

As Reported by the House Health Committee

133rd General Assembly

Regular Session

H. B. No. 210

2019-2020

Representative Carruthers

Cosponsors: Representatives Seitz, Weinstein

—
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.

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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:

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

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

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

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

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<u>medicine and surgery;</u>	18
<u>(b) A physician assistant who holds a current, valid</u>	19
<u>license to practice as a physician assistant issued under</u>	20
<u>Chapter 4730. of the Revised Code;</u>	21
<u>(c) A certified nurse practitioner as defined in section</u>	22
<u>4723.01 of the Revised Code;</u>	23
<u>(d) A clinical nurse specialist as defined in section</u>	24
<u>4723.01 of the Revised Code;</u>	25
<u>(e) A certified nurse-midwife as defined in section</u>	26
<u>4723.01 of the Revised Code.</u>	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,</u>	31
<u>or nonteaching employee, for the purpose of tuberculosis</u>	32
<u>screening, each preschool program shall determine if the person</u>	33
<u>has done both of the following:</u>	34
<u>(1) Resided in a country identified by the world health</u>	35
<u>organization as having a high burden of tuberculosis;</u>	36
<u>(2) Arrived in the United States within the five years</u>	37
<u>immediately preceding the date of application for employment.</u>	38
<u>(C) If the person meets the criteria described in division</u>	39
<u>(B) of this section, the preschool program shall require the</u>	40
<u>person to undergo a tuberculosis test before employment. If the</u>	41
<u>result of the test is negative, the preschool program may employ</u>	42
<u>the person. On employment, the preschool program shall require</u>	43
<u>the person to undergo a tuberculosis test each year thereafter</u>	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
<u>knowingly solicit, disclose, receive, use, or knowingly permit</u>	79
<u>the use of</u> , 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
<u>(4) Release information regarding a public assistance</u>	103

<u>recipient in an emergency when authorization for the release of</u>	104
<u>information cannot be timely obtained.</u>	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) or (C) <u>of this section</u> or <u>is authorized by division</u> (D) (2)	130
of this section, the department or county agency shall release	131

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 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
rules defining "authorized representative" for purposes of
division (C) (2) of this section.

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

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

testing, and treatment issued by the United States centers for 217
disease control and prevention, the American thoracic society, 218
and the infectious diseases society of America, or their 219
successor organizations. 220

Section 2. That existing section 5101.27 of the Revised 221
Code is hereby repealed. 222