

Senate Bill No. 424

(By Senators Ferns and Stollings)

[Introduced February 5, 2015;
referred to the Committee on
Health and Human Resources;
and then to the Committee on Education.]

A BILL to amend and reenact §16-3D-2 and §16-3D-3 of the Code of West Virginia, 1931, as amended, all relating to compulsory tuberculosis testing; defining terms; removing requirement for compulsory tuberculosis testing for school children transferring from outside this state; removing requirement for recording test results, immediate evaluations by a physician of positive reactors and x-rays upon a positive test; omitting requirement for all school personnel to have one tuberculin test at time of employment; and eliminating requirement that local health officers be responsible for arranging follow-up of school personnel and students who are not able to get a physician evaluation for a positive tuberculin skin test.

Be it enacted by the Legislature of West Virginia:

That §16-3D-2 and §16-3D-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3D. TUBERCULOSIS TESTING, CONTROL, TREATMENT AND COMMITMENT.

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§16-3D-2. Definitions.

1 As used in this article:

2 (1) “Active tuberculosis” or “tuberculosis” means a communicable disease caused by the
3 bacteria, *Mycobacterium tuberculosis*, which is demonstrated by clinical, bacteriological,
4 radiographic or epidemiological evidence. An infected person whose tuberculosis has progressed
5 to active disease may experience symptoms such as coughing, fever, fatigue, loss of appetite and
6 weight loss and is capable of spreading the disease to others if the tuberculosis germs are active in
7 the lungs or throat.

8 (2) “Bureau” means the Bureau for Public Health in the Department of Health and Human
9 Resources;

10 (3) “Commissioner” means the Commissioner of the Bureau for Public Health, who is the
11 state health officer;

12 (4) “Local board of health”, “local board” or “board” means a board of health serving one
13 or more counties or one or more municipalities or a combination thereof;

14 (5) “Local health department” means the staff of the local board of health; and

15 (6) “Local health officer” means the individual physician with a current West Virginia license
16 to practice medicine who supervises and directs the activities of the local health department services,
17 staff and facilities and is appointed by the local board of health with approval by the commissioner.

18 (7) “Tuberculosis suspect” means a person who is suspected of having tuberculosis disease
19 due to any or all of the following medical factors: The presence of symptoms, the result of a positive
20 skin test, risk factors for tuberculosis or findings on an abnormal chest x-ray during the time period
21 when an active tuberculosis disease diagnosis is pending.

1 **§16-3D-3. Compulsory testing for tuberculosis of school children and school personnel;**
2 **commissioner to approve the test; x-rays required for reactors; suspension**
3 **from school or employment for pupils and personnel found to have**
4 **tuberculosis.**

5 ~~(a) All students transferring from a school located outside this state or enrolling for the first~~
6 ~~time from outside the state shall furnish a certification from a licensed physician stating that a~~
7 ~~tuberculin skin test, approved by the Commissioner, has been made within four months prior to the~~
8 ~~beginning of the school year. If the student cannot produce certification from a physician as required~~
9 ~~by this section then the student shall have an approved tuberculin skin test done with the result read~~
10 ~~and evaluated prior to admittance to school.~~

11 ~~(b) Test results must be recorded on the certification required by subsection (a) of this~~
12 ~~section. Positive reactors to the skin test must be immediately evaluated by a physician and, if~~
13 ~~medically indicated, X-rayed, and receive periodic X-rays thereafter, when medically indicated.~~
14 ~~Pupils found to have tuberculosis shall be temporarily removed from school while their case is~~
15 ~~reviewed and evaluated by their physician and the local health officer. Pupils shall return to school~~
16 ~~when the local health officer indicates that it is safe and appropriate for them to return.~~

17 ~~(c) Notwithstanding any other provision of this code to the contrary, all school personnel~~
18 ~~shall have one approved tuberculin skin test at the time of employment performed by the local health~~
19 ~~department or the person's physician. Additional tuberculosis skin tests or other medical screens~~
20 ~~may be required by the local health department or Commissioner, if medically indicated. Positive~~
21 ~~reactors and those with previous positive skin tests are to be immediately referred to a physician for~~
22 ~~evaluation and treatment or further studies. School personnel found to have tuberculosis shall have~~

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1 ~~their employment suspended until the local health officer, in consultation with the Commissioner,~~
2 ~~approves a return to work. School personnel who have not had the required examination will be~~
3 ~~suspended from employment until reports of examination are confirmed by the local health officer.~~

4 ~~(d) The local health officer shall be responsible for arranging proper follow-up of school~~
5 ~~personnel and students who are unable to obtain physician evaluation for a positive tuberculin skin~~
6 ~~test.~~

7 (a) Pupils found or suspected to have active tuberculosis shall be temporarily removed from
8 school while their case is reviewed and evaluated by their personal physician and the local health
9 officer. Pupils shall return to school when their personal physician and the local health officer, in
10 consultation with the commissioner, indicate that it is safe and appropriate for them to return.

11 (b) School personnel found or suspected to have active tuberculosis shall have their
12 employment suspended until the local health officer, in consultation with the commissioner,
13 approves a return to work.

14 ~~(e)~~ (c) The commissioner shall have the authority to may require selective testing of students
15 and school personnel for tuberculosis when there is reason to believe that they may have been
16 exposed to the tuberculosis organism or they have signs and symptoms indicative of the disease.
17 School nurses shall identify and refer any students or school personnel to the local health officer
18 department in instances where they have reason to suspect that the individual has been exposed to
19 tuberculosis or has symptoms indicative of the disease.

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(NOTE: The purpose of this bill is to eliminate the statutory requirements for tuberculosis testing for school children and school personnel who are at low risk for tuberculosis. This type of testing is no longer recommended and the cost of conducting the testing is unjustified by the results. There has never been an active case of tuberculosis discovered through this testing.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)