlers of radioactive material, other than a license for a facility for the disposal of low-level radioactive waste, and of the certificates of registration of handlers of radiation-generating equipment;

(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;

(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;

(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;

(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;

(8) Fees for both of the following:

(a) The licensing of handlers, other than facilities for the disposal of low-level radioactive waste, of radioactive material;

(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.

(9) A fee schedule for both of the following that includes fees for reviews, conducted during an inspection, of shielding plans or the adequacy of shielding:

(a) The inspection of handlers of radioactive material;

(b) The inspection of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.

(B)(1) Identifying sources of radiation, circumstances of possession, use, or disposal of sources of radiation, and levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;

(2) Establishing requirements for the achievement and maintenance of compliance with standards for the receipt, possession, use, storage, installation, transfer, servicing, and disposal of sources of radiation to prevent levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;

(3) Requiring the maintenance of records on the receipt, use, storage, transfer, and disposal of radioactive material, including technologically enhanced naturally occurring radioactive material, and on the radiological safety aspects of the use and maintenance of radiation-generating equipment. The rules adopted under division (B)(3) of this section shall not require maintenance of records regarding naturally occurring radioactive material.

In adopting rules under divisions (A) and (B) of this section, the director shall do the following: use standards no less stringent than the ~~"suggested state regulations for control of radiation" prepared by the conference of radiation control program directors, inc., and regulations adopted by the United States nuclear regulatory commission, the United States environmental protection agency, and the United States department of health and human services~~ and shall consider reports of the national council on radiation protection and ~~measurement~~ measurements and the

relevant standards of the American national standards institute; and use the "Suggested State Regulations for Control of Radiation" prepared by the conference of radiation control program directors, inc., except that the director may deviate from those regulations if the director determines that doing so is warranted and does not pose a health, environmental, or safety risk.

(C) Establishing fees, procedures, and requirements for certification as a radiation expert, including all of the following, without limitation:

- (1) Minimum training and experience requirements;
- (2) Procedures for applying for certification;
- (3) Procedures for review of applications and issuance of certificates;
- (4) Procedures for suspending and revoking certification.

(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;

(E) Establishing the responsibilities of a radiation expert;

(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;

(G) Establishing fees to be paid by any facility that, on September 8, 1995, holds a license from the United States nuclear regulatory commission in order to provide moneys necessary for the transfer of licensing and other regulatory authority from the commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing specifically with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

(H) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based upon the volume and radioactivity of the waste generated and the costs of administering low-level radioactive waste management activities under this chapter and rules adopted under it. All fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it. Any fee required under this division that remains unpaid on the ninety-first day after the original invoice date shall be assessed an additional amount equal to ten per cent of the original fee.

(I) Establishing requirements governing closure, decontamination, decommissioning, reclamation, and long-term surveillance and care of a facility licensed under this chapter and rules adopted under it. Rules adopted under division (I) of this section shall include, without limitation, all of the following:

(1) Standards and procedures to ensure that a licensee prepares a decommissioning funding plan that provides an adequate financial guaranty to permit the completion of all requirements governing the closure, decontamination, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with a licensed activity;

(2) For licensed activities where radioactive material that will require surveillance or care is likely to remain at the site after the licensed activities cease, as indicated in the application for the license submitted under section 3748.07 of the Revised Code, standards and procedures to ensure

that the licensee prepares an additional decommissioning funding plan for long-term surveillance and care, before termination of the license, that provides an additional adequate financial guaranty as necessary to provide for that surveillance and care;

(3) For the purposes of the decommissioning funding plans required in rules adopted under divisions (I)(1) and (2) of this section, the types of acceptable financial guaranties, which shall include bonds issued by fidelity or surety companies authorized to do business in the state, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, trust funds, escrow accounts, or other similar types of arrangements, but shall not include any arrangement that constitutes self-insurance;

(4) A requirement that the decommissioning funding plans required in rules adopted under divisions (I)(1) and (2) of this section contain financial guaranties in amounts sufficient to ensure compliance with any standards established by the United States nuclear regulatory commission, or by the state if it has become an agreement state pursuant to section 3748.03 of the Revised Code, pertaining to closure, decontamination, decommissioning, reclamation, and long-term surveillance and care of licensed activities and sites of licensees.

Standards established in rules adopted under division (I) of this section regarding any activity that resulted in the production of byproduct material, as defined in division (A)(2) of section 3748.01 of the Revised Code, to the extent practicable, shall be equivalent to or more stringent than standards established by the United States nuclear regulatory commission for sites at which ores were processed primarily for their source material content and at which byproduct material, as defined in division (A)(2) of section 3748.01 of the Revised Code, is deposited.

(J) Establishing criteria governing inspections of a facility for the disposal of low-level radioactive waste, including, without limitation, the establishment of a resident inspector program at such a facility;

(K) Establishing requirements and procedures governing the filing of complaints under section 3748.16 of the Revised Code, including, without limitation, those governing intervention in a hearing held under division (B)(3) of that section;

(L) Establishing requirements governing technologically enhanced naturally occurring radioactive material. Rules adopted under this division shall not apply to naturally occurring radioactive material.

Sec. 4715.70. As used in this section and sections 4715.71 ~~and 4715.72~~ to 4715.73 of the Revised Code:

(A) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(4) of section 4715.22 of the Revised Code.

(B)(1) "Minor" means an individual under eighteen years of age who is not emancipated.

(2) For purposes of this division, an individual under eighteen years of age is emancipated only if the individual has married, has entered the armed services of the United States, has become employed and self-sustaining, or otherwise has become independent from the care and control of the individual's parent, guardian, or custodian.

(C) "Mobile dental facility" means either of the following:

(1) A self-contained, intact facility in which dentistry or dental hygiene is practiced that may be transported from one location to another;

(2) A site used on a temporary basis to provide dental or dental hygiene services using portable equipment.

(D) "Mobile dental facility operator" means a dentist licensed under this chapter who operates a mobile dental facility.

(E) "Patient's representative" means a person who has authority to make health care decisions on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized by law to make health care decisions on behalf of a minor.

Sec. 4715.71. ~~A-Except as provided in section 4715.73 of the Revised Code, a mobile dental facility operator or the operator's representative shall provide each patient receiving dental or dental hygiene services at a mobile dental facility, or the patient's representative, with all of the following:~~

(A) The name of each individual who arranged for or provided dental or dental hygiene services to the patient;

(B) The telephone number to reach the mobile dental facility operator or operator's representative in case of an emergency;

(C) A list of dental or dental hygiene services provided to the patient;

(D) Any recommendations regarding further dental or dental hygiene services that are advisable;

(E) A notice to the patient that the facility must provide access to the patient's complete dental records in accordance with Chapter 3798. of the Revised Code and applicable federal laws;

(F) Instructions for requesting a copy or transfer of the patient's records.

Sec. 4715.72. ~~A-Except as provided in section 4715.73 of the Revised Code, a mobile dental facility operator or the operator's representative shall notify the state dental board and all treatment venues not later than fourteen days after either of the following occurs:~~

(A) There is a change in the address or telephone number of the operator.

(B) The mobile dental facility ceases to operate.

The notice must be provided in writing.

Sec. 4715.73. Sections 4715.71 and 4715.72 of the Revised Code do not apply to a mobile dental facility that is under the control or management of any of the following, when the only services provided by the mobile dental facility are the placement of pit and fissure sealants and the application of fluoride varnish:

(A) A program operated through a school district board of education or the governing board of an educational service center;

(B) The board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(C) Any other public or private entity that is under contract with the department of health and recognized by the state dental board.

Sec. 4773.01. As used in this chapter:

(A) "General x-ray machine operator" means an individual who operates ionizing radiation-generating equipment in order to perform standard radiology procedures; whose performance of such

procedures is limited to specific body sites; and who does not, to any significant degree, determine procedure positioning or the dosage of radiation to which a patient is exposed.

(B) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.

(C) "Ionizing radiation" means any electromagnetic or particulate radiation that interacts with atoms to produce ionization in matter, including x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles.

(D) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(E) "Podiatrist" means an individual authorized under Chapter 4731. of the Revised Code to practice podiatric medicine and surgery.

(F) "Nuclear medicine technologist" means an individual who ~~prepares~~ does all of the following:

(1) Prepares and administers radio-pharmaceuticals to human beings and conducts;

(2) Conducts in vivo or in vitro detection and measurement of ~~radioactivity~~ radioactivity for medical purposes;

(3) Documents orders for radio-pharmaceuticals in patient medical records.

(G) "Radiation therapy technologist" means an individual who utilizes ionizing radiation-generating equipment, including therapy simulator radiation-generating equipment, for therapeutic purposes on human beings.

"Radiation therapy technologist" is the same as a radiation therapist.

(H) "Radiographer" means an individual who ~~operates ionizing radiation-generating equipment, administers contrast, and determines procedure positioning and the dosage of ionizing radiation~~ does all of the following in order to perform a comprehensive scope of radiology procedures on human beings:

(1) Operates ionizing radiation-generating equipment;

(2) Administers contrast;

(3) Documents orders for contrast in patient medical records;

(4) Determines procedure positioning;

(5) Determines the dosage of ionizing radiation.

(I) "Mechanotherapist" means an individual who holds a certificate issued under section 4731.15 of the Revised Code authorizing the individual to practice mechanotherapy.

Sec. 4773.061. Subject to section 4773.06 of the Revised Code, a radiation therapy technologist or nuclear medicine technologist may perform computed tomography procedures if the technologist is certified in computed tomography by a national certifying organization approved by the director of health under section 4773.08 of the Revised Code.

When performing computed tomography procedures, the ~~radiation therapy technologist or nuclear medicine technologist~~ shall act in accordance with rules adopted under section 4773.08 of the Revised Code. In the case of a nuclear medicine technologist, the technologist also shall act in a manner that is consistent with a definitive set of treatment guidelines, as described in section 4773.10 of the Revised Code.

Sec. 4773.10. As used in this section, "clinical leadership" includes an institution's medical

director and director of radiology.

When engaging in an activity pursuant to a license issued under this chapter to practice as a radiographer or nuclear medicine technologist, the radiographer or nuclear medicine technologist shall do so in a manner that is consistent with a definitive set of treatment guidelines approved by the clinical leadership of the institution at which the radiographer or technologist practices.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "County agency" means a county department of job and family services or a public children services agency.

(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(E) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code.

(F) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

(G) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code.

(H) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of community commissioners under that section.

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.

~~(C)~~(C)(1) To the extent permitted by federal law and subject to division (C)(2) of this section, the department of job and family services shall release, for purposes directly connected to a public health investigation related to section 3301.531 or 5104.037 of the Revised Code, information regarding a public assistance recipient who receives publicly funded child care, so long as all of the following conditions are met:

(a) The department of health or the tuberculosis control unit has initiated a public health investigation related to section 3301.531 or 5104.037 of the Revised Code and has assessed the investigation as an emergency.

(b) The department of health or the tuberculosis control unit has notified the department of job and family services about the investigation and has requested that the department of job and family services release the information for purposes of the investigation.

(c) The department of job and family services is unable to timely obtain voluntary, written authorization that complies with section 5101.272 of the Revised Code.

(2) If the conditions specified in division (C)(1) of this section are met, the department of job and family services shall release to the department of health or the tuberculosis control unit the minimum information necessary to fulfill the needs of the department of health or tuberculosis control unit related to the public health investigation.

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

~~(D)~~(E) 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)~~(E) To the extent permitted by federal law and subject to division ~~(E)~~(F) 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)-(F)~~ Except when the release is required by division (B), (C), or (D) of this section or ~~(D)~~ ~~(2)~~ is authorized by division (E)(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.

~~(F)-(G)~~ The department of job and family services may adopt rules defining "authorized representative" for purposes of division ~~(C)(2)-(D)(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) "Latent tuberculosis" means tuberculosis that has been demonstrated by a positive reaction to a tuberculosis test but has no clinical, bacteriological, or radiographic evidence of active tuberculosis.

(3) "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.

(4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section.

(5) "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.

(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.

(1) If additional testing indicates active tuberculosis, then until the person is no longer infectious as determined by the county tuberculosis unit, 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 is no longer infectious shall consist of a written statement to that effect signed by a representative of the tuberculosis control unit.

(2) If additional testing indicates latent tuberculosis, then until the person submits to the program evidence that the person is receiving treatment as prescribed by a licensed health professional, 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. Once the person submits to the program evidence that the person is in the process of completing a tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by the tuberculosis control unit that is overseeing the person's treatment.

SECTION 2. That existing sections 3748.04, 4715.70, 4715.71, 4715.72, 4773.01, 4773.061, 5101.26, and 5101.27 of the Revised Code are hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____