

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 693

H. P. 595 House of Representatives, February 19, 1975
Reported by Mr. Powell from the Committee on Education and printed
under Joint Rules No. 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Amend the Chest X-ray Certificate Law.

Be it enacted by the People of the State of Maine, as follows:

20 MRSA § 1091, as last amended by PL 1967, c. 425, § 19, is repealed and the following enacted in place thereof:

§ 1091. Tuberculosis control requirements for school personnel

1. Infectious tuberculosis defined. "Infectious tuberculosis" for purposes of this section and regulations, when promulgated, is defined as a person who has disease as demonstrated by a positive intradermal tuberculin test and evidence of activity on a standard chest X-ray taken within 180 days of the positive skin test or a sputum smear or culture positive for *M. tuberculosis* or any combination of signs and symptoms which lead to a medical diagnosis of active tuberculosis. Such a person shall remain "infectious" until either tuberculosis has been conclusively ruled out as a cause for the findings above or tuberculosis, when present, has been rendered "inactive" by appropriate treatment and as defined by the current American Thoracic Society definitions of "active" tuberculosis.

2. Persons with infectious tuberculosis excluded from employment in schools. No person who has infectious tuberculosis may be employed by any school system as a school superintendent, supervisor, teacher including student and substitute teacher, school counselor, aide, volunteer, school nurse, janitor, custodian, school bus driver, kitchen or food preparation worker, or other position requiring regular physical presence within the school or exposure to school children. Notwithstanding the above, any person who is already in the employ of any school system, who develops infectious tuber-

culosis, will also be excluded until rendered noninfectious but shall not lose any rights or privileges which may have accrued as a result of such employment and may use sick leave while excluded.

3. New employees. Before beginning active employment or activity in a school, each person referred to in subsection 2 shall file a certificate with the superintending school committee or school directors indicating that within 90 days of the date of beginning work they have had a standard tuberculosis skin test and that the test is negative or if the test is positive, a standard full size chest X-ray taken within 90 days is negative for active tuberculosis. The certificate must be signed by either a physician, a registered nurse or other person who has been approved by the Department of Health and Welfare to administer and interpret such tests. In the event of unusual or emergent situations, persons may be employed in any of these capacities for a period not to exceed 30 days as long as the person is in apparent good health as determined by the school nurse or school physician and testing as outlined above is completed within 30 days after employment and the Department of Health and Welfare has been notified of such employment in writing within 3 days of said employment. In the event that a valid medical contraindication to skin testing exists as evidenced by a written statement from a physician, a negative X-ray report or other evidence satisfactory to the Commissioner of Health and Welfare will be an acceptable substitute for a negative skin test report.

4. Retesting. On or before December 1st, biennially, persons indicated in subsection 2 shall file a certificate with the school governing body certifying that such person has had an approved tuberculin skin test within 90 days, performed and interpreted as negative or if positive has also had a chest X-ray which has been interpreted as negative for active tuberculosis within the same 90-day period. However, school personnel who complete or have completed a preventive drug program approved by the Department of Health and Welfare's regulations may be exempted from the requirement for chest X-ray.

5. Modifications. When, in the opinion of the Commissioner of Health and Welfare, the prevalence and incidence of active tuberculosis in any county, town, school union, School Administrative District, departmental region or other geographic area has declined to the extent that relaxation of these requirements would pose no threat to the public health, he may, in writing, grant exemptions to any or all of these requirements to school personnel in that area. Such exemption shall be for no more than 4 years and must be renewed in writing before being continued.

Should the prevalence or incidence of active tuberculosis in any county, town, school union, School Administrative District, departmental region or other geographic area increase, or should an outbreak or epidemic of tuberculosis occur in any such area or occur which, in the opinion of the Department of Health and Welfare, requires more frequent tuberculosis testing of school personnel to protect the public health, the Commissioner of Health and Welfare is authorized to require such increased testing and must indicate such requirement to the governing body of the school involved. Such a requirement may not exceed 4 years and must be renewed in writing to remain in effect.

6. Assistance in testing. The Department of Health and Welfare shall, insofar as is possible and practical, assist the governing bodies of schools and school systems in providing the necessary medical services to effect compliance with these regulations. The Department of Health and Welfare may provide any medications necessary for school personnel to comply with the preventive drug treatment requirements specified in subsection 4 and the Department of Health and Welfare may assume the cost of any X-rays required for evaluation of any individual's need for preventive drug treatment and of any X-rays required in the course of monitoring or evaluating such preventive treatment.

7. Provide information. Schools, school systems, school unions, and School Administrative Districts shall provide to the Department of Health and Welfare, upon request, information relating to the tuberculosis test status of school personnel on forms or in a format specified by the department. Such information will be used in further evaluating the tuberculosis status of geographic areas as specified above.

8. Regulations authorized. The Department of Health and Welfare is authorized to promulgate and adopt supplemental rules and regulations to carry out the intent of this section. Said rules and regulations shall be for the specific purpose of protecting those persons associated with schools from infectious tuberculosis. The rules and regulations may further define "infectious tuberculosis" and may add to the class of persons and positions excluded from employment in schools due to infectious tuberculosis and may extend or decrease the time period for compliance with this section. Said rules and regulations shall list the approved drug preventive programs referred to in subsection 4.

9. Penalties. Any person who violates this section shall be punished by a fine of not less than \$20 nor more than \$200, and each separate day of non-compliance shall constitute a separate offense.

STATEMENT OF FACT

This Act will substitute more modern and flexible requirements for the previous requirements regarding tuberculosis testing of school personnel without compromising the public health.