

Date of Hearing: June 14, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 1038 (Allen) – As Introduced February 12, 2016

SENATE VOTE: 38-0

SUBJECT: Community colleges: employees.

SUMMARY: Replaces current mandatory tuberculosis (TB) testing for community college employees with a TB risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association. Specifically, **this bill:**

- 1) Prohibits a person from being initially employed by a community college school district unless the person has had a TB risk assessment within the past 60 days.
- 2) Specifies that if no risk factors are identified by a TB risk assessment, an examination is not required.
- 3) Requires that if TB risk factors are identified by a TB risk assessment, employees are to be examined by a physician to determine if they are free of infectious TB.
- 4) Requires employees who have no identified risk factors, or who test negative, to undergo a TB risk assessment at least once each four years.
- 5) Specifies that once an employee has been documented as having TB, the risk assessment is no longer required.
- 6) Requires employees, after a TB risk assessment and, if necessary, an examination, to file with the district superintendent, a certificate from the physician and surgeon showing the employee was examined and found free from infectious TB.
- 7) Makes the risk assessment and, if indicated, the TB test, a condition of employment and requires the cost to be borne by the applicant; and, allows schools or districts to reimburse applicants once they are hired.
- 8) Requires existing employees to be reimbursed for the expense of the TB assessment and examination.
- 9) Provides that if a person who transfers his or her employment from one campus or community college district to another or who transfers employment from a private or parochial elementary school, secondary schools, or nursery school to the community college district, he or she may be employed if he or she can produce a certificate that shows he or she had a tuberculosis risk assessment in the last four years that showed no risk factors were present or was examined.

- 10) Requires all drivers, as a condition of contract providing the transportation of students, to have a TB risk assessment and, if indicated, the examination for TB within 60 days of initial hire and be found free of infectious TB.

EXISTING LAW:

- 1) Prohibits a person from being initially employed by a community college district in an academic or classified position unless the person has had a TB test within the past 60 days to determine if he or she has TB, as specified.
- 2) Requires the TB test to consist of an approved intradermal TB test or any other test for TB infection that is recommended by the federal Centers for Disease Control and Prevention and licensed by the federal Food and Drug Administration, and requires if the test is positive, that the test be followed by an X-ray of the lungs.
- 3) Allows a district superintendent to exempt a pregnant employee who tests positive for TB from the requirement for an X-ray of the lungs for up to 60 days following termination of the pregnancy.
- 4) Requires employees who test negative for TB to be tested at least once every four years.
- 5) Requires that once an employee has been documented as having TB, the test is no longer required, and requires the employee to be referred within 30 days to the local health officer to determine the need for follow-up care.
- 6) Requires employees, after the test, to file a certificate from the physician showing the employee was examined and found free from active TB (Education Code Section 87408.6).

FISCAL EFFECT: Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: *Need for the measure.* According to the author, current law requires community college employees to be tested for TB as a condition of employment; however, community college employees are not at a high risk population for having TB. The author argues, "Universally testing low risk populations is neither cost effective nor necessary for controlling the infection; this practice wastes a limited supply of valuable resources and leads to a high number of false-positive test results that require many non-infected people to undergo additional unnecessary and costly TB testing."

Recommended approach for TB screening. The Center for Disease Control and Prevention, the California Department of Public Health, and the California Tuberculosis Controllers Association, to name a few, in recent years have recommended a "targeted testing" approach, in which a person's risk for TB is assessed and only those who are deemed to be high risk for the infection are actually tested.

Existing law is not a reflection of the standards and recommendations on TB control guidelines; this measure seeks to align the state laws with the recommended TB guidelines.

Committee note. While this measure will affect all community college employees, there are overall health related TB policy questions that fall outside of the jurisdiction of this Committee;

however, this analysis does not seek to address other potential health policy implications, and the measure, to date, will not be heard by the Health Committee.

Related legislation. AB 1667 (Williams), Chapter 329, Statutes of 2014, replaced current mandatory TB testing for school employees and volunteers with a TB risk assessment administered by a health care provider.

REGISTERED SUPPORT / OPPOSITION:

Support

California Tuberculosis Controllers Association
County Health Executives Association of California
Health Officers Association of California

Opposition

None on file.

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960