

**As Reported by the Senate Health, Human Services and Medicaid
Committee**

133rd General Assembly

**Regular Session
2019-2020**

Sub. H. B. No. 210

**Representative Carruthers
Cosponsor: Representative Seitz**

A BILL

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 18
section 339.71 of the Revised Code. 19

(2) "Latent tuberculosis" means tuberculosis that has been 20
demonstrated by a positive reaction to a tuberculosis test but 21
has no clinical, bacteriological, or radiographic evidence of 22
active tuberculosis. 23

(3) "Licensed health professional" means any of the 24
following: 25

(a) A physician authorized under Chapter 4731. of the 26
Revised Code to practice medicine and surgery or osteopathic 27
medicine and surgery; 28

(b) A physician assistant who holds a current, valid 29
license to practice as a physician assistant issued under 30
Chapter 4730. of the Revised Code; 31

(c) A certified nurse practitioner as defined in section 32
4723.01 of the Revised Code; 33

(d) A clinical nurse specialist as defined in section 34
4723.01 of the Revised Code. 35

(4) "Tuberculosis control unit" means the county 36
tuberculosis control unit designated by a board of county 37
commissioners under section 339.72 of the Revised Code or the 38
district tuberculosis control unit designated pursuant to an 39
agreement entered into by two or more boards of county 40
commissioners under that section. 41

(5) "Tuberculosis test" means either of the following: 42

(a) A two-step Mantoux tuberculin skin test; 43

(b) A blood assay for m. tuberculosis. 44

(B) Before employing a person as a director, staff member, 45
or nonteaching employee, for the purpose of tuberculosis 46
screening, each preschool program shall determine if the person 47
has done both of the following: 48

(1) Resided in a country identified by the world health 49
organization as having a high burden of tuberculosis; 50

(2) Arrived in the United States within the five years 51
immediately preceding the date of application for employment. 52

(C) If the person meets the criteria described in division 53
(B) of this section, the preschool program shall require the 54
person to undergo a tuberculosis test before employment. If the 55
result of the test is negative, the preschool program may employ 56
the person. 57

(D) If the result of any tuberculosis test performed as 58
described in division (C) of this section is positive, the 59
preschool program shall require the person to undergo additional 60
testing for tuberculosis, which may include a chest radiograph 61
or the collection and examination of specimens. 62

(1) If additional testing indicates active tuberculosis, 63
then until the tuberculosis control unit determines that the 64
person is no longer infectious, the preschool program shall not 65
employ the person or, if employed, shall not allow the person to 66
be physically present at the program's location. 67

For purposes of this section, evidence that a person is no 68
longer infectious shall consist of a written statement to that 69
effect signed by a representative of the tuberculosis control 70
unit. 71

(2) If additional testing indicates latent tuberculosis, 72
then until the person submits to the program evidence that the 73

person is receiving treatment as prescribed by a licensed health 74
professional, the preschool program shall not employ the person 75
or, if employed, shall not allow the person to be physically 76
present at the program's location. Once the person submits to 77
the program evidence that the person is in the process of 78
completing a tuberculosis treatment regimen as prescribed by a 79
licensed health professional, the preschool program may employ 80
the person and allow the person to be physically present at the 81
program's location so long as periodic evidence of compliance 82
with the treatment regimen is submitted in accordance with rules 83
adopted under section 3701.146 of the Revised Code. 84

For purposes of this section, evidence that a person is in 85
the process of completing and is compliant with a tuberculosis 86
treatment regimen shall consist of a written statement to that 87
effect signed by a representative of the tuberculosis control 88
unit that is overseeing the person's treatment. 89

Sec. 3748.04. The director of health, in accordance with 90
Chapter 119. of the Revised Code, shall adopt and may amend or 91
rescind rules doing all of the following: 92

(A) Listing types of radioactive material for which 93
licensure by its handler is required and types of radiation- 94
generating equipment for which registration by its handler is 95
required, and establishing requirements governing them. Rules 96
adopted under division (A) of this section shall be compatible 97
with applicable federal regulations and shall establish all of 98
the following, without limitation: 99

(1) Requirements governing both of the following: 100

(a) The licensing and inspection of handlers of 101
radioactive material. Standards established in rules adopted 102

under division (A) (1) (a) of this section regarding byproduct 103
material or any activity that results in the production of that 104
material, to the extent practicable, shall be equivalent to or 105
more stringent than applicable standards established by the 106
United States nuclear regulatory commission. 107

(b) The registration and inspection of handlers of 108
radiation-generating equipment. Standards established in rules 109
adopted under division (A) (1) (b) of this section, to the extent 110
practicable, shall be equivalent to applicable standards 111
established by the food and drug administration in the United 112
States department of health and human services. 113

(2) Identification of and requirements governing 114
possession and use of specifically licensed and generally 115
licensed quantities of radioactive material as either sealed 116
sources or unsealed sources; 117

(3) A procedure for the issuance of and the frequency of 118
renewal of the licenses of handlers of radioactive material, 119
other than a license for a facility for the disposal of low- 120
level radioactive waste, and of the certificates of registration 121
of handlers of radiation-generating equipment; 122

(4) Procedures for suspending and revoking the licenses of 123
handlers of radioactive material and the certificates of 124
registration of handlers of radiation-generating equipment; 125

(5) Criteria to be used by the director of health in 126
amending the license of a handler of radioactive material or the 127
certificate of registration of a handler of radiation-generating 128
equipment subsequent to its issuance; 129

(6) Criteria for achieving and maintaining compliance with 130
this chapter and rules adopted under it by licensees and 131

registrants;	132
(7) Criteria governing environmental monitoring of	133
licensed and registered activities to assess compliance with	134
this chapter and rules adopted under it;	135
(8) Fees for both of the following:	136
(a) The licensing of handlers, other than facilities for	137
the disposal of low-level radioactive waste, of radioactive	138
material;	139
(b) The registration of handlers, other than facilities	140
that are, or are operated by, medical practitioners or medical-	141
practitioner groups, of radiation-generating equipment.	142
(9) A fee schedule for both of the following that includes	143
fees for reviews, conducted during an inspection, of shielding	144
plans or the adequacy of shielding:	145
(a) The inspection of handlers of radioactive material;	146
(b) The inspection of handlers, other than facilities that	147
are, or are operated by, medical practitioners or medical-	148
practitioner groups, of radiation-generating equipment.	149
(B) (1) Identifying sources of radiation, circumstances of	150
possession, use, or disposal of sources of radiation, and levels	151
of radiation that constitute an unreasonable or unnecessary risk	152
to human health or the environment;	153
(2) Establishing requirements for the achievement and	154
maintenance of compliance with standards for the receipt,	155
possession, use, storage, installation, transfer, servicing, and	156
disposal of sources of radiation to prevent levels of radiation	157
that constitute an unreasonable or unnecessary risk to human	158
health or the environment;	159

(3) Requiring the maintenance of records on the receipt, 160
use, storage, transfer, and disposal of radioactive material, 161
including technologically enhanced naturally occurring 162
radioactive material, and on the radiological safety aspects of 163
the use and maintenance of radiation-generating equipment. The 164
rules adopted under division (B) (3) of this section shall not 165
require maintenance of records regarding naturally occurring 166
radioactive material. 167

In adopting rules under divisions (A) and (B) of this 168
section, the director shall do the following: use standards no 169
less stringent than the ~~"suggested state regulations for control-~~ 170
~~of radiation"~~ prepared by the conference of radiation control- 171
~~program directors, inc., and~~ regulations adopted by the United 172
States nuclear regulatory commission, the United States 173
environmental protection agency, and the United States 174
department of health and human services ~~and shall;~~ consider 175
reports of the national council on radiation protection and 176
~~measurement~~ measurements and the relevant standards of the 177
American national standards institute; and use the "Suggested 178
State Regulations for Control of Radiation" prepared by the 179
conference of radiation control program directors, inc., except 180
that the director may deviate from those regulations if the 181
director determines that doing so is warranted and does not pose 182
a health, environmental, or safety risk. 183

(C) Establishing fees, procedures, and requirements for 184
certification as a radiation expert, including all of the 185
following, without limitation: 186

(1) Minimum training and experience requirements; 187

(2) Procedures for applying for certification; 188

(3) Procedures for review of applications and issuance of certificates;	189 190
(4) Procedures for suspending and revoking certification.	191
(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;	192 193
(E) Establishing the responsibilities of a radiation expert;	194 195
(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;	196 197 198
(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.	199 200 201 202 203 204 205 206 207 208 209 210 211
(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	212 213 214 215 216 217

state treasury to the credit of the general operations fund 218
created in section 3701.83 of the Revised Code. The fees shall 219
be used solely to administer and enforce this chapter and rules 220
adopted under it. Any fee required under this division that 221
remains unpaid on the ninety-first day after the original 222
invoice date shall be assessed an additional amount equal to ten 223
per cent of the original fee. 224

(I) Establishing requirements governing closure, 225
decontamination, decommissioning, reclamation, and long-term 226
surveillance and care of a facility licensed under this chapter 227
and rules adopted under it. Rules adopted under division (I) of 228
this section shall include, without limitation, all of the 229
following: 230

(1) Standards and procedures to ensure that a licensee 231
prepares a decommissioning funding plan that provides an 232
adequate financial guaranty to permit the completion of all 233
requirements governing the closure, decontamination, 234
decommissioning, and reclamation of sites, structures, and 235
equipment used in conjunction with a licensed activity; 236

(2) For licensed activities where radioactive material 237
that will require surveillance or care is likely to remain at 238
the site after the licensed activities cease, as indicated in 239
the application for the license submitted under section 3748.07 240
of the Revised Code, standards and procedures to ensure that the 241
licensee prepares an additional decommissioning funding plan for 242
long-term surveillance and care, before termination of the 243
license, that provides an additional adequate financial guaranty 244
as necessary to provide for that surveillance and care; 245

(3) For the purposes of the decommissioning funding plans 246
required in rules adopted under divisions (I) (1) and (2) of this 247

section, the types of acceptable financial guaranties, which 248
shall include bonds issued by fidelity or surety companies 249
authorized to do business in the state, certificates of deposit, 250
deposits of government securities, irrevocable letters or lines 251
of credit, trust funds, escrow accounts, or other similar types 252
of arrangements, but shall not include any arrangement that 253
constitutes self-insurance; 254

(4) A requirement that the decommissioning funding plans 255
required in rules adopted under divisions (I) (1) and (2) of this 256
section contain financial guaranties in amounts sufficient to 257
ensure compliance with any standards established by the United 258
States nuclear regulatory commission, or by the state if it has 259
become an agreement state pursuant to section 3748.03 of the 260
Revised Code, pertaining to closure, decontamination, 261
decommissioning, reclamation, and long-term surveillance and 262
care of licensed activities and sites of licensees. 263

Standards established in rules adopted under division (I) 264
of this section regarding any activity that resulted in the 265
production of byproduct material, as defined in division (A) (2) 266
of section 3748.01 of the Revised Code, to the extent 267
practicable, shall be equivalent to or more stringent than 268
standards established by the United States nuclear regulatory 269
commission for sites at which ores were processed primarily for 270
their source material content and at which byproduct material, 271
as defined in division (A) (2) of section 3748.01 of the Revised 272
Code, is deposited. 273

(J) Establishing criteria governing inspections of a 274
facility for the disposal of low-level radioactive waste, 275
including, without limitation, the establishment of a resident 276
inspector program at such a facility; 277

(K) Establishing requirements and procedures governing the 278
filing of complaints under section 3748.16 of the Revised Code, 279
including, without limitation, those governing intervention in a 280
hearing held under division (B) (3) of that section; 281

(L) Establishing requirements governing technologically 282
enhanced naturally occurring radioactive material. Rules adopted 283
under this division shall not apply to naturally occurring 284
radioactive material. 285

Sec. 4715.70. As used in this section and sections 4715.71 286
~~and 4715.72 to 4715.73~~ of the Revised Code: 287

(A) "Dental hygiene services" means the prophylactic, 288
preventive, and other procedures that dentists are authorized by 289
this chapter and rules of the state dental board to assign to 290
dental hygienists, except for procedures while a patient is 291
anesthetized, definitive root planing, definitive subgingival 292
curettage, the administration of local anesthesia, and the 293
procedures specified in rules adopted by the board as described 294
in division (C) (4) of section 4715.22 of the Revised Code. 295

(B) (1) "Minor" means an individual under eighteen years of 296
age who is not emancipated. 297

(2) For purposes of this division, an individual under 298
eighteen years of age is emancipated only if the individual has 299
married, has entered the armed services of the United States, 300
has become employed and self-sustaining, or otherwise has become 301
independent from the care and control of the individual's 302
parent, guardian, or custodian. 303

(C) "Mobile dental facility" means either of the 304
following: 305

(1) A self-contained, intact facility in which dentistry 306

or dental hygiene is practiced that may be transported from one 307
location to another; 308

(2) A site used on a temporary basis to provide dental or 309
dental hygiene services using portable equipment. 310

(D) "Mobile dental facility operator" means a dentist 311
licensed under this chapter who operates a mobile dental 312
facility. 313

(E) "Patient's representative" means a person who has 314
authority to make health care decisions on behalf of an adult or 315
emancipated minor, or the parent, legal guardian, or other 316
person acting in loco parentis who is authorized by law to make 317
health care decisions on behalf of a minor. 318

Sec. 4715.71. ~~A~~ Except as provided in section 4715.73 of 319
the Revised Code, a mobile dental facility operator or the 320
operator's representative shall provide each patient receiving 321
dental or dental hygiene services at a mobile dental facility, 322
or the patient's representative, with all of the following: 323

(A) The name of each individual who arranged for or 324
provided dental or dental hygiene services to the patient; 325

(B) The telephone number to reach the mobile dental 326
facility operator or operator's representative in case of an 327
emergency; 328

(C) A list of dental or dental hygiene services provided 329
to the patient; 330

(D) Any recommendations regarding further dental or dental 331
hygiene services that are advisable; 332

(E) A notice to the patient that the facility must provide 333
access to the patient's complete dental records in accordance 334

with Chapter 3798. of the Revised Code and applicable federal 335
laws; 336

(F) Instructions for requesting a copy or transfer of the 337
patient's records. 338

Sec. 4715.72. ~~A-Except as provided in section 4715.73 of~~ 339
the Revised Code, a mobile dental facility operator or the 340
operator's representative shall notify the state dental board 341
and all treatment venues not later than fourteen days after 342
either of the following occurs: 343

(A) There is a change in the address or telephone number 344
of the operator. 345

(B) The mobile dental facility ceases to operate. 346

The notice must be provided in writing. 347

Sec. 4715.73. Sections 4715.71 and 4715.72 of the Revised 348
Code do not apply to a mobile dental facility that is under the 349
control or management of any of the following, when the only 350
services provided by the mobile dental facility are the 351
placement of pit and fissure sealants and the application of 352
fluoride varnish: 353

(A) A program operated through a school district board of 354
education or the governing board of an educational service 355
center; 356

(B) The board of health of a city or general health 357
district or the authority having the duties of a board of health 358
under section 3709.05 of the Revised Code; 359

(C) Any other public or private entity that is under 360
contract with the department of health and recognized by the 361
state dental board. 362

Sec. 4773.01. As used in this chapter: 363

(A) "General x-ray machine operator" means an individual 364
who operates ionizing radiation-generating equipment in order to 365
perform standard radiology procedures; whose performance of such 366
procedures is limited to specific body sites; and who does not, 367
to any significant degree, determine procedure positioning or 368
the dosage of radiation to which a patient is exposed. 369

(B) "Chiropractor" means an individual licensed under 370
Chapter 4734. of the Revised Code to practice chiropractic. 371

(C) "Ionizing radiation" means any electromagnetic or 372
particulate radiation that interacts with atoms to produce 373
ionization in matter, including x-rays, gamma rays, alpha and 374
beta particles, high speed electrons, neutrons, and other 375
nuclear particles. 376

(D) "Physician" means an individual authorized under 377
Chapter 4731. of the Revised Code to practice medicine and 378
surgery or osteopathic medicine and surgery. 379

(E) "Podiatrist" means an individual authorized under 380
Chapter 4731. of the Revised Code to practice podiatric medicine 381
and surgery. 382

(F) "Nuclear medicine technologist" means an individual 383
who ~~prepares~~ does all of the following: 384

(1) Prepares and administers radio-pharmaceuticals to 385
human beings ~~and conducts;~~ 386

(2) Conducts in vivo or in vitro detection and measurement 387
of ~~radioactivity~~ radioactivity for medical purposes; 388

(3) Documents orders for radio-pharmaceuticals in patient 389
medical records. 390

(G) "Radiation therapy technologist" means an individual 391
who utilizes ionizing radiation-generating equipment, including 392
therapy simulator radiation-generating equipment, for 393
therapeutic purposes on human beings. 394

"Radiation therapy technologist" is the same as a 395
radiation therapist. 396

(H) "Radiographer" means an individual who ~~operates—~~ 397
~~ionizing radiation-generating equipment, administers contrast,—~~ 398
~~and determines procedure positioning and the dosage of ionizing—~~ 399
~~radiation—does all of the following in order to perform a~~ 400
comprehensive scope of radiology procedures on human beings; 401

(1) Operates ionizing radiation-generating equipment; 402

(2) Administers contrast; 403

(3) Documents orders for contrast in patient medical 404
records; 405

(4) Determines procedure positioning; 406

(5) Determines the dosage of ionizing radiation. 407

(I) "Mechanotherapist" means an individual who holds a 408
certificate issued under section 4731.15 of the Revised Code 409
authorizing the individual to practice mechanotherapy. 410

Sec. 4773.061. Subject to section 4773.06 of the Revised 411
Code, a radiation therapy technologist or nuclear medicine 412
technologist may perform computed tomography procedures if the 413
technologist is certified in computed tomography by a national 414
certifying organization approved by the director of health under 415
section 4773.08 of the Revised Code. 416

When performing computed tomography procedures, the 417

~~radiation therapy technologist or nuclear medicine technologist~~ 418
shall act in accordance with rules adopted under section 4773.08 419
of the Revised Code. In the case of a nuclear medicine 420
technologist, the technologist also shall act in a manner that 421
is consistent with a definitive set of treatment guidelines, as 422
described in section 4773.10 of the Revised Code. 423

Sec. 4773.10. As used in this section, "clinical 424
leadership" includes an institution's medical director and 425
director of radiology. 426

When engaging in an activity pursuant to a license issued 427
under this chapter to practice as a radiographer or nuclear 428
medicine technologist, the radiographer or nuclear medicine 429
technologist shall do so in a manner that is consistent with a 430
definitive set of treatment guidelines approved by the clinical 431
leadership of the institution at which the radiographer or 432
technologist practices. 433

Sec. 5101.26. As used in this section and in sections 434
5101.27 to 5101.30 of the Revised Code: 435

(A) "County agency" means a county department of job and 436
family services or a public children services agency. 437

(B) "Fugitive felon" means an individual who is fleeing to 438
avoid prosecution, or custody or confinement after conviction, 439
under the laws of the place from which the individual is 440
fleeing, for a crime or an attempt to commit a crime that is a 441
felony under the laws of the place from which the individual is 442
fleeing or, in the case of New Jersey, a high misdemeanor, 443
regardless of whether the individual has departed from the 444
individual's usual place of residence. 445

(C) "Information" means records as defined in section 446

149.011 of the Revised Code, any other documents in any format, 447
and data derived from records and documents that are generated, 448
acquired, or maintained by the department of job and family 449
services, a county agency, or an entity performing duties on 450
behalf of the department or a county agency. 451

(D) "Law enforcement agency" means the state highway 452
patrol, an agency that employs peace officers as defined in 453
section 109.71 of the Revised Code, the adult parole authority, 454
a county department of probation, a prosecuting attorney, the 455
attorney general, similar agencies of other states, federal law 456
enforcement agencies, and postal inspectors. "Law enforcement 457
agency" includes the peace officers and other law enforcement 458
officers employed by the agency. 459

(E) "Public assistance" means financial assistance or 460
social services that are provided under a program administered 461
by the department of job and family services or a county agency 462
pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the 463
Revised Code or an executive order issued under section 107.17 464
of the Revised Code. "Public assistance" does not mean medical 465
assistance provided under a medical assistance program, as 466
defined in section 5160.01 of the Revised Code. 467

(F) "Public assistance recipient" means an applicant for 468
or recipient or former recipient of public assistance. 469

(G) "Publicly funded child care" has the same meaning as 470
in section 5104.01 of the Revised Code. 471

(H) "Tuberculosis control unit" means the county 472
tuberculosis control unit designated by a board of county 473
commissioners under section 339.72 of the Revised Code or the 474
district tuberculosis control unit designated pursuant to an 475

agreement entered into by two or more boards of community 476
commissioners under that section. 477

Sec. 5101.27. (A) Except as permitted by this section, 478
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 479
rules adopted under section 5101.30 of the Revised Code, or when 480
required by federal law, no person or government entity shall 481
knowingly solicit, disclose, receive, use, ~~or knowingly permit~~ 482
the use of, or participate in the use of any information 483
regarding a public assistance recipient for any purpose not 484
directly connected with the administration of a public 485
assistance program. 486

(B) To the extent permitted by federal law, the department 487
of job and family services and county agencies shall do all of 488
the following: 489

(1) Release information regarding a public assistance 490
recipient for purposes directly connected to the administration 491
of the program to a government entity responsible for 492
administering that public assistance program; 493

(2) Provide information regarding a public assistance 494
recipient to a law enforcement agency for the purpose of any 495
investigation, prosecution, or criminal or civil proceeding 496
relating to the administration of that public assistance 497
program; 498

(3) Provide, for purposes directly connected to the 499
administration of a program that assists needy individuals with 500
the costs of public utility services, information regarding a 501
recipient of financial assistance provided under a program 502
administered by the department or a county agency pursuant to 503
Chapter 5107. or 5108. of the Revised Code to an entity 504

administering the public utility services program. 505

~~(C)~~ (C) (1) To the extent permitted by federal law and 506
subject to division (C) (2) of this section, the department of 507
job and family services shall release, for purposes directly 508
connected to a public health investigation related to section 509
3301.531 or 5104.037 of the Revised Code, information regarding 510
a public assistance recipient who receives publicly funded child 511
care, so long as all of the following conditions are met: 512

(a) The department of health or the tuberculosis control 513
unit has initiated a public health investigation related to 514
section 3301.531 or 5104.037 of the Revised Code and has 515
assessed the investigation as an emergency. 516

(b) The department of health or the tuberculosis control 517
unit has notified the department of job and family services 518
about the investigation and has requested that the department of 519
job and family services release the information for purposes of 520
the investigation. 521

(c) The department of job and family services is unable to 522
timely obtain voluntary, written authorization that complies 523
with section 5101.272 of the Revised Code. 524

(2) If the conditions specified in division (C) (1) of this 525
section are met, the department of job and family services shall 526
release to the department of health or the tuberculosis control 527
unit the minimum information necessary to fulfill the needs of 528
the department of health or tuberculosis control unit related to 529
the public health investigation. 530

(3) If the department of job and family services releases 531
information pursuant to division (C) of this section, it shall 532
immediately notify the public assistance recipient. 533

(D) To the extent permitted by federal law and section 534
1347.08 of the Revised Code, the department and county agencies 535
shall provide access to information regarding a public 536
assistance recipient to all of the following: 537

- (1) The recipient; 538
- (2) The authorized representative; 539
- (3) The legal guardian of the recipient; 540
- (4) The attorney of the recipient, if the attorney has 541
written authorization that complies with section 5101.272 of the 542
Revised Code from the recipient. 543

~~(D)~~ (E) To the extent permitted by federal law and subject 544
to division ~~(E)~~ (F) of this section, the department and county 545
agencies may do both of the following: 546

(1) Release information about a public assistance 547
recipient if the recipient gives voluntary, written 548
authorization that complies with section 5101.272 of the Revised 549
Code; 550

(2) Release information regarding a public assistance 551
recipient to a state, federal, or federally assisted program 552
that provides cash or in-kind assistance or services directly to 553
individuals based on need or for the purpose of protecting 554
children to a government entity responsible for administering a 555
children's protective services program. 556

~~(E)~~ (F) Except when the release is required by division 557
(B), (C), or (D) of this section or ~~(D)~~ (2) is authorized by 558
division (E) (2) of this section, the department or county agency 559
shall release the information only in accordance with the 560
authorization. The department or county agency shall provide, at 561

no cost, a copy of each written authorization to the individual 562
who signed it. 563

~~(F)~~ (G) The department of job and family services may 564
adopt rules defining "authorized representative" for purposes of 565
division ~~(C) (2)~~ (D) (2) of this section. 566

Sec. 5104.037. (A) As used in this section: 567

(1) "Active tuberculosis" has the same meaning as in 568
section 339.71 of the Revised Code. 569

(2) "Latent tuberculosis" means tuberculosis that has been 570
demonstrated by a positive reaction to a tuberculosis test but 571
has no clinical, bacteriological, or radiographic evidence of 572
active tuberculosis. 573

(3) "Licensed health professional" means any of the 574
following: 575

(a) A physician authorized under Chapter 4731. of the 576
Revised Code to practice medicine and surgery or osteopathic 577
medicine and surgery; 578

(b) A physician assistant who holds a current, valid 579
license to practice as a physician assistant issued under 580
Chapter 4730. of the Revised Code; 581

(c) A certified nurse practitioner as defined in section 582
4723.01 of the Revised Code; 583

(d) A clinical nurse specialist as defined in section 584
4723.01 of the Revised Code. 585

(4) "Tuberculosis control unit" means the county 586
tuberculosis control unit designated by a board of county 587
commissioners under section 339.72 of the Revised Code or the 588

district tuberculosis control unit designated pursuant to an 589
agreement entered into by two or more boards of county 590
commissioners under that section. 591

(5) "Tuberculosis test" means either of the following: 592

(a) A two-step Mantoux tuberculin skin test; 593

(b) A blood assay for m. tuberculosis. 594

(B) Before employing a person as an administrator or 595
employee, for the purpose of tuberculosis screening, each child 596
day-care center shall determine if the person has done both of 597
the following: 598

(1) Resided in a country identified by the world health 599
organization as having a high burden of tuberculosis; 600

(2) Arrived in the United States within the five years 601
immediately preceding the date of application for employment. 602

(C) If the person meets the criteria described in division 603
(B) of this section, the center shall require the person to 604
undergo a tuberculosis test before employment. If the result of 605
the test is negative, the center may employ the person. 606

(D) If the result of any tuberculosis test performed as 607
described in division (C) of this section is positive, the 608
center shall require the person to undergo additional testing 609
for tuberculosis, which may include a chest radiograph or the 610
collection and examination of specimens. 611

(1) If additional testing indicates active tuberculosis, 612
then until the person is no longer infectious as determined by 613
the county tuberculosis unit, the center shall not employ the 614
person or, if employed, shall not allow the person to be 615
physically present at the center's location. 616

For purposes of this section, evidence that a person is no 617
longer infectious shall consist of a written statement to that 618
effect signed by a representative of the tuberculosis control 619
unit. 620

(2) If additional testing indicates latent tuberculosis, 621
then until the person submits to the program evidence that the 622
person is receiving treatment as prescribed by a licensed health 623
professional, the preschool program shall not employ the person 624
or, if employed, shall not allow the person to be physically 625
present at the program's location. Once the person submits to 626
the program evidence that the person is in the process of 627
completing a tuberculosis treatment regimen as prescribed by a 628
licensed health professional, the preschool program may employ 629
the person and allow the person to be physically present at the 630
program's location so long as periodic evidence of compliance 631
with the treatment regimen is submitted in accordance with rules 632
adopted under section 3701.146 of the Revised Code. 633

For purposes of this section, evidence that a person is in 634
the process of completing and is compliant with a tuberculosis 635
treatment regimen shall consist of a written statement to that 636
effect signed by the tuberculosis control unit that is 637
overseeing the person's treatment. 638

Section 2. That existing sections 3748.04, 4715.70, 639
4715.71, 4715.72, 4773.01, 4773.061, 5101.26, and 5101.27 of the 640
Revised Code are hereby repealed. 641