

SUBJECT: Tuberculosis examinations of certain school district employees

COMMITTEE: Health Services: favorable, with amendment

VOTE: 6 ayes--Whitehead, Barrientos, Gonzales, Grubbs, Uribe, Webber
1 nay-- Untermeyer
1 present, not voting--Ezzell
1 absent--Simpson

WITNESSES: For-- Cecile Russell, Texas State Teachers Association;
Jan Ozias, R.N., Supervisor of School Nurses (AISD);
Earlene Wright, Austin Association of Teachers; Verne
Phillips, Atty., Texas Classroom Teachers Association

Against--Otha Mae Birch, Houston; Mickey Sullivan, Sullivan
Mobile X-ray Screening Service, Houston

On-- Jerome Greenberg, M.D., Deputy Commissioner for
Preventable Diseases, Texas Dept. of Health

DIGEST: This bill requires school districts to have certain employees examined for tuberculosis at the time they are first employed. (Current law requires annual TB tests.) The Texas Department of Health is given authority to adopt rules necessary to carry out this bill. School districts may adopt standards more stringent than the department's, but in no case may a district require a person to be examined for TB by x-ray without that person's consent or a determination by the examining physician that the x-ray is necessary.

PRO: This bill will give the department authority to decide which school district personnel need to be examined for TB and how often. Some school districts now require that teachers and other personnel be x-rayed for TB every year. This is unnecessary because of the availability of safer tests for TB.

The risk of TB is much lower today than it was when the law was enacted. The law's purpose could be served by requiring all school district personnel to be examined every five years, and those persons with histories of TB to be examined more frequently.

Further, since this is primarily a health issue, it seems logical that the Department of Health, rather than school boards, should adopt standards for testing and examination. The department could adopt standards that fit the needs of various geographical areas depending on the incidence of TB in the area. The department could also require that employees

PRO
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with a history of TB be reexamined more frequently than other employees. The Department should have control over this area because of its resources and expertise in the field of health service.

CON:

This bill gives too much control to the Department of Health over matters that have been within the exclusive control of the school districts. The bill puts no limits at all on the department's authority to promulgate standards and rules. It also lets the department require reexamination of any person it deems necessary. This power is much too broad, and would not prevent the department from adopting rules for the entire state that do not fit the needs of some individual districts. This matter that should be left up to individual school districts.

COMMENTARY:

The law now requires that all teachers and other school district personnel be examined for tuberculosis within 120 days before the first day of each school year. The school districts have the authority to determine how often employees should be reexamined and what type of examination is acceptable. This bill would give the Department of Health authority to decide what employees would have to be examined for tuberculosis, and how frequently, but give school districts authority to adopt standards stricter than those of the department.